



CS ENERGY STANDARD FOR

COMPLAINTS AND INVESTIGATION HANDLING (CORRUPT CONDUCT, PUBLIC INTEREST AND PROTECTED DISCLOSURE)

CS-GOV-13

Responsible Officer: Special Counsel
Responsible Executive: Executive General Counsel and Company Secretary

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1 PURPOSE

CS Energy is committed to creating and supporting a workplace culture that promotes and demonstrates the ethical standards set out in CS Energy's Code of Conduct.

CS Energy respects and values good faith complaints, disclosures and reports (**complaints**) received from both internal and external sources for the insight they may provide to the way CS Energy undertakes its business.

The purpose of this Standard is to:

- A. outline and establish a common understanding of CS Energy's obligations in relation to corrupt conduct, public interest and protected disclosure complaints and the key processes, roles and responsibilities for making and responding to those complaints;
- B. ensure that complaints are appropriately and effectively managed and investigated in accordance with CS Energy's legal and regulatory obligations; and
- C. ensure that persons who make complaints in good faith are supported, protected and not disadvantaged in any way from raising the complaints.

2 SCOPE

This Standard applies to:

- CS Energy and its subsidiary companies (collectively **CS Energy**)
- all CS Energy directors, employees and contractors (**Personnel**); and
- all forms of complaints made by Personnel and third parties including members of the public.

Complaints require investigation and management in accordance with their nature and the circumstances of the report. CS Energy is subject to obligations under the *Corporations Act 2001*, *Government Owned Corporations Act 1993*, *Crime and Corruption Act 2001* and *Public Interest Disclosure Act 2010* with respect to the investigation and management of certain complaints about alleged wrongdoing, including **corrupt conduct**¹.

This Standard sets out the requirements for handling complaints that constitute public interest disclosures (**PID**²) under the *Public Interest Disclosure Act 2010*, suspected corrupt conduct under the *Crime and Corruption Act 2001* or protected disclosures under the *Corporations Act 2001*.

Unless the context requires otherwise, in this Standard, **Complaint** means:

- a report of suspected corrupt conduct;
- a public interest disclosure; or
- a protected disclosure.

Complaints that do not meet these criteria are referred to as **Operational Complaints**.

¹ Refer definition in section 7.3

² Refer definition in section 7.1



3 ACCOUNTABILITIES AND RESPONSIBILITIES

The following accountabilities and responsibilities are assigned according to substantive position.

3.1 CS Energy Board

The CS Energy Board has ultimate accountability for CS Energy's Code of Conduct on which this Standard is based.

3.2 Chief Executive Officer

The Chief Executive Officer has accountability and responsibility for Complaint and investigation handling within CS Energy, including determining those Complaints that should be referred to the Crime and Corruption Commission (**CCC**).

3.3 Executive General Counsel and Company Secretary

CS Energy's Executive General Counsel and Company Secretary is responsible for:

- advising the Executive Leadership Team and the CS Energy Board about policy changes and implications for this Standard; and
- giving advice, guidance and assistance about this Standard.

3.4 Executive Leadership Team

The Executive Leadership Team (**ELT**) is responsible for ensuring that CS Energy's commitment to complying with this Standard and supporting procedures ('tone at the top') is clearly demonstrated to all Personnel and stakeholders.

3.5 Managers, Superintendents and Supervisors

Managers, Superintendents and Supervisors are responsible for ensuring that:

- the Personnel they manage; know, understand and comply with this Standard;
- complaints received are promptly identified, investigated, reported and addressed (including any appropriate disciplinary action);
- appropriate support is provided to complainants who make complaints in good faith; and
- all reasonable steps are taken to ensure there is no disadvantage against a complainant in the form of dismissal, demotion, future bias, discrimination or any form of harassment as a result of any good faith complaint made.

3.6 Employees / Contractors / Consultants

In addition to any other responsibilities under this Standard, all Personnel must:

- comply with the requirements of this Standard and supporting procedures;
- report any suspicion of corrupt conduct to Legal (including via the Whistleblower hotline) in accordance with [Procedure – CS-GOV-2 – Reporting Corrupt Conduct](#). Directors may also report suspected corrupt conduct to the Chair of the Board or the Chief Executive Officer;
- make any complaint in good faith (this means you must make the complaint with a genuine belief in its truth) and not make deliberately false or vexatious complaints;



- maintain any required confidentiality with respect to complaints and their investigation;
- ask your supervisor or manager if you do not understand any part of this Standard; and
- follow the instructions of Legal.

3.7 Legal / Secretariat

CS Energy's In House Legal Team (**Legal**) is responsible for:

- the maintenance and review of this Standard;
- operating the Whistleblower hotline; and
- receiving and handling reports of suspected corrupt conduct, PIDs and protected disclosures.

4 PRINCIPLES

The following principles are to be applied when exercising judgement under this Standard.

4.1 Complaints by Personnel

This Standard is intended to complement normal communication channels between employees and their managers. Therefore, Personnel are encouraged, subject to the requirements of this Standard, to raise general concerns and Operational Complaints directly with their managers.

All Personnel have a positive obligation to report suspected breaches of the Code of Conduct, inappropriate workplace behaviour and suspected corrupt conduct (including fraud).

CS Energy supports and encourages Personnel who report breaches of the law, the Code of Conduct or internal policies, standards or procedures.

Personnel may make a Complaint in any way (verbally or in writing) and anonymously. As far as practicable, an anonymous Complaint will be treated in the same way as a Complaint made by Personnel who identify themselves. However, anonymous Complaints may be more difficult to investigate and will limit CS Energy's ability to provide the discloser with feedback. For this reason, anonymous Complaints should be made via the Whistleblower hotline and should include sufficient information to allow the Complaint to be properly investigated.

Complaints found to be deliberately false or vexatious will be dealt with under CS Energy's disciplinary procedures.

4.2 Complaints by External Parties

External parties wishing to report suspected corrupt conduct, or to make an anonymous Complaint through the CS Energy's Whistleblower Hotline may do so by telephoning **1800 339 195** (staffed by Legal and backed by a voicemail facility) or by emailing whistleblower@csenergy.com.au

Complaints found to be deliberately false or vexatious will be viewed very seriously by CS Energy.

4.3 Receiving Complaints

Before any action is taken in response to a complaint, the recipient of the complaint must consider whether the complaint gives rise to a suspicion of corrupt conduct or should properly be categorised as an Operational Complaint, PID or protected disclosure. Where the complaint:

- may give rise to a suspicion of corrupt conduct, or
- is properly categorised as a PID or protected disclosure; or



- the recipient is in any doubt as to the categorisation to be applied;
the recipient should immediately contact Legal for advice in accordance with section 5.2.1.

All reports of suspected corrupt conduct, PIDs and protected disclosures (including fraud) must be treated with the utmost confidentiality and will be managed by Legal.

Complainants who make complaints in good faith are to be commended for coming forward and will receive appropriate support from CS Energy during and after the complaint handling process. CS Energy may provide complainant Personnel with immunity from disciplinary action provided that the complainant has acted in good faith and not engaged in corrupt conduct or illegal conduct.

4.4 Reprisals

Reprisal means causing, attempting to cause or attempting to induce a person to cause detriment to a person because, or in the belief that, that person or someone else:

- has made or intends to make a complaint; or
- is, has been, or intends to be, involved in a proceeding under the *Public Interest Disclosure Act 2010 (Qld)* or *Corporations Act 2001 (Cth)*, against any person.

Personnel making a complaint in good faith (and who have not been involved in the conduct reported) must not be penalised or personally disadvantaged, because of the complaint, by any of the following actions:

- dismissal;
- demotion;
- any form of harassment;
- discrimination; or
- bias.

Reprisals against Personnel making complaints in good faith will not be tolerated. Disciplinary measures up to and including dismissal will apply to Personnel found to have penalised or personally disadvantaged a person who has made a complaint in good faith.

Reprisals may constitute a criminal offence and a tort. Personnel who take reprisals (and CS Energy) may be liable in damages to any person who suffers detriment as a result.

Reasonable management action taken by CS Energy, including reasonable disciplinary action, is not a reprisal.

4.5 Investigating / Handling Complaints

The subject(s) of a complaint will be afforded the presumption of innocence until the investigation is complete.

Investigations will be conducted according to the principles of natural justice and will be undertaken by appropriately qualified persons depending on the nature and content of the complaint.

Complaints, other than PIDs, protected disclosures or those giving rise to a suspicion of corrupt conduct, will be handled at the lowest appropriate level, by an appropriate manager using the process most applicable to the complaint.

Subject to legislative obligations, investigations into suspected corrupt conduct, protected disclosures and PIDs will be undertaken confidentially and, where expressly requested, the identity of the complainant will not be divulged without obtaining their permission.



Investigations will be undertaken in a timely fashion, with appropriate, regular feedback provided to the complainant (subject to confidentiality requirements).

The aim of the investigation will be to substantiate or refute the complaint.

4.6 Reporting

All Complaints received should be appropriately documented and tracked.

Summary details of:

- reports and investigations of suspected corrupt conduct; and
 - other Complaints made through the whistleblower hotline or protected disclosure forms;
- will be reported to the Audit and Risk Committee of the CS Energy Board on a quarterly basis.



5 MAKING A COMPLAINT REPORT

CS Energy Personnel must make complaints in accordance with the process described in this section and shown in **Figure 1**.

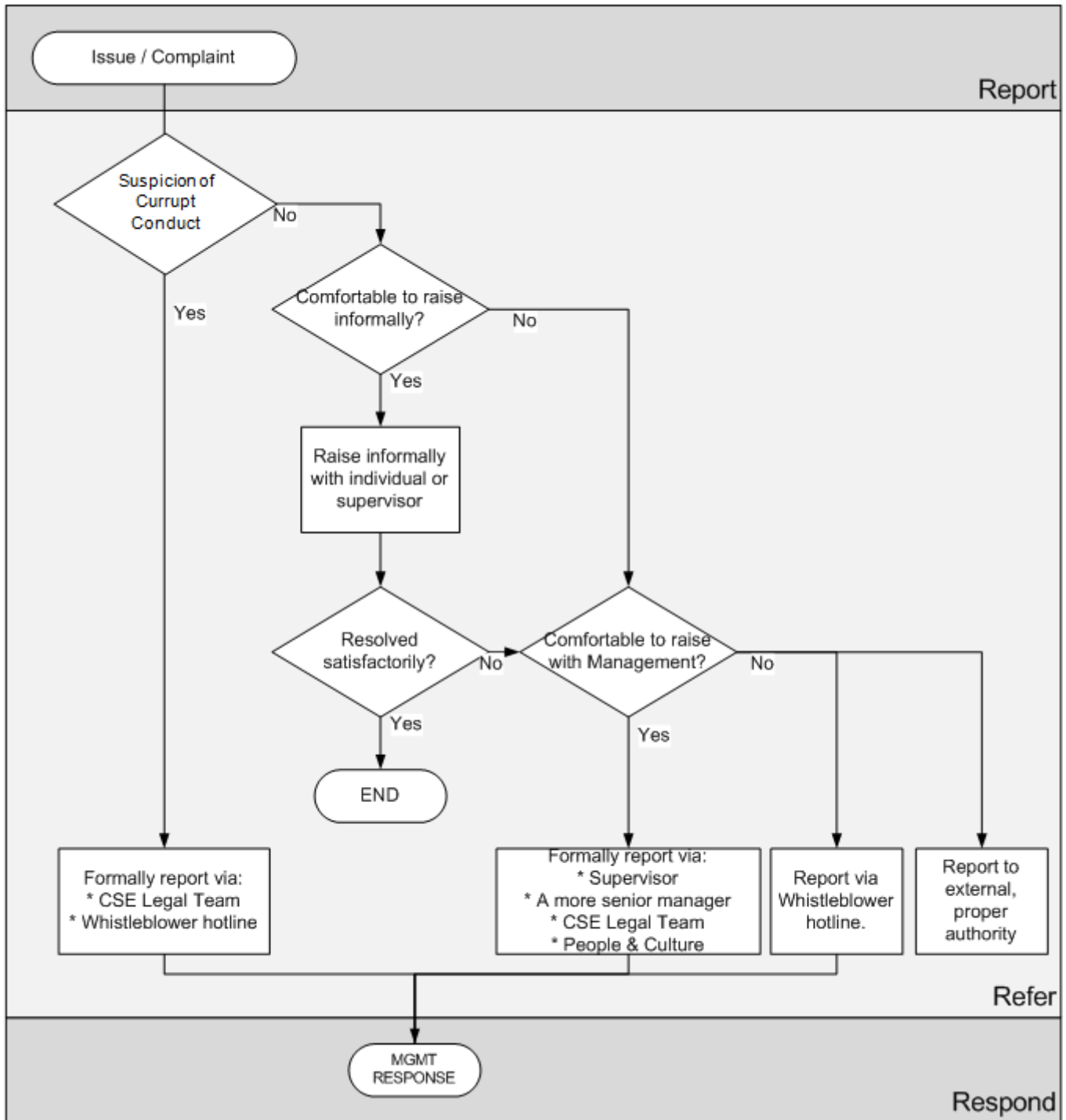


Figure 1 - Making a Complaint



5.1 Making a Complaint / Report

When making a complaint, initially consider if a suspicion of corrupt conduct is involved.

If corrupt conduct is suspected, the Complaint must be reported in accordance with section 7.1 of [Procedure – CS-GOV-2 – Reporting Corrupt Conduct](#) including via the Whistleblower Hotline, which may be anonymous. You must keep any Complaint confidential.

The Whistleblower hotline can be accessed via either:

- phone (staffed by Legal and backed by a voicemail facility): **1800 339 195**
- [Intranet Whistleblower Form](#) under *Working at CS Energy->Governance, Risk and Compliance*
- e-mail: whistleblower@csenergy.com.au

5.1.1 Raise informally

In most circumstances, you may be comfortable informally raising your complaint with your Manager and this may be appropriate having regard to the nature of the issue. This is generally the preferred method for initial and immediate reporting of operational complaints or concerns.

5.1.2 Report formally

A complaint may also be made formally to:

- your supervisor;
- Manager-one-removed;
- Executive General Manager/Chief Financial Officer;
- Head of Human Resources;
- Company Secretary; or
- Legal.

5.1.3 Report Externally

A Complaint may also be made to external agencies who are proper authorities to receive such Complaints.

CS Energy and the CCC are proper authorities to receive PIDs from employees with respect to conduct listed in the table below. Personnel must direct PIDs on these matters to CS Energy in the first instance.

Conduct	Proper Authority
Corrupt conduct	CS Energy or CCC
Reprisal	CS Energy or CCC



5.2 Receiving / Handling Complaints

A complaint can be received by Personnel in a variety of ways and may be written (email, letter) or verbal (phone conversation, face-to-face meeting).

The nature of the complaint determines who the complaint is referred to and how it is managed.

Personnel receiving a complaint are responsible for:

- ensuring that the complaint is referred promptly; and
- noting the time and date of the complaint; the name and other details of the complainant and the nature of the complaint.

Subject to the requirements of section 5.2.1, Personnel may initially refer the complaint to their Manager for instruction.

5.2.1 Consider suspicion of corrupt conduct

When receiving a complaint, initially consider if a suspicion of corrupt conduct is involved. In this case, the complaint must be immediately directed to Legal. You must keep any disclosure confidential.

Legal will determine if the matter is to be dealt with under CS Energy's [Procedure – CS-GOV-2 – Reporting Corrupt Conduct](#). **DO NOT** proceed with any further notifications or investigations unless and until given clearance by Legal.

Even if an issue is reported to the CCC or another authority, the matter may be returned to CS Energy for investigation. In this event, Legal will specify any constraints and reporting requirements attached to the investigation.

5.2.2 Consider possible legal proceedings

When receiving a complaint, Personnel should also consider whether the complaint may give rise to legal proceedings or action against CS Energy or its Personnel. In this case, the report must be immediately directed to Legal. If in doubt, contact Legal for guidance.

5.2.3 Support complainant

CS Energy values all complaints made in good faith and will provide appropriate support during and after the complaint investigation process.

Reprisals must not be taken against a complainant.

Under no circumstances can CS Energy offer any person immunity against criminal prosecution.

5.2.4 Provide feedback

Within the bounds of confidentiality and the principles of natural justice, appropriate, timely feedback should be provided to the complainant and relevant stakeholders to assure stakeholders that the complaint is being addressed (both during and at completion of the investigation process). Legal, People & Culture and Corporate Communications can provide further guidance.



6 BREACHES OF THIS STANDARD

Breaches of this Standard will themselves be dealt with as matters under this Standard and may result in disciplinary action up to and including dismissal. Breaches may also be criminal offences.

Examples of breaches include:

- knowing failure to report suspected corrupt conduct (including fraud);
- making a deliberately false or vexatious report;
- failure to escalate material matters in a reasonable fashion;
- breaching confidentiality where it is required;
- initiating or making a reprisal; and
- failure to follow the lawful instructions of Legal.

7 TERMS AND DEFINITIONS

7.1 Public Interest Disclosure

A PID is a complaint that discloses information in the public interest about wrongdoing in the public sector. The *Public Interest Disclosure Act 2010* establishes a framework for making PIDs in particular circumstances and by particular categories of persons.

7.1.1 Internal PID

A CS Energy **employee** may make a PID to CS Energy or the CCC where the employee has information about:

- the conduct of another employee that could, if proved, be corrupt conduct; or
- the conduct of another person that could, if proved, be a reprisal that relates to a previous disclosure made by another employee to CS Energy or the CCC.

An employee is deemed to have information about the conduct of a person if:

- the employee honestly believes on reasonable grounds that the information tends to show the conduct; or
- the information tends to show the conduct, regardless of whether the employee honestly believes the information

An employee, who wishes to make a PID or Protected Disclosure to CS Energy, must follow the Complaint reporting process outlined in section 5 of this Standard, and refer the matter to Legal.

7.1.2 External PID

Any person may make a PID to a public sector entity that is the proper authority for the purposes of receiving the PID, about:

- substantial and specific danger to the health or safety of a person with a disability;
- the commission of an offence or contravening approval conditions that is or would be a substantial and specific danger to the environment; or
- the conduct of another person that could, if proved, be a reprisal.



CS Energy is not a proper authority to receive external PIDs. However, general complaints about these matters may be received by CS Energy from external parties or referred to CS Energy by other entities.

The PID Act makes it an offence for making a false and misleading statement that is intended to be a PID.

7.2 Protected Disclosure

The *Corporations Act 2001* establishes a whistleblower protection regime to facilitate the reporting of actual or potential breaches of the *Corporations Act 2001*. This regime also provides certain protections for certain persons making such disclosures.

A Protected Disclosure may be made by certain CS Energy employees and officers (for example, CS Energy's Company Secretary and CS Energy Directors) to Legal.

7.3 Corrupt Conduct

Corrupt conduct is conduct relating to the performance of an employee's duties that:

1. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of:
 - CS Energy; or
 - a person holding an appointment in CS Energy; **and**
2. results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned above in a way that:
 - is not honest or is not impartial; or
 - involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; **and**
3. is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; **and**
4. would, if proved, be:
 - a criminal offence; or
 - a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were a holder of an appointment.

Examples of corrupt conduct include:

- accepting money or other benefits in exchange for helping someone to avoid prosecution, win a contract or gain government approval;
- fraud;
- stealing CS Energy property or cash;
- gaining a personal benefit by not revealing a conflict of interest; or
- unlawfully assaulting a person.

Corrupt conduct includes taking reprisals against someone because they previously reported a suspicion of corrupt conduct



The *Government Owned Corporations Act 1993* requires CS Energy's Chief Executive to report complaints, information or matters, relating to CS Energy, that give rise to a suspicion of corrupt conduct to the CCC.

8 REFERENCES

Reference No	Reference Title	Author
"B/D/11/39710"	Policy - Code of Conduct	People and Culture
"B/D/11/39708"	Policy - Governance, Risk and Compliance	Governance, Risk and Compliance
"B/D/12/67752"	Procedure - CS-GOV-2 - Reporting Corrupt Conduct	Legal / Secretariat
"B/D/13/17881"	Enterprise Risk Analysis Criteria	Governance, Risk and Compliance

9 RECORDS MANAGEMENT

In order to maintain continual improvement, suitability, safety and effectiveness of the organisation, CS Energy's registered documents will be reviewed on a two yearly basis or at intervals specified by legislative or regulatory requirements. Review of controlled documents should occur where it has been identified that there are changes in technology, legislation, standards, regulation or where experience identifies the need for alteration to the content. Registered documents should also be reviewed following an incident, change management process, modification or where directed as part of a risk assessment process.

CS Energy must ensure that records are retained according to accountability, legal, administrative, financial, commercial and operational requirements and expectations. In compliance with records retention and disposal, all documentation created in relation to CS Energy business must be retained in line with minimum retention periods as detailed in legal retention and disposal schedules.