

# Business Ethics for Listed Providers

## 1. Purpose

Sydney Water (we, our, us) supplies safe drinking water, recycled water, wastewater and some stormwater services to our valued customers. We expect those delivering infrastructure and services on behalf of developers to reflect high ethical standards to meet community demands and maintain trust. Ethics is about doing the right thing and is associated with upholding principles of integrity, fairness and honesty. Personal values can differ between individuals, but the community expects us to act in the public interest when making decisions and delivering services.

Our Code of Business Ethics for Listed Providers (the Code) sets out our expectations for listed providers to promote and maintain ethical conduct in their dealings with us, developers and the community.

### 1.1 Listed providers

Under our Listed Provider Scheme, listed providers are companies that are pre-approved by us and can be engaged by developers to construct new, connect to, modify, or work within a zone of influence of, our assets. Listed providers include:

- Major constructors
- Minor constructors
- Field testers
- Service protection reporters
- Drillers
- Water Servicing Coordinators.

To maintain their listing, listed providers are required, as a minimum, to meet and maintain a set of [Mandatory Criteria](#), including conforming to the Code.

## 2. Scope

We have zero tolerance for unethical, fraudulent behaviour and corrupt conduct.

The Code applies to all listed providers and any individual or company subcontracted by a listed provider to construct new, connect to, modify, or work within a zone of influence of, our assets.

Failure to meet the [Mandatory Criteria](#), including this Code, can result in a Non-compliance Notice being issued. Non-compliance with this Code will be managed under the [Listed Provider Scheme Management Policy](#) or the Water Servicing Coordinator Contract.

## 3. Objectives

The Code:

- a. Outlines our expectations for listed providers in maintaining an ethical culture, including in decision making.
- b. Provides confidence to developers and the community that they can expect fairness, respect and ethical behaviour when dealing with listed providers.

## 4. Ethical Conduct Principles

### 4.1 Accountability and Transparency

We operate in a transparent and ethical manner with our customers and the community.

As listed providers are authorised by us and listed on our website for engagement by developers to work on our assets for the developer, listed providers are expected to be accountable for Sydney Water-related works and carry out dealings and decision-making in a transparent manner. Expectations include:

- Behave honestly, safely and in an environmentally responsible manner
- Deliver quality and value for money in meeting the needs of our customers and the community
- Promote transparency in sharing appropriate information
- Always operate within the law, ensure our relevant policies, procedures and standards are complied with, and follow lawful and reasonable instructions
- Not deliberately mislead or deceive a developer. This may include, but is not limited to, misrepresenting the scope of our services the listed provider is authorised to provide, claiming to work or represent us, making false claims when advertising listed provider services, or concealing information regarding process, quality, timing, scope, completion or cost of service
- Not engage in any deceptive conduct with a developer or with us. This may include, but is not limited to, fabricating or falsifying documents or test reports, deliberate exclusions from quotes to appear more competitive, substandard or poor quality of work, or making claims for payment for work that was not undertaken or is incomplete
- Safeguard and not misuse any of our assets, resources and information
- Keep appropriate records
- Report any misconduct or malpractice in line with the [Reporting](#) section of this Code.

### 4.2 Community, Customer and Stakeholder Engagement

We are committed to developing effective relationships with the community. We recognise and value the importance of maintaining the mutual respect of, and working constructively with, listed providers to carry out a critical role together for the community.

When listed providers engage with developers, the public, our employees or any individual working on a Sydney Water job, they must:

- Be respectful and fair in their dealings
- Be sensitive to public concerns or issues
- Provide honest, accurate and complete information
- Not use threats, insults, intimidation, harassment, violence or bullying
- Not engage in conduct that could be considered as abuse or any type of discrimination
- Not engage in conduct that might result in a breach by us of the Sydney Water Act.

### 4.3 Gifts, benefits and bribes

Listed providers must not:

- offer, promise or give (either directly or indirectly) any gift, benefit or other advantage to any of our employees which could be perceived as a bribe or gift to influence, or could compromise the recipient, create a sense of obligation or embarrass us. This includes not giving cash or cash equivalents of any amount.
- solicit, seek or accept any inducements to act inappropriately.

### 4.4 Contractual Disputes

Listed providers are engaged directly by developers. As we are not a party to these contracts, we will not become involved in resolving a contractual dispute (e.g. payment disputes that may arise between a listed provider and a developer). Listed providers must manage their contractual arrangement with developers and must take prompt and appropriate action to resolve disputes.

If developers repeatedly complain to us about contractual disputes with a specific Listed Provider not being resolved promptly, we may issue a Non-Compliance Notice to that Listed Provider.

Like any contractual dispute, listed providers can seek to resolve such disputes by other means such as mediation or court action.

### 4.5 Use of Information, Intellectual Property and Trademarks

Listed providers must maintain confidentiality over private and sensitive information and any Sydney Water intellectual property, including, but not limited to, documents and processes. Listed providers must take appropriate measures to ensure parties that are not authorised to view or use the information or intellectual property do not have access to it.

We retain the rights to our intellectual property rights and listed providers must not infringe on them.

Listed providers are not authorised to use our trademarks or name without our prior written approval. This includes, but is not limited to, advertising materials, website and company vehicles.

## 4.6 Conflicts of Interest

A conflict of interest is a private or personal interest that could, or that could be seen to, improperly influence a listed provider's responsibilities under our Listed Provider Scheme or the [Listed Provider Scheme Management Policy](#).

Listed providers must take timely steps to avoid or effectively manage any actual, perceived or potential conflict of interest.

## 4.7 Reporting

We take complaints seriously.

Listed providers are to promptly report any suspected fraud, corrupt or improper conduct or malpractice.

Reports can be made to:

- providerservices@sydneywater.com.au
- corruptionreporting@sydneywater.com.au
- the independent "Faircall" Hotline on 1800-500-965 (reports can be made anonymously)

All reports are treated confidentially.

## 5. Definitions

Term	Definition
Act	The <i>Sydney Water Act 1994 (NSW)</i> and any regulations in force under it.
Asset	A physical facility that supports or enables service provision and which has economic value to Sydney Water.
Developer	A person who has been given an approval as defined in Division 9 of the Sydney Water Act.
Intellectual Property Rights	Any and all intellectual property rights being all rights conferred under statute, common law and equity, including those in and in relation to inventions, patents, designs, copyright, registered and unregistered trademarks, trade names, brands, logos, circuit layouts and confidential information and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic field or other protected right.
Listed Providers	Listed provider is a person or company approved by Sydney Water to undertake works for Developer customers to construct new, connect to, modify or work in the zone of influence of Sydney Water Assets. Listed providers include Water Servicing Coordinators, Major Constructors, Minor Constructors, Drillers, Field Testers and Service Protection Reporters. Current listed providers are listed on the <a href="#">Sydney Water website</a> .
Listed Provider Scheme	Sydney Water's Listed Provider Scheme, which is established under Section 5(3) of the Sydney Water Act 1994 (NSW). Under the Scheme, the categories of listed providers who can be engaged by developers to construct, modify or protect our Assets are listed.
Listed Provider Scheme Management Policy	The policy available on the <a href="#">Sydney water website</a> .
Mandatory Criteria	Criteria specified on the Sydney Water website under the headings <a href="#">Listed providers (sydneywater.com.au)</a> and <a href="#">Maintaining your listing (sydneywater.com.au)</a> as updated from time to time
Non-Compliance Notice	A notice issued by Sydney Water to a listed provider that Sydney Water has identified a non-compliance of the listed provider with the mandatory criteria (see the Listed Provider Scheme Management Policy)
Water Servicing Coordinator	Water Servicing Coordinators act as an interface between the developer, Sydney Water and listed providers, who are involved in the delivery of water, wastewater, recycled water and stormwater services for property development and infrastructure projects.
Water Servicing Coordinator Contract or WSC Contract	A contract that is in place between Sydney Water and a Water Servicing Coordinator.

## 6. Context

### References

Document type	Title
Compliance obligations	Sydney Water Act 1994 <a href="#">Mandatory Criteria</a> , WSC Contract
Policies and procedures	<a href="#">Listed Provider Scheme Management Policy</a>