



PORT WARATAH
COAL SERVICES

PROCEDURE

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Code of Business Conduct Procedure

June 2021

Page: 1 of 17

Authorised by: Manager Human Resources

TABLE OF CONTENTS

I	PURPOSE	4
2	DEFINITIONS.....	4
3	PROCEDURE	5
3.1	Accountabilities	5
3.2	Education and Monitoring.....	5
3.3	General Principles	5
3.4	Appropriate Behaviour	6
3.4.1	General	6
3.4.2	Offensive Behaviour.....	6
3.4.3	Freedom of Association	7
3.4.4	Interest and Involvement	7
3.5	Professional Integrity.....	7
3.5.1	Compliance with the Law	7
3.5.2	Honesty and Professionalism.....	7
3.5.3	Conflicts of Interest.....	7
3.5.4	Workplace relationships	8
3.5.5	Theft, Fraud and Misappropriation of Company Assets.....	8
3.5.6	Improper Payments & Corrupt Behaviour by Others	9
3.5.7	Reporting Fraud or Misconduct	9
3.6	Gifts, Benefits and Money	9
3.6.1	What are the Benefits and when are they acceptable?	9
3.6.2	Why are Benefits of concern?	10
3.6.3	Key Principles that apply to all Benefits	10
3.6.4	Approval and Recording of Benefits	10
3.6.5	Gift Register.....	12
3.6.6	Accountabilities and Non-Compliance	12
3.6.7	Money / Cash Equivalents.....	12
3.7	Equipment, Facilities, Vehicles and Premises	12
3.7.1	Due Care.....	12
3.7.2	Use of Personal Equipment.....	13
3.7.3	Access and visitors to Port Waratah	13
3.8	Use of Information.....	13

Uncontrolled if printed

HR CODE OF BUSINESS CONDUCT PROCEDURE

Page: 2 of 17

Authorised by: Manager Human Resources

3.8.1	<i>Personal Information</i>	13
3.8.2	<i>Political Participation / Support</i>	14
3.8.3	<i>Media Relations</i>	14
3.9	Attendance.....	14
3.10	Occupational Health and Safety.....	14
3.11	Alcohol and Other Drugs	15
3.12	Compliance and Disciplinary Action	15
3.13	Equal Opportunity	15
3.14	Anti-Competitive Behaviour.....	15
4	COMPLIANCE AND ASSURANCE	16
5	RELATED DOCUMENTS	16
6	ACCOUNTABILITIES	16
7	EXHIBITS / APPENDICES / FORMS	17
8	DOCUMENT HISTORY	17

I PURPOSE

Our Company values, including honesty, integrity and fairness are essential to the way in which Port Waratah Coal Services Limited ('Port Waratah') conducts its business.

It is important for all employees of Port Waratah to maintain high moral and ethical standards. Some of these standards are set out in this Code of Business Conduct ("the Code").

The Port Waratah Code sets minimum standards of behaviour and is designed to assist in understanding and resolving the important ethical issues and challenges that may arise from time to time.

This Code is not intended to be exhaustive and cannot anticipate every situation which may morally or ethically compromise the employee or Port Waratah. In this regard, it is a guide and Port Waratah expects its employees to use their sound judgment.

If an employee is in doubt as to how he or she should act in any situation, the employee should always contact their leader and seek advice prior to taking any action. All requests for advice will be dealt with confidentially.

This Code may be supported by other specific Port Waratah Policies and Procedures. Employees must therefore comply with this Code and the other Port Waratah Policies and Procedures.

In the event of conflict between the Code and any applicable Act, Award or the Port Waratah Enterprise Agreement, the applicable Act, Award or the Port Waratah Enterprise Agreement will prevail.

2 DEFINITIONS

Term	Definition
Employee	All permanent, fixed term, part-time or casual workers employed by Port Waratah. Category I Contractors are also included for the purposes of this Code as "employees" unless otherwise noted against a specific item in this Code.
Gambling	Does not include the occasional participation in a raffle or tipping competition authorised by the Manager according to local custom.
Leader	Person who provides direct leadership to the Team Member.
Manager	Member of the Senior Leadership Team who is accountable for the team where the employee, contractor, supplier or consultant work.

3 PROCEDURE

3.1 Accountabilities

All employees, contractors, suppliers and consultants must:

- Comply with this Code;
- Perform their duties diligently and effectively;
- Recognise fellow employees', contractors', suppliers' and consultants' rights to freedom of association and non-association;
- Be familiar with the policies and procedures of Port Waratah;
- Be aware of any laws or regulations applicable to their work or impacting on their area of responsibility; and
- Declare any conflicts of interest.

All managers must:

- Take responsible measures to establish and maintain proper systems of control and prevent any contravention of this Code;
- Periodically review compliance with the Code and monitor compliance through a reporting process;
- Take appropriate action against any employee contravening the Code; and
- Work co-operatively with fellow employees, contractors, suppliers and consultants and take care to ensure their actions do not endanger the safety and wellbeing of themselves, others or the environment.

3.2 Education and Monitoring

If employees, contractors, suppliers and consultants have any queries about the application of this Code, they should consult their manager.

Port Waratah promotes a workplace environment that encourages frank, open and positive communication about its standards.

Port Waratah will organise compliance education and training for existing employees and induction of new employees that will include this Code and the Fair Treatment System Procedure.

3.3 General Principles

All employees must conduct themselves in accordance with the following principles:

- Act honestly and fairly in all business transactions and dealings with others.
- Treat other employees, contractors, customers, competitors and all other persons with whom they deal at work with the utmost courtesy and respect.

- Not compromise their duty to act within the best interests of Port Waratah.
- Comply with all the laws and regulations applicable to the business of Port Waratah

3.4 Appropriate Behaviour

3.4.1 General

In the interests of a productive, safe, healthy and inclusive workplace and maintaining a positive Corporate image, whenever operating in their capacity as an employee of Port Waratah or representing Port Waratah at any level, all personnel must maintain appropriately professional standards of behaviour. This includes:

- Performing all job accountabilities in a competent manner and to the best of their ability;
- Abiding by Port Waratah's health and safety requirements, standards, procedures and policies;
- Being polite, helpful and considerate of fellow employees, and co-operating as part of a team;
- No gambling, consuming alcohol or taking of illegal drugs on Port Waratah premises or in Port Waratah time;
- Applying the principles of Equal Employment Opportunity (EEO) and fairness in all dealings with others, both inside and outside Port Waratah;
- Not harassing other employees, contractors, suppliers, consultants or customers on any grounds;
- Giving all reasonable care to the protection of the environment.

3.4.2 Offensive behaviour

Employees, contractors, suppliers and consultants should not engage in conduct that would be regarded by most people as offensive or unacceptable. The following would be examples of such conduct:

- Threatening, coercing or intimidating other Port Waratah employees, contractors, suppliers and consultants at any time;
- Making false or malicious statements about other Port Waratah employees, contractors, suppliers and consultants, Port Waratah, Port Waratah Customers or Port Waratah's products at any time;
- Gambling at work (unless authorised by the Manager according to local custom, e.g. football tipping);
- Offensive language or behaviour towards other employees, contractors, suppliers and consultants including innuendoes with a racial, religious or other discriminatory slant or with a sexual connotation;
- Using Port Waratah computers, to visit internet sites that contain obscene or other objectionable material or to transmit such material by e-mail or to use the internet or e-mail systems in other ways prohibited by policies of Port Waratah; and
- Engaging in any activity that a reasonable person would say would cause offence or unnecessary emotional distress to others.

Discrimination, harassment or bullying in whatever form, is unacceptable and will not be tolerated. Please see Port Waratah's Anti-Harassment & Bullying Procedure and Anti-Discrimination and Equal Opportunity Procedure.

3.4.3 Freedom of Association

Trust, co-operation and fair dealing is encouraged between all employees, contractors, suppliers and consultants of Port Waratah, enabling quality of work life and effective teamwork. Relationships between employees must be on an ethical basis and must be free of discrimination, coercion, intimidation and harassment.

3.4.4 Interest and Involvement

Employees are expected to devote appropriate time and attention to the performance of their employment duties. They must not be involved in any outside business venture, work or employment that is detrimental or contrary to the interests of Port Waratah. If in doubt, employees should discuss issues with their manager.

3.5 Professional Integrity

3.5.1 Compliance with the Law

All employees, contractors, suppliers and consultants must exercise constant vigilance to ensure that they fully comply with all laws and regulations governing Port Waratah business activities. It is the accountability of all employees, contractors, suppliers and consultants to be aware of the legal and regulatory environment that impacts their jobs and geographic location.

All employees, contractors, suppliers and consultants should bear in mind that the perception of their actions by others is important and should act accordingly.

3.5.2 Honesty and Professionalism

Port Waratah expects all employees to be honest in their dealings at work and maintain the highest possible ethical standards. Persons who exercise any commitment on behalf of Port Waratah must keep adequate records of significant decisions and actions, and the reasons for them. All Port Waratah transactions shall be properly recorded, and no false, misleading or artificial entries may be made for any reason.

Decisions must be consistent, fair and in the best interests of Port Waratah, its clients, shareholders, employees, and the local community. Expenditure of Port Waratah funds must represent value for money and avoid waste or extravagance.

3.5.3 Conflicts of Interest

The use of an employee's position or the assets or influence of Port Waratah for personal advantage or for the advantage of others is unacceptable.

All employees have an obligation to avoid financial, business or other personal relationships or transactions which may conflict with the legitimate business interests of Port Waratah or the proper performance of their duties.

Such a conflict will exist where an employee's actions may appear to compromise his or her ability to act with total objectivity with regard to Port Waratah's business interests.

Examples of conflicts of interest include, but are not limited to, the following:

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HR CODE OF BUSINESS CONDUCT PROCEDURE

Page: 7 of 17

Authorised by: Manager Human Resources

- If the employee is employed by a competitor whilst employed by Port Waratah.
- If the employee provides work or business on behalf of Port Waratah to a business in which the employee or the employee's family has a significant financial interest.
- If the employee or the employee's family has a substantial financial interest in a business which is a competitor or contractor or supplier to Port Waratah.
- If the employee enters into a consensual relationship that is romantic or sexual in nature with another employee or worker at Port Waratah, who reports directly or indirectly to each other (refer to clause 3.5.4)

All potential or actual conflicts of interests must be disclosed or communicated to the individual's Manager and where applicable, CEO and the Board of Directors of Port Waratah. Port Waratah reserves its right to either approve the conflict upon conditions, or to exclude the employee from the conflict situation. Failure to disclose relevant conflicts of interest may result in disciplinary action being taken.

3.5.4 Workplace relationships

If an employee enters into a consensual relationship that is romantic or sexual in nature with another employee, or worker at Port Waratah, who reports directly or indirectly to each other, then the employees must disclose their relationship by notifying the Manager HR. Relationships of this nature may create a conflict of interest (real, potential or perceived) which may inadvertently have an impact on the employees/workers party to the relationship.

All relationships disclosed will be treated as confidential and will be reviewed on a case-by-case basis by the Manager Human Resources to identify possible actions or solutions required to eliminate the conflicts of interest, and will be discussed with the parties of the relationship.

Failure to disclose a relationship that creates a potential or perceived conflict of interest, will be treated the same as not disclosing a relevant conflict of interest and disciplinary action may be an outcome.

3.5.5 Theft, Fraud and Misappropriation of Company Assets

Employees must not:

- Steal or appropriate Port Waratah property;
- Steal or appropriate the property of other persons on Port Waratah premises or on Port Waratah business;
- Obtain benefits through the misuse of their authority as an employee;
- Assist other people to commit offences against Port Waratah;
- Withhold information about offences against Port Waratah;
- Misuse or damage Port Waratah property;
- Intentionally misapply or disregard Port Waratah procedures or policies; and,
- Apply Port Waratah time or assets to benefit interests outside Port Waratah (unless the activity has been authorised by an employee's Manager).

Offences against Port Waratah may lead to disciplinary, civil and/or criminal charges.

3.5.6 Improper Payments & Corrupt Behaviour by Others

Any payment made to a third party, such as an agent, consultant or supplier, must be no more than would be ordinarily reasonable by commercial standards. No payment in the nature of bribes or personal financial gain may be made to any party in connection with any order or benefit obtained by Port Waratah.

3.5.7 Reporting Fraud or Misconduct

Any employee having reasonable suspicions of fraud, misconduct or corrupt behaviour or becoming aware of information that suggests that fraud or misconduct has occurred, is expected to advise their leader or Manager or make a disclosure in accordance with the Corporate Fraud and Improper Conduct (Whistleblower) Procedure. No person will suffer in any way as a result of reporting reasonable suspicions.

3.6 Gifts, Benefits and Money

3.6.1 Benefits and when are they acceptable

Benefits are things that are exchanged between Port Waratah and an external party for which the recipient has not paid or paid less than market value. Benefits on a modest scale are commonly used to build goodwill and strengthen working relationships. However, it is important to note that they can also be interpreted as transactions which may conflict with the legitimate business interests of Port Waratah. Port Waratah permits the giving and receiving of such benefits when they comply with all the Key Principles set out in the Code.

Benefits can be divided into the following categories:

Benefit Category	Examples
Gifts	Goods or Services Gift Vouchers, Thankyou gifts Movie Tickets Hampers, Alcohol
Meals	Meals paid for by an external party (external party in attendance or not in attendance) where there is no primary relationship to a business purpose. Meals paid for by Port Waratah (Port Waratah in attendance or not in attendance) where there is no primary relationship to a business purpose.
Entertainment	Events, functions and celebrations involving professional entertainment Sporting events and activities Cultural Events such as concerts, plays Invitations to tourist locations (e.g. museum, zoo)

Benefit Category	Examples
Travel/Accommodation	Any type of air or land-based travel Hotel and other forms of accommodation expenses.

3.6.2 Why benefits can be a concern

Depending on their size, frequency and the circumstances, benefits can be perceived as improperly influencing business decisions and may be considered or perceived as a conflict of interest or bribe.

Before giving or receiving a benefit, employees should always ask themselves if their action could create an appearance of bad faith or improper behaviour. If the answer is yes, employees must not offer or accept the benefit. Employees must not use their position with Port Waratah to demand or receive benefits from external parties.

Employees may only accept benefits where their Manager agrees that their professional integrity and that of Port Waratah is not put in question.

3.6.3 Key principles that apply to all benefits

All benefits accepted or exchanged must adhere to the following Key Principles:

- (a) The benefit must be permitted by local laws or regulations;
- (b) The employee must never knowingly give a benefit if it breaches the recipient's internal policies and standards;
- (c) The benefit must be given or received in good faith without expecting any benefit in return;
- (d) There must be a legitimate business purpose;
- (e) The benefit must be tasteful, decent and consistent with generally accepted standards for professional courtesy;
- (f) The nature, value and frequency of the benefit must be appropriate to the occasion on which it is given and to the position or role of the recipient;
- (g) The benefit must be transparently given or received. There must be sufficient documentation and information to identify the giver/recipient, the nature, value and purpose/occasion relating to the benefit.

3.6.4 Approval and recording of benefits

To avoid misperception and misunderstanding it is important that any benefits given or received are approved and accurately recorded.

The following table outlines the approval process and the value limits:

Value of Gift / Benefit	Approval	Record in Gift Register
> \$100	Manager (minimum) Not mandatory to obtain pre-approval	Yes
≥ \$100 and ≤ \$500	Manager prior to acceptance	Yes
≥ \$500	CEO prior to acceptance	Yes
Any offer of travel, accommodation, or entertainment	CEO prior to acceptance	Yes

Please note: No approval can be granted by a Manager who might personally gain from a benefit. Managers cannot approve their own benefit request. In these situations, approval must be sought from their leader.

Approval must not be granted to any benefit that does not comply with:

- The key principles;
- Any aspect of the Code; and/or
- Port Waratah Policies and Procedures.

Token gifts (e.g. pens, hats, chocolates) with a value of less than \$30 do not need prior approval and do not need to be recorded in the Gift Register.

Where possible, every effort should be made to obtain prior approval of the gift exchange. However, pre-approval is not mandatory for benefits less than \$100. For benefits greater than \$100 or any offers of travel, accommodation or entertainment outside of the Hunter Valley, prior approval **MUST** be sought.

If employees are in a position where prior approval cannot be obtained and it is required, employees must carefully consider the circumstances and either politely decline the benefit or apply the key principles and use their judgement. After the event, employees would still need to submit and obtain approval as soon as practicable.

Important Note: Offers of travel, accommodation and entertainment should always be referred to your Manager for approval. All such offers involving travel, accommodation or entertainment must be referred to the CEO for pre-approval.

Examples of items that are exempt from requiring this approval include:

- Functions / dinner immediately following a conference / seminar / business meeting;
- Business related travel;
- Meals paid for by an external party (external party in attendance or not in attendance) where there IS a primary relationship to a business purpose;

- Meals paid for by Port Waratah (Port Waratah in attendance or not in attendance) where there IS a primary relationship to a business purpose;
- Reimbursement of travel costs for a job applicant; and
- Sponsorships, Charitable Donations or prizes awarded as a result of other Port Waratah programs which are managed under the Sponsorships and Donations Committee.

Please note: Employees will need to follow the normal approval process for expense claims for the exempt items listed above.

3.6.5 Gift Register

The Gift Register is used to record any benefits received or donated by employees.

If approved, the gift details will be recorded in the Gift Register.

If declined, the gift must either be returned to the donor, or provided to the Manager for disposal as soon as reasonably practical. If the gift is declined and returned prior to the gift request being entered into the gift register, it does not need to be entered. If the gift has been recorded, the gift application should be declined by the Manager and will be recorded in the Gift Register.

The Benefit category that “best fits” the main component of the gift should be selected, along with the number of recipients and approximate dollar value per recipient. The value of the benefit should be calculated as the greater of the actual cost or the fair market value for the benefit. For entertainment and meals (including drinks), the value is determined on a per person basis (i.e. total cost divided by the number of people).

3.6.6 Accountabilities and Non-Compliance

It is each employee’s accountability to disclose honestly and accurately any gifts received or donated as described in this Code. Non-disclosure of a gift or benefit may result in disciplinary action which may put their employment at risk.

3.6.7 Money / Cash Equivalents

Under no circumstances may an employee accept money or cash equivalents (e.g. cheques, money vouchers, credit notes) for themselves or their family that can be easily converted into “cash”. Employees must advise their leader of any organisation or individual who offers them money or cash equivalents.

3.7 Equipment, Facilities, Vehicles and Premises

3.7.1 Due Care

Employees are expected to be economical and careful in the use of Port Waratah plant and equipment. The use of Port Waratah property for private purpose requires approval as per Borrowing Company Owned Equipment Procedure. Employees must not attempt to operate plant or equipment for which they have not been licensed or trained, or where such operation may threaten the safety of that or other plant or equipment, other persons or environment. Port Waratah will not tolerate damage to, or the deliberate misuse of Port Waratah property.

3.7.2 Use of Personal Equipment

Unless a regular and agreed requirement of the job, employees must not bring to work, or use at work, their own personal property (for example, computers, power tools) without the prior approval of their Leader or Manager.

3.7.3 Access and visitors to Port Waratah

Employees, contractors, suppliers and consultants should not enter Port Waratah outside normal hours without permission or sufficient reason and should not encourage or condone the unauthorised presence of other persons at any time on Port Waratah premises. Unauthorised persons should be asked to leave the premises, and/or directed to the appropriate Manager. They must not be provided any information.

Tour visitors wanting to visit Port Waratah should complete the relevant visit request and send to Port Waratah reception.

Service contractors and consultants must not enter offices and operational plant areas without the prior knowledge and approval of the appropriate Leader or Manager.

Employees of Port Waratah wanting to invite their family on site should refer to the Family Access Procedure.

3.8 Use of Information

3.8.1 Personal Information

Port Waratah encourages the use of information systems as one mode of information acquisition, processing and sharing to improve communications.

Subject to any overriding consideration of confidentiality, with the approval of the CEO, relevant information may be provided to legitimately interested parties on a “needs to know” basis, or as required by law.

Documents or systems containing confidential information, or which could be subject to abuse (e.g. minutes, certificates, reports, cheques, computer data, etc.) are to be kept secure at all times and regarded as confidential. Information relating to an individual's remuneration package or medical records is confidential.

Any misuse of information systems due to unauthorised access or offensive, defamatory, sexist or discriminatory content may result in the employee, contractor, supplier or consultant being held liable, and may also lead to disciplinary action.

All records relating to individuals or to the disclosure of personal information will be kept in accordance with Port Waratah's Privacy Procedure which complies with the Privacy Act 1988 (Cth).

Further matters relating to the disclosure of personal information are discussed in the Privacy Procedure.

Information about Port Waratah business gained during employment is confidential. It may only be passed on where a person has a Port Waratah business need to be informed. In some instances, employees may be bound by confidentiality agreements with third parties. The obligations of those confidentiality agreements should be observed.

Employees, contractors, suppliers and consultants must not make improper use of Port Waratah resources or information for personal use or to gain direct or indirect advantage for themselves or others.

3.8.2 Political Participation / Support

Port Waratah respects the civil and political rights of its employees, contractors, suppliers and consultants and their right to privacy with respect to political affiliation.

As members of the community, employees, contractors, suppliers and consultants have the right to enter public debates on political and social issues. However, employees, contractors, suppliers and consultants must not present their comments as an official Port Waratah view or statement.

Port Waratah funds, property, goods or services must not be used as contributions to political parties, their candidates or campaigns.

3.8.3 Media Relations

Public communications regarding Port Waratah business must clearly represent the views of Port Waratah. Any approach by the media is to be dealt with under advice from the Manager Sustainability & Corporate Affairs who, in advance, should both review any text for publication and be notified of public speeches that may be used by the media.

When dealing with anyone outside Port Waratah, including public officials, care must be taken not to compromise the integrity or reputation of any outside individual, business or government body or that of Port Waratah.

Employees, contractors, suppliers and consultants must not infer that their views are those of Port Waratah, when communicating on matters not involving Port Waratah business.

3.9 Attendance

It is the responsibility of every employee to arrive at work on time on the days for which they are rostered / required to work and, where applicable, to know their shift and work schedules.

Overtime must only be worked with the prior approval of the Leader / Manager.

If an employee is unable to attend work, they are required to personally notify their Leader.

Employees must advise their Leader as soon as possible if they are going to be late for work, or unable to attend for any reason. Employees may not leave their work site without first advising their Leader.

Repeated or unjustified lateness and / or non-attendance may result in disciplinary action and is a ground for dismissal.

3.10 Occupational Health and Safety

Port Waratah has a responsibility for the health and safety of employees, contractors and visitors. Managers must make every reasonable effort to reduce employee exposure to occupational risks, and to comply with legislation, regulations and policy.

All employees must take care for their own health and safety, as well as for the health and safety of other employees, contractors and visitors. Whilst at work, employees must obey all relevant safe working guidelines, wear protective clothing as appropriate and report any faulty equipment or hazards to their Leader. Injuries sustained at work must be reported to the employee's Leader immediately, and before leaving the workplace.

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HR CODE OF BUSINESS CONDUCT PROCEDURE

Page: 14 of 17

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Further information can be found in the Port Waratah STEPsafe standards.

3.11 Alcohol and Other Drugs

Alcohol and Other Drugs are not permitted on Port Waratah's premises. The consumption of alcohol on Port Waratah's premises is prohibited. No alcohol is to be brought onto Port Waratah sites. In exceptional circumstances, alcohol may be left at the main security gate for safe keeping purposes.

Employees shall not consume alcohol during working hours unless authorized by their Manager for celebratory occasions or when entertaining customers, suppliers etc. on behalf of Port Waratah. On these exceptional occasions employees must ensure that they drink in moderation, behave in a professional manner and do not engage in conduct which may risk their safety or the safety of others (including driving a motor vehicle or operating heavy machinery).

The use of any recreational or non-prescription drugs is strictly prohibited at Port Waratah or in the course of employment and is grounds for summary dismissal.

Employees at Port Waratah are expected to behave in a responsible manner and present him / herself for work in a fit and healthy state. Accordingly, a person adversely affected by alcohol or any other drug is not permitted in, or on, any Port Waratah workplace. In addition, a person must not, without the authorisation of their Manager/ Superintendent / Specialist have any fitness for work impairing drug in his or her possession or consume any fitness for work impairing drug while in the workplace.

3.12 Compliance and Disciplinary Action

Employees are required to perform all duties of their position in accordance with relevant legislation, regulations, awards and agreement, as well as Port Waratah policies, procedures and standard operating instructions.

If employees disagree with any Port Waratah policy, procedure or standard operating instruction, they should first discuss the matter with their Leader.

Failure to comply with Port Waratah policy, procedure or standard operating instruction may result in disciplinary action (up to and including dismissal) being taken against the employee(s) in accordance with the Managing Work Performance Procedure.

3.13 Equal Opportunity

Employees must treat all other employees, customers, suppliers, contractors, or other persons with whom they deal in the course of their employment in a non-discriminatory manner in accordance with Port Waratah's Anti-Discrimination and Equal Opportunity Procedure and Anti-Harassment and Bullying Procedure.

3.14 Anti-Competitive Behaviour

Port Waratah and its employees will strictly adhere to and apply the spirit of competition laws wherever business is conducted. It is recognised that these laws (as with other laws) are complex and can be difficult to interpret. Wherever there is doubt, employees are referred to Port Waratah's Legal Counsel.

Employees, contractors, suppliers and consultants must not engage in any conduct that results or could result in discussions, understandings or agreements with competitors to fix prices, allocate territories or customers, or boycott a particular customer or customers.

Claims of ignorance, good intentions or failure to seek timely advice are not acceptable excuses for non-compliance.

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HR CODE OF BUSINESS CONDUCT PROCEDURE

Page: 15 of 17

Authorised by: Manager Human Resources

4 COMPLIANCE AND ASSURANCE

- [Competition and Consumer Act 2010](#)
- [Privacy Act 1988](#)

5 RELATED DOCUMENTS

- [46.24 Alcohol and Other Drugs Policy](#)
- [46.24 Alcohol and Other Drugs Procedure](#)
- [Anti-Discrimination and Equal Opportunity Policy](#)
- [Anti-Harassment and Bullying Policy](#)
- [Borrowing Company Owned Equipment Procedure](#)
- [Fair Treatment System Procedure](#)
- [Family Access Policy](#)
- [Privacy Policy](#)
- [Managing Work Performance Policy](#)
- [Corporate Fraud and Improper Conduct \(Whistleblower\) Procedure](#)

6 ACCOUNTABILITIES

Role	Accountability
Chief Executive Officer (CEO)	Authorises this Code and variations. Maintain an appropriate standard of behaviour.
Manager Human Resources	Procedure audit. Ensure compliance with this Code. Maintain an appropriate standard of behaviour.
Senior Human Resources Business Partner	Provide Code interpretation and advice to all managers and employees. Develop appropriate training tools to educate all employees on Code and compliance.
Managers	Ensure compliance with this Code. Set an appropriate standard of behaviour.

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HR CODE OF BUSINESS CONDUCT PROCEDURE

Page: 16 of 17

Authorised by: Manager Human Resources

Role	Accountability
Employees	Ensure compliance with this Code. Maintain an appropriate standard of behaviour.
Contractors, Suppliers and Consultants	Ensure compliance with this Code. Maintain an appropriate standard of behaviour.

7 EXHIBITS / APPENDICES / FORMS

Title
Gift Register

8 DOCUMENT HISTORY

Date	Revision	Description
June 2021	4	Document transferred to procedure template. Inclusion of Clause 3.5.4 Workplace relationships.

Uncontrolled if printed

HR CODE OF BUSINESS CONDUCT PROCEDURE

Page: 17 of 17

Authorised by: Manager Human Resources