

**Commonwealth**Bank



**Commonwealth** Life



V3.1 / December 2015

# **Commonwealth Bank of Australia**

## Group whistleblower protection policy

Group Security  
Financial Services

# COMMONWEALTH BANK OF AUSTRALIA GROUP WHISTLEBLOWER PROTECTION POLICY

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## DOCUMENT CONTROL

### Revision History

Version	Author	Issue Date	Changes
1.2		December 2010	Reviewed against Group Risk Appetite Statement V2.0 October 2010
2.0		October 2012	Reviewed against Group Risk Appetite Statement V3.0 October 2012
2.1		April 2013	Renamed Policy from Group Reporting Fraud and Unethical Behaviour Policy to Group Whistleblower Protection Policy  Minor content changes to reflect the Policy/ Program Name change
3.0		June 2014	Policy updated post independent review; includes updates to roles and responsibilities
3.1		November 2015	Annual review

### Approval Authority

Version	Date	Approval Body or Person
3.0	June 2014	EGM Group Security
3.1	December 2015	EGM Group Security and Advisory

# COMMONWEALTH BANK OF AUSTRALIA GROUP WHISTLEBLOWER PROTECTION POLICY

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## 1. CONTEXT

- 1.1 The Commonwealth Bank Group (“the Group”) is committed to maintaining an ethical work environment and an organisational culture that does not tolerate any act which constitutes ‘reportable conduct’ as defined by section 4 of this policy. In order to foster a sound ethical culture throughout the organisation, the Group requires anyone who has knowledge of, or reasonable suspicions of, any incident of reportable conduct to report the matter, as set out in section 6 of this Policy, at their earliest opportunity.
- 1.2 Often those making disclosures of this nature are concerned with the confidentiality of the disclosure, the manner in which the disclosures are dealt with, and potential repercussions arising from making such a disclosure. This policy seeks to ensure that those making a disclosure can trust that the matter will be dealt with honestly, professionally and confidentially, and that they will not be personally disadvantaged as a result of making a disclosure.
- 1.3 In this Policy:
- A whistleblower is defined as a director, manager, employee or contractor of the Group who; makes, attempts to make or wishes to make a report in connection with reportable conduct and who wishes to avail themselves of protection against reprisal for having made the report (or who the Group otherwise determines is a whistleblower and should be protected as a result of making a report).
  - Under the provisions of certain legislation, other parties may be considered and protected as whistleblowers, by law. For these parties the Group will provide protection as far as is practicable. A full list of relevant legislation can be found at Appendix 1.

## 2. PURPOSE AND OBJECTIVE

- 2.1 The purpose of this policy is to:
- Define what constitutes reportable conduct.
  - Identify who is deemed to be a ‘whistleblower’; explain the circumstances under which they will be protected and how this will be achieved.
  - Explain the ‘whistleblower’ reporting process and how reports are assessed and investigated.
  - Detail how the identity of the ‘whistleblower’ will be protected.
  - Explain the roles of specific appointments within the Whistleblower Protection Program.
  - Detail the requirements surrounding governance of the whistleblower protection policy and process.
  - Ensure compliance with Australian Standard AS 8004-2003, “*Whistleblower Protection Program for Entities*”, relevant legislative and regulatory requirements.
- 2.2 The objective of this policy is to encourage the reporting of reportable conduct by providing assurance to the whistleblower that it is safe for them to do so.

## 3. SCOPE

- 3.1 This Policy applies to all businesses within the Group, including subsidiaries and joint ventures where the Group has a controlling interest. It is applicable to all directors, employees, temporary staff, contractors and service providers.

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- 3.2 This Policy must be implemented in accordance with the laws of the relevant jurisdiction. Where local jurisdictional requirements are more stringent than those contained in this Policy, those requirements will apply to the extent of any inconsistency with this Policy.
- 3.3 Entities, whose whistleblower management and reporting is not conducted through Group Security and Advisory, are to adhere to the principles of this Policy and are to provide periodic reporting on whistleblower matters as agreed with Group Security and Advisory.

### **4. REPORTABLE CONDUCT**

- 4.1 Under the terms of this policy, reportable conduct is defined as any conduct which is deemed to be:
- Dishonest
  - Fraudulent
  - Corrupt
  - Unlawful
  - In breach of legislation
  - In breach of internal policy
  - Unethical
  - Improper
  - Unsafe work practices
  - Any other conduct which may cause financial or non-financial loss to the Group or be otherwise detrimental to the interests of the Group, including environmentally unsound practices
- 4.2 Further definitions/examples of reportable conduct applicable to the Group are detailed below:

<b>Conduct</b>	<b>Definition</b>
<b>Fraud</b>	A dishonest act or omission (including the making of a false statement, either orally or in writing), with the object of obtaining an unjust personal gain or advantage for the person or for another person or entity, or of causing a disadvantage to another person or entity.
<b>Corruption</b>	An act or omission for an improper purpose, which is contrary to the interests of the Group or which involves an abuse of a person's position of trust or power with the object of obtaining an unjust personal gain or advantage for the person or for another person or entity, or of causing a disadvantage to another person or entity.
<b>Bribery</b>	The act of offering, providing or causing the offer or provision of a financial or other advantage that is not legitimately due to a person for the purpose of inducing that person to perform improperly a relevant function or activity.
<b>Facilitation Payments</b>	Facilitation Payments are unofficial payments made to public officials in order to secure or expedite the performance of a routine or necessary action. Legally required administrative fees or fast-track services are not considered facilitation payments.



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<b>Maladministration</b>	An act or omission of a serious nature that is unlawful, negligent, unjust, oppressive, discriminatory, or is based on improper motives.
<b>Serious or substantial waste</b>	The serious or substantial misuse, loss or waste of Group property, information, funds or resources.
<b>Accounting or auditing irregularities</b>	A breach of applicable laws or professional standards relating to accounting or auditing requirements where the conduct is intentional or for an improper purpose.
<b>Breaches of any law or internal policy</b>	A material or systemic breach of any applicable law, regulation, code, licence or internal policy where the conduct is intentional or for an improper purpose.

4.3 Additional specific instances where a person will be protected for making a disclosure are detailed in sections 9 and 10 below.

## 5. THE WHISTLEBLOWER

5.1 A whistleblower may or may not wish to remain anonymous. Where a whistleblower wishes to remain anonymous, they are to be advised that, by their nature, anonymous reports are more difficult to investigate and that the Group will be unable to notify them of the outcome of the investigation.

5.2 A whistleblower who, the Group determines, has made a disclosure of reportable conduct in good faith, will be protected from personal disadvantage, as a result of having made the disclosure. Personal disadvantage could include, but is not limited to:

- Dismissal or demotion
- Any form of harassment or bullying
- Discrimination
- Current or future bias

5.3 The Group will appoint a Whistleblower Protection Officer (WPO) who will be responsible for overseeing the protection of the whistleblower within the context of this Policy and any local legislation. The whistleblower will be provided with the WPO's details and will have access to them at any time.

5.4 If a whistleblower considers themselves "at significant risk" of reprisal as a result of making a disclosure, they may request that positive action be taken in relation to their protection. Such action could include, but is not limited to, a request to be allowed to take leave or to be relocated for the duration of the investigation. The whistleblower must advise the WPO if they wish specific actions to be considered and the WPO will liaise with appropriate management staff to determine the feasibility of the request. Wherever possible, such requests will be met or the whistleblower will be provided with an explanation as to the reason(s) it is not possible.

5.5 If a whistleblower believes they have been disadvantaged as a result of making a disclosure, they must immediately contact the WPO. All allegations of discrimination will be thoroughly investigated by the WPO and appropriate senior management.

5.6 Frivolous, vexatious, mischievous, deliberately false or misleading reports and those made for an improper purpose will be viewed seriously and will not be protected under this policy. Any such reports may result in disciplinary action against those making them.

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## 6. THE WHISTLEBLOWER PROCESS

- 6.1 Disclosures of reportable conduct must be based on information that is directly known to the person making the disclosure. That person must have reasonable grounds to suspect the alleged conduct has occurred and be made in good faith.
- 6.2 Employees, temporary staff and contractors with information in relation to any reportable conduct have the option of reporting the issue via:
- Their Manager or Manager once Removed;
  - The Group's SpeakUP Hotline on 1800 773 258 (a 24-hour hotline dedicated for reporting suspicions);
  - Reverse charge from overseas on +61 2 8295 2944
  - Email to [speakup@speakuphotline.com.au](mailto:speakup@speakuphotline.com.au)
- 6.3 Service providers, suppliers and their employees with information in relation to any act of internal fraud or unethical behaviour by Group staff have the option of reporting the issue via:
- External Whistleblower Hotline 1800 222 789;
  - Reverse charge from overseas on +61 2 8841 6666; or
  - Using the SpeakUP email address listed in para 6.2.
- 6.4 Any person receiving disclosures of reportable conduct must inform Group Security & Advisory (Group Investigations) immediately. On receipt of a disclosure the person receiving it must inform the whistleblower of this requirement and obtain their consent to do so without delay. Should the whistleblower have concerns about the matter being so reported due to the report affecting a person in Group Security & Advisory, the provisions outlined para 6.12 are to be followed.
- 6.5 All disclosures of reportable conduct made via hotlines will normally be managed by Group Security & Advisory, in accordance with its standard operating procedures relating to whistleblowing matters. All SpeakUP and Group Security & Advisory staff responsible for receiving and assessing disclosures to hotlines are to have received formal training on the contents of this Policy and their responsibilities under the Whistleblower Protection Program.
- 6.6 Once a disclosure has been received by Group Security & Advisory and assessed to warrant further investigation, the matter will be referred to a Whistleblower Investigation Officer (WIO) who will be responsible for conducting the investigation into the reported matter and for keeping the whistleblower apprised of the investigation's progress in a timely manner.
- 6.7 Should it be determined that there is insufficient information to warrant further investigation or initial investigation immediately identifies that there is no case to answer, the whistleblower will be informed at the earliest possible opportunity.
- 6.8 Should an investigation into the allegation of reportable conduct commence, the whistleblower will be contacted by the WPO, as soon as practicable after the matter has been referred to a WIO, to discuss their welfare and to agree a communication schedule, if required.
- 6.9 At the end of an investigation, the whistleblower will be informed of the outcome by the WIO. The potential outcomes to be communicated are:
- Substantiated and appropriate action has been taken; or

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- Not substantiated and no further action will be taken unless further evidence to the contrary becomes available; or
  - Incapable of determination and no further action will be taken unless further evidence becomes available.
- 6.10 Where investigations substantiate the disclosure, the matter will be dealt with in accordance with established administrative or disciplinary procedures, which may result in disciplinary action, including dismissal.
- 6.11 Any matters of a serious criminal nature will be reported to the Police or other appropriate regulatory authorities.
- 6.12 If a person who makes a disclosure considers that their disclosure has not been dealt with in accordance with this policy, or has been handled with a lack of integrity, or if the disclosure affects someone in Group Security & Advisory, the matter can be escalated to the Chair of the Audit Committee via the Company Secretary.

### **7. CONFIDENTIALITY & IMMUNITY**

- 7.1 A whistleblower who requests anonymity will be assured of such bearing in mind, that in certain circumstances, the Group may be compelled to disclose their identity; i.e. during legal proceedings.
- 7.2 Disclosures to hotlines or via email may be made anonymously.
- 7.3 Should the whistleblower elect to remain anonymous when making the disclosure, they will be provided with a unique reference number. In the event that the whistleblower wishes to provide further information regarding the disclosure, they should contact the Hotline and quote the reference number. Should the whistleblower have any concerns about their protection, they should contact the WPO using the details they were originally given, or contact the Hotline and request the WPO's details.
- 7.4 All information received from a whistleblower, and the fact that person has made a disclosure of reportable conduct, is to be held securely and in the strictest confidence. Such information may only be disclosed to a person not connected with the investigation of the matter reported:
- If the whistleblower has been consulted and has consented to the disclosure in writing, or
  - If the WPO or WIO are compelled by law to do so, or
  - Under specific legislation, to Regulators where the Group deems it appropriate (see Appendix 1 for details)

Any breach of confidentiality of the information provided by a whistleblower, or a whistleblower's identity, will be subject to a separate investigation and if an individual is found to have either deliberately or negligently disclosed the information, they may be liable to disciplinary action.

- 7.5 In circumstances where the WPO or WIO has genuine and reasonable concern about the immediate well-being or safety of the whistleblower, they may engage appropriate medical, counselling or support services on behalf of the whistleblower, and without their consent. However, paragraph 7.4 continues to apply and so care must be taken in engaging any such support.



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- 7.6 The Group may, at its discretion, grant a whistleblower, acting in good faith and who has not himself or herself been engaged in serious or unlawful conduct, immunity from disciplinary proceedings relating to less serious matters that may come to light as a result of their coming forward. However, whistleblowers are to be reminded that they must continue to adhere to Group policies in relation to the security and privacy of Group information, including customer data and company IP, at all times.
- 7.7 The Group cannot grant any person immunity against criminal prosecution or third party legal proceedings. Immunity against prosecution can only be granted, in most jurisdictions, by the relevant Director of Public Prosecutions or other prosecuting authority.
- 7.8 If a staff member is the subject of a disclosure, their rights will also be protected. Where a formal investigation is initiated, they will be informed of the substance of the allegation except to the extent that the disclosure may identify the whistleblower. They also will have the opportunity to put forward their case to the person(s) conducting the investigation.
- 7.9 Where investigations show that the disclosure is unsubstantiated, all matters relating to the conduct and the results of the investigation will remain confidential; other than in very limited circumstances – i.e. where disclosure is compelled by law.

### 8. ROLES AND RESPONSIBILITIES

8.1 There are 4 principal roles within the Whistleblower Protection Program:

- Whistleblower Protection Officer (WPO)
- Whistleblower Investigation Officer (WIO)
- Whistleblower Reporting Officer (WRO)
- SpeakUP Manager

8.2 The designated roles and responsibilities of the WPO, WIO, WRO and SpeakUP Manager are detailed below:

Role Title	Key Role Responsibilities	Performed By
<b>Whistleblower Protection Officer (WPO)</b>	<ul style="list-style-type: none"> <li>• Ensure the well-being and protection of the whistleblower.</li> <li>• With appropriate senior management, investigating any complaints of harassment or mal-treatment of a whistleblower protected under this policy.</li> <li>• Establish a program to monitor and assess the effectiveness of the whistleblower service.</li> </ul>	Head of Engagement and Strategic Development, Group Security & Advisory or another senior executive manager appointed by the EGM Group Security & Advisory.
<b>Whistleblower Investigation Officer (WIO)</b>	<ul style="list-style-type: none"> <li>• Overseeing whistleblower related investigations.</li> <li>• Provision of feedback to the whistleblower on the progress and outcome of the investigation within the timeframes set out in this policy.</li> <li>• Delivery of a training program to ensure staff that investigate whistleblower reports are aware of their obligations, are kept updated on</li> </ul>	<p>Senior positions within the Group that receive whistleblower reports for investigation.</p> <p>The allocation of reported matters to the relevant <b>WIO</b> is determined through the assessment and triage process.</p>



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Role Title	Key Role Responsibilities	Performed By
	legislative changes and that matters reported are dealt with consistently.	Those assigned to perform the <b>WIO</b> role include; <ul style="list-style-type: none"> <li>• Executive Manager, Internal Fraud &amp; Group Investigations, Group Security &amp; Advisory</li> <li>• Executive Manager, Workplace Relations</li> <li>• Legal Services</li> <li>• Line Management (as applicable)</li> </ul>
<b>Whistleblower Reporting Officer (WRO)</b>	<ul style="list-style-type: none"> <li>• Overseeing the SpeakUP Hotline and triage/assessment of whistleblower matters.</li> <li>• Overseeing Group Security &amp; Advisory's whistleblower Board and Risk Committee reporting requirements.</li> <li>• Overseeing Management of a secured central repository for recording of whistleblower reports.</li> </ul>	General Manager, Investigations and Forensic Services, Group Security & Advisory
<b>Speak Up Manager</b>	<ul style="list-style-type: none"> <li>• Management of the Group's SpeakUP Hotline.</li> <li>• Delivery of a whistleblower training program to ensure staff answering the Hotline are aware of their obligations, are kept updated on legislative changes and that matters reported are dealt with consistently.</li> <li>• Policy reviews and renewal</li> </ul>	SpeakUP Manager, Group Security & Advisory

**9. PROTECTION UNDER LEGISLATION**

- 9.1 Various Australian legislation provides protection for certain disclosures by persons who make them in accordance with the provisions of the relevant legislation. These protections are designed to encourage people to disclose unlawful, improper or unethical behaviour to relevant parties.
- 9.2 To be protected under specific legislation, the person making the disclosure must make the disclosure in good faith and in accordance with the provisions of the legislation.
- 9.3 Disclosures must be treated confidentially, to the extent possible under law (see paragraph 7.1), and with integrity. The Group may only disclose the information provided to relevant parties as detailed in the specific legislation.
- 9.4 In jurisdictions outside Australia, requirements of any local legislation relating to the protection of whistleblowers must be adhered to as appropriate.
- 9.5 A summary of relevant Australian legislation can be found at Appendix 1.

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## 10. REPORTING OF FITNESS AND PROPRIETY CONCERNS

- 10.1 APRA sets prudential standards that include the standards on 'fitness and propriety' of 'responsible persons'.
- 10.2 The Group's Fit and Proper policy, which complies with APRA's prudential standards on fitness and propriety also includes provisions to ensure protection for persons to disclose information if they believe a person does not meet the relevant 'fit and proper' criteria for a 'responsible person' position or if they believe the regulated institution has not complied with APRA's Prudential Standards on fitness and propriety. For further information, refer to the Group's Fit and Proper Policy.
- 10.3 Where a person believes that a responsible person is not 'fit and proper', the belief and reasons for it should be reported in accordance with section 6 of this Policy. Alternatively, the disclosure can be made directly to the Governance function<sup>1</sup> that performs the 'fit and proper' assessment; the CEO or Managing Director (as applicable) of the regulated company (e.g. Commlnure); the relevant Board (through the company secretaries); or to APRA directly. Any disclosures received may also be escalated to any of the persons or areas mentioned in this paragraph.
- 10.4 Disclosures must be made in good faith and will be treated confidentially by the Group to the extent possible under law, and with integrity.

## 11. GOVERNANCE

- 11.1 Group Security & Advisory is responsible for the maintenance of this policy and for assuring that all divisions/business units adhere to the provisions contained herein. In order to ensure the Policy remains effective and relevant, Group Security & Advisory will conduct a full policy review at least annually.

## 12. RESPONSIBILITIES AND ACCOUNTABILITIES

- 12.1 The table below summarises the responsibilities and accountabilities in relation to this policy:

	All Staff	EGM Group Security	GS&A	Audit Ctee	Workplace Advisory/ Group Legal Counsel	SpeakUP Manager	WRO	WPO	WIO
Disclosing Reportable Conduct	R/A								
Protection of whistleblower		C			C			R/A	
Investigating allegations of harassment/discrimination		I			R/A			R	
Management of Reporting Hotlines	I	A			C	R			C
Training of personnel who receive hotline calls						R/A			
Investigation of whistleblower matters		I					I	I	R/A

<sup>1</sup> The Governance function for all responsible persons within the Bank is Group Governance, and for Insurance Companies and Registrable Superannuation Entity licensees, it is Wealth Risk Management.

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Providing whistleblower with progress reports								I	R/A
Reporting issues to Police or regulatory authorities		C			I		I	I	R/A
Maintaining confidentiality of whistleblower information		A			R	R	R	R	R
Secure storage/handling of whistleblower information		A			R	R	R	R	R
Protecting rights of subject of a whistleblower report									R/A
Investigation of appeals		I		R/A	C			I	
Assurance of whistleblower program effectiveness		A	R			R			
Training of staff involved in whistleblower investigations									R/A
Assessment and triage of whistleblower disclosures		I				R/A	R/A	I	
Management of central repository of whistleblower information							R/A		
Preparation of Board/ Risk Committee reports		A					R		
Policy review and compliance			R/A			R			

R = Responsible; A = Accountable; C = Consult; I = Informed

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**Appendix 1**

		<b>Banking Act 1959</b>	<b>Corporations Act 2001</b>	<b>Life Insurance Act 1995</b>	<b>Insurance Act 1974</b>	<b>Superannuation Industry Supervision Act 1993</b>
Who can report a matter to the company?	<p>a) An officer of the company;</p> <p>b) An employee of the company;</p> <p>c) A person who has a contract for the supply of services or goods to the company or an employee of a contractor.</p> <p>In the case of a disclosure in relation to a superannuation fund, you can report a matter if you are, (in addition to the persons described in paragraphs a) to c) above);</p> <p>1) A trustee of the superannuation entity or an employee of the superannuation entity; or</p> <p>2) An officer or employee of a body corporate that is a trustee, custodian or investment manager of the superannuation entity.</p>	s52A	S1317AA	s 156A(1)	s38A	s336A
Who can I report a matter to and receive Whistleblower protection?	<p>a) APRA;</p> <p>b) An auditor of the company or a member of the audit team conducting an audit of the company;</p> <p>c) The appointed actuary, or in the case of a general insurer, an actuary<sup>2</sup>;</p> <p>d) A director or senior manager of the company;</p> <p>e) In the case of a superannuation entity, an individual who is a trustee or a director of a body corporate that is a trustee;</p> <p>f) A person authorised by the company to receive disclosures of this kind (e.g. Group Security, SpeakUP hotline, your manager or MOR).</p> <p>In the case of a disclosure you are making under the Corporations Act, then you may disclose information to ASIC.</p>	s52A	1317AA	156A(2)(a)	s38A	s336A



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<p>What do I need to do to qualify for Statutory Whistleblower protection?</p>	<p>a) If the information concerns misconduct, or an improper state of affairs or circumstances, in relation to the company; and</p> <p>b) you consider that the information may assist a person (described above) to perform the person's functions or duties in relation to the company; and</p> <p>c) you make the disclosure in good faith.</p> <p>If you are making the disclosure under the Corporations Act then your disclosure will qualify for protection if:</p> <p>You have reasonable grounds to suspect that the information indicates that the company has, or may have, contravened a provision of the Corporations legislation or an officer or employee of the company has, or may have, contravened a provision of the Corporations legislation; and you make the disclosure in good faith.</p>	s52A	S1317AA	156A(2)(c)	s38A	s336A
<p>If I make a disclosure can it be disclosed to another person or party without my consent?</p>	<p>The company can disclose the information provided under the Whistleblower policy to APRA, ASIC (in the case of disclosures made under the Corporations Act) or the AFP.</p> <p>In all other circumstances, the company must not disclose this information to another party without your consent.</p>	s52E	s1317AE	156E(2)	s38E	s336E
<p>What happens if I make a disclosure and that person discloses the information to</p>	<p>If the person to whom you make the disclosure discloses the information which is subject to whistleblower protection, or your identity or information that is likely to lead to your</p>	s52E	s1317AE	156E(d)	s38E	s336E

<sup>2</sup> Note that an actuary or appointed actuary is not a prescribed person for the purposes of the Banking Act 1959

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someone else?	identity, then that person has committed an offence					
I am a Manager or Officer of the company and I have received a disclosure under the Whistleblower policy, what do I do with that information?	Inform the person making the disclosure that you are required to immediately contact Group Security in order to investigate the disclosure. Obtain the person's consent to disclosing that information to Group Security and do so immediately.					
How am I protected by the legislation from victimisation as a result of my disclosures	It is an offence to threaten to cause a person detriment or to actually cause detriment to a person who makes disclosures which qualify for whistleblower protection.	s52C	s1317AC	s156C	s38C	s336C