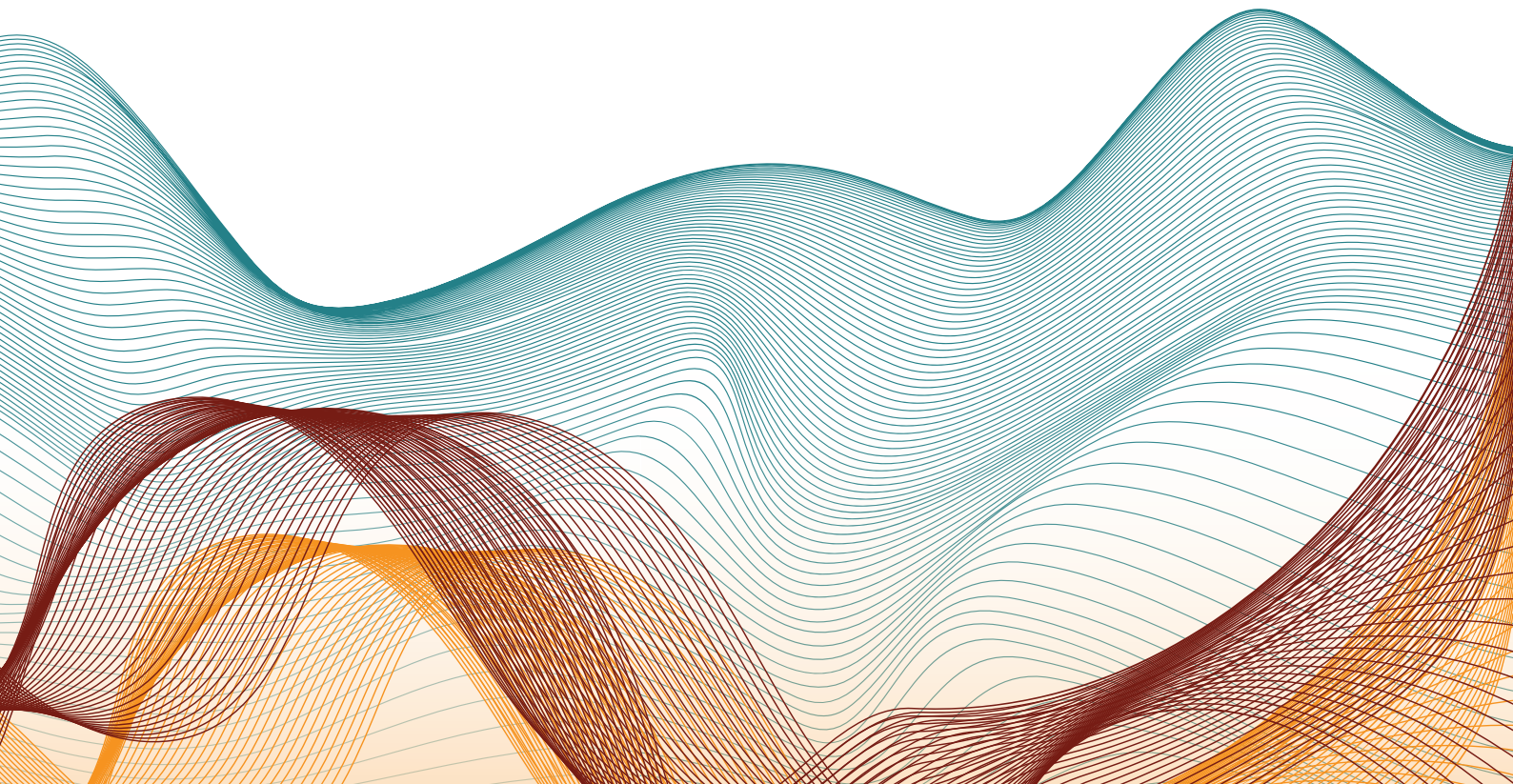


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PILBARA ISOCO LIMITED
ACN 650 785 783



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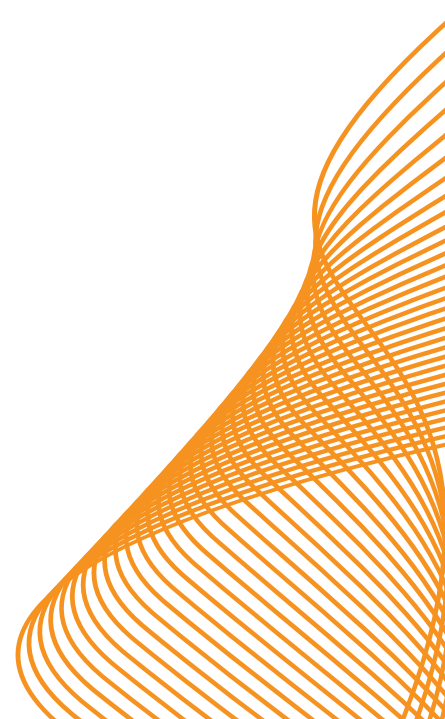
Document Name	Consultation Policy
Related Documents	Constitution Code of Conduct Conflicts of Interest & Information Protocol Competition Compliance Policy
Original date of authorisation	14 March 2024
Authorised by	The Board

CHANGE HISTORY

Revision #	Date of authorisation of revision	Revision authorised by

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1. Introduction

This Consultation Policy (**Policy**) deals with mechanisms by which Pilbara ISOCO Limited (**Company**) will undertake its consultation obligations, having regard to conflicts of interest and competition law obligations.

2. Purpose

- (a) The purpose of this Policy is to establish a framework within the Company for undertaking consultation as required by the Company's functions in a manner that commits to sound corporate governance practices.
- (b) This Policy is intended to provide a practical principles to guide the Company in facilitating stakeholder consultation in an effective and transparent manner whilst ensuring conflicts of interest are appropriately managed and competition law obligations are complied with.

3. Definition of "Act"

For the purposes of this Policy "**Act**" means the *Electricity Industry Act 2004* (WA), and the instruments made under it, including the Pilbara Networks Access Code, Pilbara Networks Rules and Harmonised Technical Rules.

4. Policy

- (a) The Company's functions under the Act require it to undertake both formal consultation and also informal consultation, collaboration or coordination with various rules participants ("**Consultations**").
- (b) The Company has a number of governance controls in place to manage conflicts of interest and competition law compliance at discussions of the Board or any Board Committee, including the Constitution and Conflicts of Interest and Information Protocol. However, the Company's functions in facilitating Consultations extends beyond the Board and the Board Committees.
- (c) The Pilbara regime contained in the Act gives the Company a predominantly administrative role and so relies on day to day system operation and control being undertaken by the network service providers, many of which are vertically integrated and who are actually or potentially competitors. The Company must therefore ensure that in facilitating Consultations, appropriate policies are in place to manage conflict of interest and competition law risk.
- (d) This Policy applies to all Consultations unless the Chief Executive Officer, on advice from the Pilbara ISOCO Advisory Subcommittee (where relevant), has determined that a Consultation does not create either:
 - (i) where a person involved in a Consultation is also a Director of the Company, a conflict between the person's performance as a Director and their personal interests or interests other than those of the Company or their duty to another person such as:
 - A. a material personal interest in a matter that is being considered or will be considered in the Consultation;
 - B. a conflict or perceived conflict between the duties the person may owe to another company of which they are a director or salaried employee, or to another organisation or person that appointed the Director to the Board of the Company, (including a Director's duty to their appointing NSP Member, or the Government Appointed

Director's duty to the Minister for Energy (if any)), and their duties as a Director of the Company in considering the matter the subject of the Consultation; or

- C. any other business or other relationship that could materially interfere with – or could reasonably be perceived to materially interfere with – the independent exercise of their judgement; or
- (ii) a material risk of the Company breaching competition law obligations under the *Competition and Consumer Act 2010* (Cth) (**CCA**).
- (e) The Company is committed to the highest standards of integrity, fairness and ethical conduct, including full compliance with all relevant legal requirements, and in turn requires that all its Board members, officers (including the CEO), managers, employees and contractors acting on its behalf meet those same standards of integrity, fairness and ethical behaviour, including compliance with all legal requirements.
- (f) There is no circumstance under which it is acceptable for the Company or any of its employees or contractors to knowingly and deliberately not comply with the law or to act unethically in the course of performing or advancing the Company's business.
- (g) All Consultations are to be undertaken within the framework of the Act, regulations, rules, policies, and any external legislative requirements.

5. Competition Authorisation

- 5.1 A two year competition authorisation is included in regulation 16A of the *Electricity Industry (Pilbara Networks) Regulations 2021* which covers, in summary, an arrangement, act, matter or thing done by the Company or its directors, members of delegates in the performance of, or otherwise in relation to, a function that the Company has under the Act or protocols, procedures or other instruments relating to the performance of the Company's functions. This authorisation expires on 4 November 2024 and cannot be extended.
- 5.2 The Company proposes to seek an authorisation under the CCA in respect of a limited set of conduct undertaken with respect to system operations. To the extent this authorisation is granted, the Company must review this Policy as soon as practicable and if applicable, update the Policy for any conditions imposed by the authorisation.
- 5.3 The Company must consider the impact of any rule changes under the Pilbara Networks Rules on this Policy, and on any authorisation granted under the CCA, and must update this Policy if required.

6. Consultation process

6.1 Bilateral Consultation

- (a) Where practicable, the Company will undertake Consultation through bilateral consultation with an individual stakeholder, which may include formal written submissions, feedback in individual stakeholder meetings and informal email responses to a Consultation.
- (b) Consultation will be undertaken by Company management. Nominee Directors and Members of the Company will not participate in any Consultation on behalf of the Company.
- (c) Subject to compliance with the Company's obligations under the Act and to facilitate transparency, all formal written submissions will be published provided the name of the organisation making the submission is identified in the submission and that the submission does not include any inappropriate, offensive or potentially defamatory content. Company management may also publish informal submissions if deemed

appropriate. Company management may, in its discretion and subject to any requirements under the Act, decide that identified confidential or commercially sensitive information will not be published.

6.2 Process for meetings

- (a) If it is not practicable to undertake bilateral Consultation, the Company will implement the following protocols in relation to any multi party stakeholder meetings:
 - (i) Wherever practicable, the Company must issue an agenda ahead of the meeting to enable stakeholder participants to assess any potential for conflicts of interest and to obtain competition law advice where required.
 - (ii) Any Board members or NSP Members attending the meeting should be asked to declare any conflicts in advance of any business being conducted at the meeting.
 - (iii) A member of Company management must be present at all meetings and must issue the Competition Compliance Protocol in accordance with the Competition Compliance Policy.
- (b) Commercially sensitive pricing information or commercial terms are not to be discussed.
- (c) Company management present at the meeting must monitor discussions and may ask any participant to leave the meeting for discussions on agenda items where Company management determines that the participant has a material conflict of interest or there is a material competition law compliance risk which cannot otherwise be avoided.
- (d) If any matter which causes the Company to potentially contravene competition laws is raised or any information is sought to be exchanged in relation to such a matter, a Nominee Director, Member or Company management must object to the matter being discussed. If, despite the objection, discussion of the relevant matter continues, then participation in the meeting/discussion should cease and a file note made of the relevant events, including the time at which they ceased to participate in the relevant meeting/discussion.

7. Monitoring and Review

- (a) This Policy must be approved by and can only be amended with the approval of the Board.
- (b) The Secretary is responsible for administering, implementing, and reviewing this Policy in consultation with the Board.
- (c) This Policy shall be reviewed by the Board annually and otherwise as contemplated by paragraph 5.

