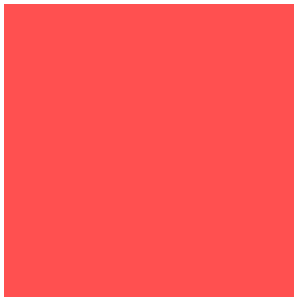




POL-HRM-0017

Kestrel Policy



Code of Conduct

Status: Approved and Authorised Site Senior Executive

Revision: 1 (18.12.2020)

Business Owner: Principal People and Public Relations

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1. Purpose

Kestrel Coal Resources Pty Ltd and Kestrel Coal Pty Ltd (collectively the "Company") is committed to providing a workplace which fosters mutual respect, honesty and trusting working relationships. Everyone has the right to a fair and inclusive working environment of which they are proud to be part of. This Code of Conduct (**Code**) outlines the standard of behaviour expected by all persons working for, or on behalf of the Company.

2. Scope

This Code applies to everyone, including but not limited to employees, contractors, subcontractors, suppliers, consultants, trainees, students, apprentices, visitors, who are paid or engaged to represent the Company. It applies to the conduct within the workplace, during work activities, at work related events as well as social media activity if there is sufficient connection to the workplace or other people at work.

3. Anti-Bribery and Corruption

We strictly prohibit bribes, pay-offs, facilitation payments, secretive commissions or payments, kick-backs or any other improper gifts or benefits.

Donations or sponsorships will not be used as a means of making improper payments. Any donations and sponsorships will serve a legitimate purpose. We do not make political donations.

We may accept gifts, entertainment or hospitality where doing so does not raise a perception of influence, allegation of favouritism or collusion. Any gifts, entertainment or hospitality must be reasonable and proportionate and not go beyond general commercial practice.

4. Human Rights and Modern Slavery

We will act in accordance with the UN Guiding Principles on Business and Human Rights and the Modern Slavery Act 2018 (Cth). In order to meet these obligations we prohibit the use of all forms of forced labour, including prison, indentured, bonded, military or slave labour and any form of human trafficking in our operations or our suppliers' operations and supply chains. This includes situations where coercion, threats or deception are used to exploit victims and undermine or deprive them of their freedom.

We reject any form of child labour or slavery, including forced labour. All of our suppliers are required to adhere to the same high standards on human rights and modern slavery as us.

We continually work with our suppliers and independent advisors to ensure the integrity of our supply chain.

5. Data Privacy

We only collect and handle personal information if needed for legitimate business purposes. The following data privacy principles must be adhered to at all times:

- **We only process personal data for lawful reasons** - It must be for legitimate business purposes and if expressly permitted under local data privacy laws.

- **We limit our personal data processing** - must be for a specific and limited purpose with only the amount of personal data needed.
- **We maintain data Integrity** - we take reasonable steps to ensure that the personal data is accurate and kept up to date.
- **We are careful with sensitive information** - processed only when absolutely necessary.
- **We protect our disclosures of personal data** - ensure it is protected by contractual data privacy clauses, we have received consent, and/or it is required by law or expressly permitted under data privacy laws.
- **We secure personal data** - personal data is kept secure and protected against accidental, unauthorised or unlawful processing.
- **We limit retention of personal data** - data is only kept for as long as necessary for the lawful purpose for which it is processed or for the time required or permitted under local laws.
- **Everyone has data rights** - these include:
 - Seek access to personal data that the Company holds about them;
 - Seek correction of inaccurate, incomplete or out of date personal data;
 - Seek erasure of their personal data;
 - Be provided with information about how their personal data is processed;
 - Ask for processing of their personal data to cease (particularly if the processing is likely to cause damage or distress, or if the processing is for direct marketing purposes);
 - Complain about the processing of their personal data; or
 - Withdraw previously given consent regarding the Company's processing of their personal data.

6. Discrimination, Bullying and Harassment

We treat others with dignity and respect at all times and provide support to each other when needed. We do not discriminate, bully or harass anyone and we assist in preventing this behaviour by reporting any behaviour which is contrary to this Code.

6.1 Discrimination

The grounds for discrimination are prescribed in the Anti-Discrimination Act 1991, these include:

- Sex
- Relationship status;
- Pregnancy;
- Parental status;
- Breastfeeding;
- Age;
- Race;
- Impairment;
- Religious belief or religious activity;
- Political belief or activity;
- Trade union activity;
- Lawful sexual activity;

- Gender identity;
- Sexuality;
- Family responsibilities;
- Association with, or relation to, a person identified on the basis of any of the above attributes.

Discrimination can be either direct or indirect, it does not have to be deliberate, conscious or planned. Behaviours and actions that are not acceptable to the Company and will be subject to an investigation in accordance with the Managing Performance Policy, examples are, but not limited to:

- Offensive jokes or comments which refer to one of the above mentioned grounds;
- Display of pictures, calendars, posters, computer images;
- Expressing negative stereotypes of particular groups;
- Judging a person on particular characteristics;
- Using stereotypes or assumptions when making decisions about a person's career.

6.1.1 Sexual Harassment

Sexual harassment is any unwelcome sexual attention which does not have to be repeated or ongoing. According to the Anti-Discrimination Act 1991, sexual harassment includes:

- Unwelcome physical touching;
- Sexual or suggestive comments, jokes or taunts;
- Unwelcome requests for sex;
- The display of sexual material;
- Sexual reading matter.

Behaviours and actions that are not acceptable to the Company and will be subject to an investigation in accordance with the Managing Performance Policy, examples are, but not limited to:

- Displays of sexually graphic material;
- Email messages, voicemail messages, text messages, screen savers;
- Any material downloaded from the internet;
- Deliberate and unnecessary physical contact;
- Leering or staring at a person's body.

6.2 Bullying

Bullying is repeated and unreasonable behaviour directed towards someone or a group of people that creates a risk to health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying is not reasonable management action that is in connection with a person's employment, is carried out in a lawful and reasonable way and takes the particular circumstances into account.

Behaviours and actions that are not acceptable to the Company and will be subject to an investigation in accordance with the Managing Performance Policy, examples are, but not limited to:

- Continuously and deliberately excluding someone from workplace activities;
- Withholding Information that is vital for effective work performance;
- Spreading misinformation or malicious rumours;
- Threatened or actual physical violence towards another employee;
- Unjustified criticism or complaints;
- Abusive, insulting or offensive language or comments.

6.3 Use of Electronic Resources

We will use all electronic resources appropriately, responsibly and ethically. Electronic resources include, but are not limited to:

- Internet and network access;
- Data storage;
- Computers and similar devices;
- Software, network tools and databases;
- Printers;
- Telephones, mobile phones, radios.

The use of electronic resources may be subject to regular surveillance and monitoring. Behaviours and actions that are not acceptable to the Company and will be subject to an investigation in accordance with the Managing Performance Policy, examples include, but are not limited to:

- Downloading or emailing material which is offensive, sexually explicit, defamatory, discriminatory, racially or otherwise inappropriate;
- Knowingly or wilfully cause any material (including software) to be used, copied or distributed in breach of confidentiality or copyright obligations;
- Delete or attempt to destroy electronic records which are required by the Company, or are reasonably likely to be required for evidence in a legal or regulatory investigation;
- Intentionally Introduce computer viruses;
- Share their computer password.

6.4 Media Relations

We will not compromise the integrity or reputation of anyone or the Company when dealing with the media including public officials.

6.5 Theft, Fraud and Misappropriation of Company Assets

We will treat all Company assets with respect and appropriately. Behaviours and actions that are not acceptable to the Company and will be subject to an investigation in accordance with the Managing Performance Policy, examples are, but not limited to:

- Stealing or appropriating Company property or the property of another person;
- The disregard or breach of this code, standards, policies and/or procedures;
- Any personal gain derived through the misuse of authority bestowed on employees by the Company;
- The assistance or involvement with other people in actions that inappropriately uses or treats Company assets.

6.6 Conflict of Interest

We will not conduct or be involved in any outside business venture, work or employment of any nature which is detrimental to or contrary to the interests of the Company. We will ensure our personal activities and interests do not conflict with our responsibilities to the Company.

A conflict of interest can exist if we have a personal interest in a decision being made where that decision should be made free from bias and in the best interests of the Company. Examples, but not limited to, of conflict of interest circumstances are:

- An outside business relationship with, or interest in, a supplier, customer or competitor;
- A business relationship on behalf of the Company with any person who is a relative or a personal friend, or with any company controlled by such a person;
- A position where you have influence or control over the job evaluation or compensation of any person who is a relative or romantic partner;
- A position where a relative or romantic partner will be directly, indirectly reporting or once or twice removed from you;
- Personal use or sharing of the Company's confidential information for profit, such as buying or selling, or advising others to buy or sell Company property, products or raw materials on the basis of this information.

We will declare all conflicts or potential or perceived conflicts of interest prior or as soon as they arise via the conflict of interest declaration form.

6.7 Community

Our community is an integral part of our Company. We will always interact with our community with a mutual respect, active partnerships and long term commitment. When representing the Company, we will behave in accordance with this Code and all other Standards, Policies and Procedures.

6.8 Environment

We are committed to conserving resources used throughout operations and we will use our best efforts to make efficient use of resources and to reduce/recycle the use of supplies and materials where ever practical. We will give the appropriate and timely attention to environmental issues.

7. Breach of Code

Any breaches of this Code will be dealt with in accordance with the Managing Performance Policy, which may result in disciplinary action, up to and including termination of employment.

8. References

Reference	Title	Link/Doc ID
Legislative requirements		
	Fair Work Act 2009 (Cth)	
	Anti-Discrimination Act 1991	
Standards & practices		
Kestrel documents & records		
	Safety, Health and Wellness Policy	POL-OPS-00003
	Managing Performance Policy	POL-HRM-00007

9. Revision History

Rev	Date	Reason for Issue	Originator	Checked	Approved
1	18/12/2020	Issued for approval and use	Lee Matthews		Daniel Proffitt
1	10/12/2020	Issued for review and update Document name change from People and Culture to Code Of Conduct Document number update from HR-PY-0017 to POL-HRM-00017 Updated Purpose and Scope of document to reflect the standard of expected behaviour		Lee Matthews Jess Roberson	
0	04/11/2019	Issued for use	Jess Roberson	Charles Spence	Peter Smith
A	03/11/2019	Issued for review new document to document conduct within the workplace, during work activities, at work related events as well as social media if there is sufficient connection to the workplace or other people at work. Replaces – HR-PY-0012 – Code of Conduct and HR-PY-0016 – Bullying and Harassment		Jess Roberson Charles Spence Peter Smith	