



Code of Conduct

Overview

The Queensland Hydrogen Industry Cluster, H2Q, is an industry-led not for profit organisation committed to securing the economic, environmental, and social opportunities hydrogen offers Queensland and Australia.

H2Q exists to support and expedite the development of Queensland and Australia's hydrogen industry development by providing a vehicle for industry connection, collaboration, promotion and a united voice on critical opportunities and issues.

H2Q is championing the acceleration of hydrogen adoption and the development of clean energy solutions to deliver new jobs, regional prosperity and the decarbonisation of our industries and communities. Working together with the hydrogen community, renewable energy industry, and government we will leverage Queensland's capability to ignite a new industry, create jobs and cleaner prosperous future.

Our diverse community is drawn from the many sectors in the hydrogen industry including, engineers, consultant, business leaders, banking and finance, IT, community leaders and mining and energy professionals. The participants work collaboratively to bring new ideas and perspectives to complex problems. This can lead to conflicting viewpoints and disagreement if left unchecked can escalate into harassment and aggression when amplified by misunderstanding, miscommunication, and taking disagreement personally. H2Q has developed the following principles to encourage the diversity of thinking and provide a safe operating environment for all participants.

Principles

By embracing the following principles, guidelines, and actions to follow or avoid, you will help us make the H2Q community welcoming and productive.

- **Be friendly and patient.**
- **Be engaged** We are relying on each member of the community actively engaging and utilising their skills to drive towards a lower carbon future where hydrogen is a key input.
- **Be welcoming and inclusive.** We strive to be a community that welcomes and supports people of all backgrounds and identities. This includes, but is not limited to, members of any race, ethnicity, culture, national origin, color, immigration status, social and economic class, educational level, sex, sexual orientation, gender identity and expression, age, physical appearance, family status, technological or professional choices, academic discipline, religion, mental and physical ability.
- **Be considerate.** Remember that we're a professional world-wide community. You may be

communicating with someone with a different perspective due to their professional standpoint and all perspectives need to be treated respectfully.

- **Be respectful.** Not all of us will agree all the time, but disagreement and frustration are no excuse for poor behavior or poor manners. We want our community to feel comfortable and thrive.
- **Be careful in the words that you choose.** Be kind to others. Do not insult or put down other community members. Harassment and other exclusionary behavior are not acceptable. This includes, but is not limited to:
 - Violent threats or violent language directed against another person
 - Discriminatory jokes and language
 - Posting sexually explicit or violent material
 - Posting (or threatening to post) other people's personal identifying information ("doxing")
 - Personal insults, especially those using racist or sexist terms
 - Unwelcome sexual attention
 - Advocating for, or encouraging, any of the above behavior
 - Repeated harassment of others. If someone asks you to stop, then stop.
- **Moderate your expectations.** Please respect that community members choose how they spend their time in the project. A thoughtful question about your expectations is preferable to demands for another person's time.
- **When we disagree, try to understand why.** Disagreements, both social and technical, happen all the time and the H2Q community is no exception. Try to understand where others are coming from, as seeing a question from their viewpoint may help find a new path forward.
- **A simple apology can go a long way.** It can often de-escalate a situation and telling someone that you are sorry is an act of empathy that doesn't automatically imply an admission of guilt.

Reporting

As a member of our community, you are also a steward of these values. Not all problems need to be resolved via formal processes, and often a quick, friendly but clear word in an online message or in person can help resolve a misunderstanding and de-escalate things.

An informal enforcement of this process may be inadequate if there is urgency, risk to someone, no one is comfortable speaking out, the offender is unresponsive, etc. In that case, please file a report by emailing H2Q's CEO Heidi Breen at info@h2q.com.au

Reports will be kept anonymous and action will be taken.



Anti-competitive behaviour compliance

All participants in H2Q activity must comply with applicable Competition and Consumer Act regulations as administered by the ACCC.

Industry associations (including the H2Q hydrogen cluster) perform legitimate and useful functions in our economic system. However, because trade associations are usually composed of competitors, they need to take precautions to ensure that their activities fully comply with the ACCC requirements. The main anti-competitive risk is that the association meetings may be used as a “cover” for prohibited activities, or otherwise lead to anticompetitive outcomes. Anti-competition laws can also be breached where the anticompetitive effects are an unintended by-product of legitimate action.

Given the complex nature of anti-competitive legislation, to ensure full compliance and to protect itself, its participants, H2Q has compiled this summarised guide to compliance. It is intended to help H2Q’s participants recognise situations that might have implications and to provide guidance on how to observe competition and consumer laws in practice.

This Guide is not intended to cover every possible scenario that might arise or to replace legal advice that member companies may receive from their individual counsel. If you have any questions with respect to this guide, please contact the H2Q’s CEO or H2Q’s Chair.

H2Q is currently focused on the following four objectives:

- Developing Queensland industry capability in domestic and export supply of hydrogen
- Developing Queensland’s end user demand side ecosystem
- Identifying and connecting Australian demand and Queensland capability
- Ensuring the future sustainability of H2Q.

H2 Queensland (H2Q) is a registered Not for Profit limited by Guarantee, and its Board of Directors, Working Groups and all committees will comply with all ACCC regulatory requirements.

Those participating in H2Q activities at all levels, including Working Groups, Subcommittees, Project Teams, Steering Committees, Governing Council, etc., need to proceed with caution to ensure full compliance with anti-competition laws. Violations of such laws can result in severe criminal as well as civil penalties for individuals as well as their employers

REMEMBER: Both your company and you as an individual can be prosecuted for violations of anti-competition laws.

General Guidelines

Participants in H2Q activities should be mindful of the following types of activities that can create anti-competition risks:

- **Exchanges of information:** Participants will likely want to exchange different kinds of information for a variety of reasons (for example, to inform and facilitate formulation of harmonious regulatory practices) most of which will not be problematic but some of which could potentially result in a breach of competition laws.
- **Discussions that take place in the margins of association events**
- **"Decisions" or other collective output:** resolutions or other forms of decision taken by the H2Q could be regarded as agreements for competition law purposes. Many such agreements will not be a concern for the ACCC, however those with an anti-competitive object or effect will be.

The following are some general guidelines which apply in all situations and are intended to minimise the risk of a breach (inadvertent or otherwise) of competition laws:

DO NOT agree with your competitors or suggest or hint within their hearing they should adhere to:

- specified output levels;
- leave certain customers to supplier A and other customers to supplier B;
- that you will not market products in country A in the expectation that others will "leave you alone" in country B; and
- not to serve certain customers who take certain actions or refuse to adhere to certain conditions.

DO NOT discuss with competitors or in a forum in which competitors can overhear:

- Your company's pricing/rebates policy;
- Prices that you have recently offered or plan to offer to specific potential/actual customer or any other customer-specific information;
- Costs and production data;
- Tendering processes that your company is willing to take part in;
- Other terms and conditions which you use to compete against your competitors;
- Your company's confidential strategic plans;
- Your company's forthcoming marketing activities;
- How your company would react to certain market events;
- Anything else you would not want your competitors to know if you wanted to compete against them as vigorously as possible (Competitively Sensitive Information).

The examples of Competitively Sensitive Information set out above are not exhaustive. In determining whether information is competitively sensitive. A good rule of thumb is to ask whether:

- (1) the information is of the type that you would not normally want a competitor to know if you want to compete vigorously against that competitor, or
- (2) a customer or supplier would object to your sharing of such information with your competitors.

These guidelines apply to all H2Q activities, including to any governmental lobbying and standards-setting activities.

Information Exchanges – Procedural Safeguards

H2Q, its Governing Board, Working Groups and all committees will take the following precautions whenever collecting any participant information (for example, to prepare a market report or a submission to a government agency):

- Before any information is exchanged, ensure all participants are clear as to what kind of information can be exchanged and what it can be used for;
- Protect the confidentiality of all Competitively Sensitive Information by identifying a H2Q employee or group of employees to act as a collecting point for information from all ~~compris~~ and ensuring that no submitter has access to any other submitter's information.
- Ensure that only sufficiently historical Competitively Sensitive Information is collected and aggregate and anonymise any Competitively Sensitive Information before distributing it to participants such that no individual submitter's information is made available to others or may be deduced from the information provided.
- Ensure that, in general, information, including email communications, are channeled through the H2Q to the maximum extent practicable.

Anti-competitive Compliance Dos and Don'ts

The policy of H2Q calls for its participants and staff to adhere to the letter and spirit of all applicable ACCC laws in connection with all H2Q activities. The consequences of violating the ACCC laws are extremely serious. Penalties include prison terms, large fines, multi-million dollar civil suits, and enormous legal costs and expenses.

The following is a ready-reference summary of do's and don'ts to assist participants and staff in assuring that their activities comport in all respects with the requirements of the anti-competition laws:

- **DO** prepare and circulate written agendas for all H2Q Annual, Board, and committee meetings, and any other meetings that may entail roundtable discussions among competitors. Conduct all such meetings pursuant to the previously prepared written agendas, and prepare clear, concise, accurate, and unambiguous written minutes of each such meeting.
- **DO** avoid all loose, facetious, or careless remarks, especially those in writing, that could be misconstrued as posing anticompetition problems if read out of context.
- **DO** review all matters of potential anticompetitive sensitivity with the H2Q CEO or other designated staff. Such matters would include, for example, any proposed discussion of prices, limitation or allocation of production, division or allocation of markets or customers, and boycotts or refusals to deal with prospective customers. When in doubt or when otherwise appropriate, H2Q staff will review such matters with legal counsel. **DO NOT** engage in any discussions with or among any competitors, regarding prices, costs, sales, margins, plans, schedules, bids, transportation rates, terms of sale, or any marketing or competitive information that could affect pricing.
- **DO NOT** engage in any discussions with or among competitors which relate to customers, sales territories, production, capacity, amount of reserves, output, or any other information relating to production or output.
- **DO NOT** exchange or discuss any other confidential statistical or financial information of any company.
- **DO NOT** discuss the advantages, desirability, or possibility of eliminating or impairing any competition, whether existing or potential, foreign or domestic.
- **DO NOT** assume that foreign sales or production are not subject to Australia's ACCC regulation and anti-competitive legislation.
- **DO NOT** guess. When in doubt, get help – consult with H2Q staff and external lawyers.