



STATEMENT OF BUSINESS ETHICS

JANUARY 2006

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Foreword

This statement provides guidance when doing business with NSW Maritime. It outlines NSW Maritime's ethical standards and the expectation that goods and services contractors and providers will comply with these standards in all their dealings with us. The Statement also outlines what goods and services providers and contractors can expect of NSW Maritime.

Our procurement policies and business ethics are consistent with NSW Government policy. We expect our staff to maintain high standards of integrity and ethical conduct. We also expect that service providers and contractors will observe those same high standards.

This Statement is designed to ensure that business relationships between NSW Maritime and private sector service providers and contractors are based on a common understanding of ethical conduct and are fair and productive for all.

If you require additional information about any matter that concerns this Statement, please contact NSW Maritime's General Manager Corporate Services.

Chris Oxenbould AO
Chief Executive

Our key business principles

Value for money

The principle of best value for money is at the core of all the NSW Maritime Authority's business relationships with private sector suppliers of goods and services. Best value for money does not automatically mean the lowest price. Rather, NSW Maritime will balance all relevant factors including initial cost, whole-of-life costs, quality, reliability, and timeliness in determining true value for money.

Impartiality

Impartiality means trying to be objective and even-handed. For example, an impartial process will objectively establish the criteria for determining best value for money and then assess each bid against these criteria.

Being impartial includes taking account of practicalities. For example, the principle of impartiality does not entail publicly advertising for bids for items of low monetary value or inviting bids from firms that have performed poorly in the past.

Honesty, fairness and consistency

Part of obtaining best value for money also includes ensuring all our business relationships are honest, ethical, fair and consistent. Our business dealings will be transparent and open to public scrutiny wherever possible. We will purchase goods, equipment and services through established NSW Government contracts systems where possible and reasonably practical.

What you can expect from us

NSW Maritime will ensure that all its policies, procedures and practices related to tendering, contracting and the purchase of goods or services are consistent with best practice and the highest standards of ethical conduct.

Our staff are bound by a comprehensive *Code of Conduct and Ethics*. When doing business with the private sector, NSW Maritime staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently
- Deal fairly, honestly and ethically with all individuals and organisations
- Unless there is a dispute, we will meet your terms of trade
- Try to minimise costs to suppliers in the procurement process
- Respond promptly to reasonable requests for advice and information
- Bring to attention and resolve any conflicts of interest (whether real or perceived)

In addition, NSW Maritime's procurement activities are guided by the following core business principles:

- All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids.
- All procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for effective performance review of contracts.
- Energy efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible.
- Tenders will not be called unless NSW Maritime has a firm intention to proceed to contract.
- NSW Maritime will not disclose confidential or proprietary information.

What we ask of you

We require all private sector providers of goods and services to observe the following principles when doing business with NSW Maritime:

- Comply with NSW Maritime's procurement policies and procedures
- Where applicable, abide by the Codes of Tendering and Practice for the Construction Industry
- Provide accurate and reliable advice and information when required
- Declare actual or perceived conflicts of interest as soon as you become aware of the conflict
- Act ethically, fairly and honestly in all dealings with NSW Maritime
- Take all reasonable measures to prevent the disclosure of confidential NSW Maritime information
- Refrain from engaging in any form of collusive practice, including offering employees of NSW Maritime inducements or incentives which may improperly influence the conduct of their duties
- Refrain from discussing NSW Maritime business or information in the media
- Assist NSW Maritime to prevent unethical practices in our business relationships
- Perform all services in a diligent manner with the necessary skill, diligence and care expected in the provision of such services
- Perform services expeditiously and in accordance with agreed time limits
- Unless there is a dispute, meet NSW Maritime's terms of trade.

Why is compliance important?

By complying with our statement of business ethics, you will be able to advance your business objectives and interests in a fair and ethical manner. As all suppliers of goods and services to NSW Maritime are required to comply with this statement, compliance will not disadvantage you in any way.

Complying with these business principles is consistent with the ethical requirements of other public sector agencies, should you choose to do business with them.

You should also be aware of the consequences of not complying with NSW Maritime's ethical requirements when doing business with us. Demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts
- Loss of future work
- Loss of reputation
- Investigation for corruption
- Matters being referred for criminal investigation.

There are a number of particular matters on which we provide guidance below.

Incentives, gifts, benefits

As a rule, NSW Maritime expects its staff to decline gifts, benefits, travel or hospitality offered during the course of their work. You should refrain from offering any such 'incentives' to our staff – all such offers will be formally reported.

In some instances, invitations involving hospitality may be accepted provided the function has a clear business purpose and the value is modest, in keeping with public sector standards.

NSW Maritime provides for all business travel and accommodation requirements of its staff. Any proposed variation to this practice must receive prior approval from the General Manager of the area concerned.

NSW Maritime only permits its staff to accept gifts if they are token and of nominal value.

If such a gift is accepted, the ICAC requires the staff member to provide a written report which is then placed in our Gifts and Benefits file.

Conflicts of interest

All NSW Maritime staff are required to disclose any potential conflicts of interest. In this context, a conflict of interest could include but is not limited to a personal or financial connection between an employee of NSW Maritime and one or more

tenderers involved in a tender process. We extend this requirement to all our business partners, contractors and suppliers.

Confidentiality

All information gained by a service provider or contractor in the course of business with NSW Maritime should be treated as confidential unless otherwise indicated.

Communication between parties

All communication should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

Use of NSW Maritime equipment, resources and information

All NSW Maritime equipment, resources and information should only be used for its proper official purpose.

Contracting employees

All contracted and sub-contracted employees are expected to comply with this Statement of Business Ethics. If you employ sub-contractors in your work for NSW Maritime you must make them aware of this Statement.

Intellectual property rights

In business relationships with NSW Maritime, parties will respect each other's intellectual property rights and will formally negotiate any access, license or use of intellectual property.

Secondary employment and post separation employment

Any member of staff who has an approved arrangement for secondary employment with a service provider or contractor who submits a tender proposal is required to notify their supervisor when they first become aware of this.

Staff of NSW Maritime may not use their positions to seek opportunities for future employment. If a service provider or contractor employs a former staff member of NSW Maritime, that person is bound by the provisions of the *Code of Conduct and Ethics* to not provide confidential information gained during their employment with NSW Maritime to others.

Who to contact

If you have any questions regarding this statement or to provide information about suspected corrupt conduct, please contact the NSW Maritime's General Manager Corporate Services, Mr Brian Stanwell, directly by letter, phone, fax or email at the contact details below.

Public officials reporting corrupt conduct, maladministration or serious waste of public funds are protected by the *Protected Disclosures Act 1994*. This Act protects public officials disclosing corruption-related matters from reprisal or detrimental action and ensures disclosures are properly investigated and dealt with.

Contact Details

By letter:

NSW Maritime
Locked Bag 5100
CAMPERDOWN NSW 1450

By telephone:

(02) 9563 8511

By facsimile:

(02) 9563 8600

By e-mail:

bstanwell@maritime.nsw.gov.au