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## **1 OBJECTIVE**

The purpose of this Code of Conduct is to explain the obligations and standards of behaviour expected of employees and others working for Macquarie Generation. It also provides guidelines to help resolve any ethical issues during the course of work.

## **2 INTRODUCTION**

It is acknowledged that it is not practicable to specify standards of behaviour to cover all circumstances, however, compliance with the Code is expected and forms part of each employee's contract of employment with Macquarie Generation.

The development of an ethical environment relies on each person taking responsibility for his or her own behaviour after considering State and Federal law, the Corporation's stated values, the provisions of its policies, procedures, rules and instructions and the advice of senior officers.

Various policies and procedures provide the structural framework to the Code, as well as Acts of New South Wales and Federal Parliaments that are listed at the end of the document.

### **2.1 General Principles Of Conduct**

The individual:

1. Is responsible for maintaining high ethical standards in carrying out duties and providing services.
2. Is expected to perform duties with honesty, commitment and diligence, working to the best of their ability.
3. Must comply with relevant legislation and Corporate policies, procedures, rules and guidelines related to the performance of their duties.
4. Is required to obey any lawful instruction by an officer of Macquarie Generation authorised to give such instruction.
5. Should not behave in a manner that may bring Macquarie Generation into disrepute.

### **3 ACCOUNTABILITY**

The individual:

1. Is accountable for their conduct.
2. Has a responsibility to understand their duties and how they are to be performed and the results that are expected.

Managers and Team Leaders are:

- To ensure that the members of their team are fully informed on their duties and expected standards of performance.
- Responsible for the conduct of their teams and accountable for any misconduct which is so serious, repeated or widespread, that they should reasonably have known of it and taken action to prevent it.

#### **3.1 Accountability Guidelines**

As a guide to determining if standards of behaviour and decision making are acceptable on ethical grounds, an employee needs to answer “yes” to each of these questions:

1. Does my decision/behaviour fall within the accepted values and standards that apply within Macquarie Generation?
2. If I take a particular action, would I be comfortable with that decision or behaviour being made known to others, for example, co-workers, others across the workplace, the public?
3. Would people such as family, friends, my Team Leader and senior managers, approve of the decision/behaviour?

### **4 CONFLICTS OF INTEREST**

The potential for a conflict of interest arises when an employee is placed in a situation where private interests could influence or appear to influence judgements made during the course of his/her duty to Macquarie Generation.

#### **4.1 Close Personal Relationships**

A potential conflict of interest may arise when an employee is in a personal relationship and in a position to:

- advance or hinder the interests of a member or potential member of the Corporation on the basis of their personal relationship and/or
- act to the detriment of the Corporation’s interests because of their personal relationship.

## **4.2 Financial Interest**

A potential conflict of interest may arise when an employee has a financial interest in a company and is in a position to influence contracts for business between that company and the Corporation.

Any person who is directly affected by the potential or actual conflict of interest shall refer the matter to the appropriate senior officer at their work location.

Failure to disclose the potential or actual conflict of interest could lead to disciplinary action.

## **4.3 Acceptance of Gifts or Benefits**

Employees should not solicit or encourage gift giving or benefits in relation to their duties. Receipts of gifts may be perceived as an inducement by others, thus creating a potential conflict of interest. A gift or benefit includes money, shares, travel, hospitality, accommodation, meals, entertainment and gifts.

Gifts or benefits may be accepted, provided it could not be reasonably considered to be an inducement; refusal to accept would be regarded as offensive; your Team Leader is aware and given permission for acceptance. All gifts of substantial value (nominally \$100 or more) must be recorded in the employee's location Gift Register. The registers are maintained by the Risk and Compliance Officer at the Corporate Office, and the Executive Assistants at each Power Station.

## **5 DISCRIMINATION AND HARASSMENT**

Employees must not discriminate against or harass co-workers, contractors, or members of the public at work locations on any grounds including gender, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment, homosexuality or religious conviction. Such harassment or discrimination could constitute an offence under various laws.

Discrimination occurs when actions, practices or rules exclude persons or a group of people from opportunities because a personal characteristic irrelevant to the situation is applied, whether consciously or unconsciously, as a barrier.

Harassment is behaviour that is perceived to be intimidating, threatening or belittling to the receiver, or by an observer and includes bullying.

## **6 OCCUPATIONAL HEALTH AND SAFETY**

Macquarie Generation is committed to the provision of a safe and healthy work workplace. It is believed that a zero harm environment is achievable and accidents are avoidable. All employees are required to regard accident prevention and working safely as a collective and individual responsibility. Compliance with Safety requirements is a legal obligation for everyone. This includes reporting of hazards and incidents, and complying with workplace safety and occupational health policies, procedures, instructions and rules.

## **7 PUBLIC COMMENT**

Views which are attributed to Macquarie Generation as a corporate body can only be made public by officers of the Corporation duly delegated by the Managing Director, to represent the Corporation's position on specific issues.

When doubt exists about the appropriateness of using the Corporation's title or name, the employee should, in the first instance, discuss the matter with their Team Leader, who is then required to refer the matter to Senior Management at the work location for consideration.

## **8 PROTECTING CORPORATE INFORMATION**

Employees must adhere to the principles of confidentiality in accordance with the Corporation's Privacy Policy, IT Responsibility Statement and relevant procedures dealing with personal, financial, commercial, marketing and pricing information and have a duty to maintain the security of information for which they are responsible or deal with in the course of their duties, including electronically stored data.

Misuse of information obtained through conduct of duties means use for an improper purpose and includes use of information:

- to cause harm or detriment to any person or entity within or of the Corporation,
- to gain personal advantage for self or others,
- in ways that are inconsistent with obligations to act impartially or in regard to other obligations to the Corporation.

## **9 USE OF FACILITIES AND EQUIPMENT**

Employees are responsible for the effective and economical use of the Corporation's resources and have a duty to safeguard its assets. Resources, including materials and equipment, are not to be used for private purposes, however, Executive Managers have discretion to approve usage in certain circumstances.

## **10 CORRUPT CONDUCT, MALADMINISTRATION AND SERIOUS AND SUBSTANTIAL WASTE OF PUBLIC RESOURCES**

Employees are encouraged to report suspicions of corrupt conduct, maladministration and serious and substantial waste of the Corporation's resources. The Protected Disclosures Policy provides a framework for identifying and reporting such situations.

## **11 SECONDARY EMPLOYMENT**

Employees may undertake other or secondary paid employment or business activities, provided that there is no conflict with the Corporation's interests. The Corporation will not object where work is done in a way which does not interfere with the time commitment or duties and responsibilities of primary employment with Macquarie Generation. Details of secondary employment must be disclosed by the employee to their Team Leader, who will forward the information to their Executive Manager, and details of which may be recorded on the employee's history file.

## **12 INTELLECTUAL PROPERTY**

Intellectual property generated by employees or agents in the course of their duties remains the property of the Corporation. Such material cannot be sold or exploited by the individuals involved in its development.

## **13 DEALING WITH COMPLAINTS**

### **13.1 Internal Complaints**

All legitimate complaints will be treated seriously, acknowledged and dealt with at the appropriate level for action or review.

The principles of natural justice will apply in any complaint investigation. Employees handling the complaint are responsible for ensuring the processes are fairly applied and employees considering making a complaint are to act responsibly by considering situations carefully to avoid frivolous, malicious or vexatious complaints.

### **13.2 Public Complaints**

Employees undertaking activities in the broader community using Macquarie Generation vehicles or wearing clothing marked with the Corporation's logo are essentially in the public arena and, therefore, under public scrutiny.

In the event that a complaint is made regarding the operation of a vehicle or the observed behaviour of an employee, the complaint will be investigated and the matter dealt with accordingly.

Similarly, procedures are in place for responding to public complaints and enquiries regarding power station operations and associated coal unloading facilities, for example, public concern for the environment.

## 14 RELEVANT LEGISLATION

Anti-Discrimination Act (NSW) 1977  
Competition and Consumer Act 2010  
Corporations Act 2001  
Crimes Act (NSW) 1900  
Disability Discrimination Act 1992  
Fair Work Act 2010  
Government Information (Public Access) Act (NSW) 2009  
Independent Commission Against Corruption Act (NSW) 1988  
Occupational Health & Safety Act (NSW) 2000  
Ombudsman Act (NSW) 1974  
Privacy and Personal Information Protection Act (NSW) 1998  
Protection of the Environment Operations Act (NSW) 1997  
Protected Disclosures Act (NSW) 1994  
Public Finance and Audit Act (NSW) 1983  
Racial Discrimination Act 1975  
Sex Discrimination Act 1984  
State Owned Corporations Act (NSW) 1989

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