

Supplier Code of Conduct

Purpose

The purpose of this Supplier Code of Conduct (**Supplier Code**) is to clearly articulate Port Authority's expectations and requirements for all Suppliers.

Our Commitment

Port Authority upholds its objectives as a state owned Port Corporation constituted by the *Ports and Maritime Administration Act 1995* (NSW) to provide safe, efficient, sustainable, socially responsible and world-class port and marine services.

Decision making and behaviour is guided by the Port Authority's stated values of being honest, open, caring and accountable and acting with courage and integrity and striving for excellence in all that we do.

Port Authority seeks to engage in business with other likeminded persons and entities that share the same principles and values as Port Authority. Port Authority requires its Suppliers to comply with all applicable laws and, in all cases, to meet the standards and principles set out below. Compliance with such laws, standards and principles is a material consideration for us in assessing every aspect of our Supplier relationships. Non-compliance with this Supplier Code could lead to termination of contracts, loss of future work and reputation and investigation for corruption or criminal offences.

Definitions

For the purpose of this Supplier Code:

Human Rights means the principles enshrined in the United Nations Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Labour Organisation's (**ILO**) Declaration on Fundamental Principles and Rights at Work.

Port Authority means the Newcastle Port Corporation trading as Port Authority of New South Wales.

Related Entities means parent entities, subsidiaries or affiliate entities.

Second Tier Suppliers are suppliers that provide goods and services to Port Authority's Suppliers (as defined above).

Suppliers means all third party suppliers, consultants, business partners and contractors engaged to supply goods or services to or on behalf of Port Authority.

Scope

Port Authority requires that its Suppliers comply with, and ensure their employees, contractors, consultants and Second Tier Suppliers are advised of and comply with, this Supplier Code.

Principles

Port Authority expects its Suppliers to act at all times in an ethical manner by conducting themselves professionally and consistently with Port Authority values.

- **Diversity and Inclusion**

As set out in our Employee Diversity and Inclusion Policy, Port Authority values diversity and inclusion and strives to achieve and maintain diversity and inclusion in our workplace.

Suppliers must not discriminate on the basis of race, including colour, religion, national or ethnic origin or immigrant status, sex, pregnancy or marital status and breastfeeding, age, disability, or sexual orientation, gender identity and intersex status. Such discrimination will not be tolerated by Port Authority.

Port Authority promotes equality of opportunity and treatment for all to ensure the elimination of all unlawful discrimination throughout our activities and undertakings and expects that Suppliers do the same.

Port Authority respects the importance of the culture, heritage and traditional rights of Indigenous Australians, and requires its Suppliers to do the same.

- **Anti-Bribery and Corruption**

Suppliers must adhere to the highest standard of moral and ethical conduct, to respect local laws relating to bribery, corruption, money laundering, fraud or similar activities of Australia (including, where relevant, the *Fair Work Amendment (Corrupting Benefits) Act 2017* (Cth) and the *Australian Criminal Code Act 1995* (Cth)) and not engage in any form of 'Corrupt Conduct' (as defined in the *Independent Commission Against Corruption Act 1988* (NSW)), including fraud, bribery, tax evasion or similar or related activities.

Suppliers must seek to identify and report any perceived or real conflicts of interest. A conflict can arise when a person's business and private interests intersect. For example, the Supplier's relative works for Port Authority, or an employee of Port Authority is a director of the Supplier's board.

Suppliers should not offer or provide financial or non-financial benefits to Port Authority employees or contractors, including gifts or hospitality that could reasonably be perceived as inducing or influencing any decision making or potential decision making.

Suppliers must ensure, if required by law, that they have legally compliant whistleblowing procedures and that whistleblowers are protected from victimisation.

- **Health and Safety, including Safe Working Conditions and Fair Wages/Compensation**

Port Authority is committed to protecting the health, safety and wellbeing of its employees, contractors and visitors in the workplace, when carrying out its activities and undertakings.

Port Authority requires that its Suppliers strictly adhere to all relevant Australian health and safety and workplace laws and strive to create a safe working environment for their employees and anyone else affected by their operations.

International Suppliers must also ensure their employees are paid at least the minimum wage required by local law or the prevailing industry wage - when available, whichever is higher, and must provide all legally mandated benefits.

Suppliers who employ migrant workers shall ensure they have exactly the same entitlements as local employees. Any commissions and other fees in connection with employment of migrant workers must be covered by the employer. The employer must not require the employee to submit his/her original identification documents. Deposits are not allowed. Workers engaged by a Supplier through an agent or contractor of the Supplier are the responsibility of the Supplier.

Port Authority will not accept and strives to eliminate any form of bullying or harassment and holds its Suppliers accountable for work standards and conduct. Suppliers must not engage in or support the use of corporal punishment, threats of violence or other forms of mental or physical coercion.

- **Human Rights and Modern Slavery**

Port Authority is opposed to and will oppose all forms of modern slavery, including forced or compulsory labour, trafficking in persons, debt bondage and child labour, both within its activities and undertakings, and within its supply chain. Port Authority requires its Suppliers to respect Human Rights and ensure that they are not complicit in Human Rights abuses.

Suppliers must not engage or be complicit in any practices of modern slavery, including the use of forced labour, whether in the form of prison labour, indentured labour, bonded labour or otherwise. No-one should be made to work through force or intimidation of any form.

- **Environment and Sustainability**

Suppliers must comply with all applicable environmental laws and continually strive to improve their sustainability performance to minimise the environmental impact of their operations, focusing on reduction (as appropriate) of waste, carbon emissions, water and natural resources consumption.

- **Confidentiality**

Information provided by or collected from Port Authority is provided on a confidential basis, unless otherwise explicitly indicated, or the information is already in the public domain.

Breaches of this Supplier Code

Suppliers must comply with this Supplier Code at all times, monitor compliance, notify Port Authority of any breaches and take reasonable steps to address, remedy and prevent reoccurrence of any breach of the Supplier Code principles.

Port Authority reserves the right to undertake due diligence and/or risk assessments to verify compliance with this Supplier Code and it expects its Suppliers to cooperate and provide supporting evidence as it may reasonably require to monitor and review their compliance.

For community members, breaches of this Supplier Code should be reported in accordance with our Complaints Response Procedure <https://www.portauthoritynsw.com.au/community/community-complaints-procedure/>

Suppliers who are concerned about any conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds can report via one of these external channels:

- Corrupt conduct – [Independent Commission Against Corruption \(ICAC\)](#)
- Maladministration – [NSW Ombudsman](#)
- Serious and substantial waste – [NSW Audit Office](#)

Further Information

This Supplier Code should be read in conjunction with:

- Code of Conduct;
- Fraud and Corruption Policy;
- Business Ethics Statement.