

Human Resources Policy Schedule

Public Service Leave - Australia

1. What is the purpose of this document?

The purpose of this document is to establish the rules and provisions of Public Service Leave in Australia. In the event of any inconsistency between a provision of this document and a provision of an employee's contract of employment or enterprise agreement, the provision in the contract of employment or enterprise agreement will prevail.

BHP (or the "Company") is committed to providing employees with support to complete and attend public service activities.

2. Who does this Policy Schedule apply to?

This Policy Schedule applies to all employees in Australia.

*This Policy shall be applied free from discrimination based upon personal attributes unrelated to job performance, such as race, age, ethnicity, nationality, gender identity, sexual orientation, intersex status, physical or mental disability, mental health condition, relationship status, religion, political opinion and industry/union affiliations, pregnancy, breastfeeding or family responsibilities**

*Subject to BHP's requirement to comply with local laws in jurisdictions in which we operate

3. What is the Public Service Leave Entitlement?

Public Service Leave entitlements are determined by the National Employment Standards under the Fair Work Act as well as additional BHP entitlements.

Employees are entitled to Public Service Leave entitlements under three key areas:

1. Community Service Leave
2. Defence Service Leave
3. Jury Service Leave

3.1 Community Service Leave

Under the National Employment Standards (NES) of the Fair Work Act, employees are entitled to take Community Service Leave for certain activities such as voluntary emergency management activities and Jury Service (including attendance for jury selection).

Under the NES, an employee engages in a "voluntary emergency management activity" if they:

- engage in an activity that involves dealing with an emergency or natural disaster;
- engage in the activity on a voluntary basis;
- are a member of, or have a member like association with, a "recognised emergency management body" in accordance with the definition under the NES; and
- were requested by or on behalf of the body to engage in the activity or it would be reasonable to expect that, if the circumstances had permitted the making of such a request, would have been made.

Emergency management leave does not include engaging in activities such as training, preparation, prevention or recovery from an emergency. Employees engaging in these activities would need to access other forms of leave such as annual leave.

Entitlement

Under the NES, there is no specified amount or limit on the amount of Community Service Leave to which an employee is entitled. The employee may be required to be away from the workplace for several days or weeks.

An employee is entitled to be absent from work;

- for the time that they are engaged in the eligible community service activity, including reasonable travelling time associated with, and reasonable rest time immediately following, the activity; and
- if the absence is reasonable in all the circumstances (Jury Service is taken to always be reasonable).

An employee who is absent from employment because:

- of a 'relevant direction' (as defined in the *Public Safety Preservation Act 1986 (Qld)*) is entitled to be paid for the period of the employee's absence at the employee's ordinary rate of pay for the hours they would ordinarily have been rostered to work.
- they are carrying out an 'emergency management response' (as defined in the *State Emergency Management Act 2005 (WA)*) is entitled to be paid for the period of the employee's absence calculated at the employee's ordinary rate of remuneration on the time that the employee would ordinarily have worked, had the employee worked his or her scheduled work time.

Where the employee is absent under either of the two categories outlined above, the **full** period will be entered as paid leave, and the employee will continue to accrue all leave entitlements whilst absent.

In an emergency event where:

- firefighting or search & rescue volunteers are required; or
- the employee will attend to State Emergency Service call-outs

but the absence does not fall under the above two categories, Line Leaders have the discretion to grant the leave as paid time off to the employee. Further, reasonable paid leave may be approved by the employee's Line Leader where the employee will participate in another activity that the Company considers is of a community service nature (e.g. blood donation).

In cases where paid leave is not approved, unpaid Community Service Leave will be granted provided the absence is reasonable taking into consideration the Company's business requirements.

Casual employees will not be entitled to paid leave but will be eligible for unpaid Community Service Leave.

3.1.1 Notice of Leave

An employee must give notice of the absence as soon as practicable, advising the Company of the period, or expected period, of the absence, and providing evidence that the employee is engaging in eligible community service.

3.1.2 Evidence Required

Employees accessing Community Service Leave will be paid their normal salary, less any fees paid to the employee for performing the community service activity. For an employee to be paid for Community Service Leave, the Company requires evidence of any amount the employee was paid for performing the community service. This evidence should be provided as soon as possible, but no later than one week after the employee's return to work.

3.1.3 Local Government

If the employee is elected to local Government, a maximum of **five** working days paid leave is permitted per financial year for the employee to attend to relevant activities. The days selected should be negotiated between the employee and their department manager. Any additional leave that is approved should be taken as either annual leave or unpaid leave.

If the employee wishes to request this leave they should provide a minimum of 10 days' notice to their Line Leader. Where this is the case, the employee is also required to declare any government position in the Conflict of Interest register.

3.2 Defence Service Leave

The Company will grant Community Service Leave, with make-up pay, for mandatory Defence Force obligations up to a maximum of **20 days paid** in the form of make-up pay in any financial year, providing the employee provides a letter from their local regiment stating:

- that the leave is for mandatory Australian Defence Force (ADF) obligations;
- the period of leave required

The Company will top up any of the shortfall from the ADF up to 20 days. Unused Defence Service Leave cannot be carried over from the previous year.

Defence Service Leave is treated as continuous service for the purpose of other service-related entitlements.

Any further leave required to attend mandatory ADF obligations will be reviewed and considered and may be granted as annual leave, long service leave, or special unpaid leave. When an employee elects to use leave

without pay, the employee will continue to accrue sick leave, long service leave, and annual leave while undertaking their defence service.

Coal:

While Defence Service Leave will be granted for a maximum of 20 consecutive days each year to enable employees to meet their regular annual training requirements, this leave will be extended to a maximum of 28 consecutive days where employees are required to join a Special Conditions Unit. Leave of absence for extended active military duty (e.g. call up of a Reservist) in the event of any emergency will be for the period of active duty, plus ninety days.

3.2.1 Make-up Pay Process

For ease, the Company has decided to continue to pay the employee their salary as usual, for the period the employee is on Defence Service Leave.

3.2.2 Notice of Leave

When applying for this leave, employees are required to provide evidence of the reason for the leave, and the period of leave required. Notification of the commencement of defence force reserve leave should be provided by the employee as soon as practicable, but at least four weeks before the leave commences.

3.3 Jury Service Leave

Community Service Leave taken for the purpose of Jury Service is to be paid leave (paid absence) for all employees other than casuals, for the first 10 days of the Jury Service.

The following applies to permanent employees:

- Whilst the Company is only required to pay 'make up pay' to the employee for the first 10 days of the Jury Service (i.e. the difference between any jury service payment the employee receives and the employee's base rate for the ordinary hours they would have worked), the Company will instead pay employees their full pay as per the usual timeline. However, the employee is required to provide confirmation of payments received from participating in Jury Service, following which these amounts may be deducted from their pay.

Any additional Jury Service required by the Court exceeding 10 days per absence will be treated as unpaid leave. The Line Leader in consultation with HR will have the discretion to consider and approve payment for Jury Service outside of the 10 days on a case-by-case basis.

Copper SA:

Casual employees are entitled to unpaid leave for the duration of any required Jury Service.

4. What are the related documents to this Policy Schedule?

Policies and Processes related to this Policy Schedule are detailed in the below table:

| Type | Code | Document |
|---------|-------------------|---|
| Policy | LEAVE.006.001.001 | Public Service Leave – Policy |
| Process | LEAVE.008.006.001 | Leave - Apply for Leave – Process |

5. Are there Legislation or other requirements related to this Policy Schedule?

| Legislation or other requirements |
|---|
| Fair Work Act 2009 (Cth) |
| State Emergency Management Act 2005 (WA) |
| Public Safety Preservation Act 1986 (QLD) |

6. What is the governance for this Policy Schedule?

This section details the ownership, approval and review details of the Policy Schedule.

| Policy Name: Public Service Leave - Australia | Document Code: LEAVE.006.002.009 |
|--|--------------------------------------|
| Policy Owner: Manager Reward - Group Functions, Policy and Recognition | Policy Approver: Head of Reward |
| Last Reviewed by: Manager Reward - Group Functions, Policy and Recognition | |
| Date last reviewed: 01 October 2025 | Date of next review: 01 October 2028 |
| This Policy must be reviewed at minimum every three years and will be updated with legislation changes. | |

7. What are the exceptions to this Policy Schedule?

Any exceptions to this Policy Schedule must be approved by the Head of Reward.