

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, irrespective of the value or type of goods and services.

Our Commitment

Port Authority upholds its objectives as a State-owned 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 are guided by Port Authority's values of being caring, collaborative and accountable and working with integrity at all times for a successful and sustainable future.

Port Authority seeks to engage in business with other like-minded 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 Port Authority 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 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 Organization'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 below).

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 aims to embed sustainability across our organisation and this Supplier Code defines how we choose to do business. Port Authority interacts with our Suppliers to ensure mutual commitment in achieving and maintaining improved environmental, social and ethical outcomes.

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 have processes or practices in place to ensure they do not discriminate on the basis of race, colour, religion, national or ethnic origin, immigration status, gender, pregnancy, marital status, breastfeeding, age, disability, or sexual orientation, gender identity or 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 First Nations people and requires its Suppliers to do the same.

- **Anti-Bribery, Corruption and Ethical Business Practices**

Suppliers must have processes or practices in place to ensure they adhere to the highest standard of moral and ethical conduct within an established corporate governance framework. Suppliers must 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, where a Supplier's relative works for Port Authority, or an employee of Port Authority has knows a director of the Supplier's company from Uni or plays a team sport with them.

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 including the [Work Health and Safety Act 2011](#) (NSW) and the [Work Health and Safety Act 2011](#) (Cth) 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 for that region or country.

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 their original identification documents for holding by the employer. Deposits are not allowed. Workers engaged by a Supplier through an agent or contractor of the Supplier are the responsibility of the Supplier and the Supplier is responsible for ensuring fair work conditions are provided.

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.

Where applicable, Suppliers may be asked by Port Authority to provide their modern slavery statement as required under the [Modern Slavery Act 2018](#) (Cth).

- **Environment and Sustainability**

Suppliers are expected to support and are encouraged to collaborate on the delivery of Port Authority's [Sustainability Plan](#). Suppliers should have an Environmental or Sustainability Policy or similar which ensures the Supplier complies with all applicable environmental laws and continually strive to improve their sustainability performance to minimise the environmental and social impact of their operations and build resilience to the changing climate. Measures to improve sustainability include but are not limited to measuring and reducing their carbon footprint, avoiding or reducing (as appropriate) waste and promoting efficient energy and natural resources consumption and the use of renewable energy.

Port Authority encourages Suppliers to measure their carbon footprint, including material scope 3 emissions, build resilience to the changing climate and share such reporting with Port Authority when requested.

- **Confidentiality and Information Protection**

Information provided by or collected from Port Authority is provided to Suppliers on a confidential basis, unless otherwise explicitly indicated. In return, Port Authority commits to maintaining and protecting the confidentiality of any Supplier information (with the exception of any information provision required under legislation).

Suppliers are required to maintain the confidentiality of Port Authority's information at all times and are required to seek permission before sharing or providing Port Authority's information or details of their work for Port Authority with third parties, including any Second Tier Suppliers. Under some circumstances, an additional Confidentiality Deed may be required from Suppliers; the absence of such a deed does not invalidate the requirement for confidentiality under this Supplier Code of Conduct.

Suppliers who collect, use or otherwise have access to personal information as defined in the [Privacy and Personal Information Protection Act 1998](#) (NSW) in the course of their work for Port Authority are obliged to comply with the [Principles of the Act](#) and Port Authority's [Privacy Framework](#) including having vigorous and appropriate security in place to protect personal and any confidential information. Port Authority does not permit Suppliers gathering additional personal or sensitive information for their own purposes; At the conclusion of the work Suppliers are to hand over all such records and expunge those records from their systems.

Suppliers must notify Port Authority should there be a confirmed *or suspected* data or security breach of the Supplier's information systems (including hard copy) irrespective of whether the cause is omission, error or malicious action.

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 Port Authority's Complaints Response Procedure 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:

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

Suppliers should also note that Port Authority employees also have access to an internal reporting system for reporting wrongdoing without fear of reprisal, under the [Public Interest Disclosures Reporting Policy](#).

Further Information

This Supplier Code of Conduct should be read in conjunction with:

- Port Authority's [Code of Conduct](#): the general business ethics and standards of professional behaviour applicable to directors, employees and contractors of Port Authority.
- Port Authority's Fraud and Corruption Policy
- Port Authority [Business Ethics Statement](#).