



# **Stevedore Licensing and Ring Fencing Policy**

## DOCUMENT CONTROL

Version Number	Description	Reviewed by	Approved by	Revision Date	Issue Date
01	New document	CEO	Board on 21/02/2019	06/02/2019	13/06/2019

## TABLE OF CONTENTS

DOCUMENT CONTROL .....	2
1. OBJECTIVE .....	4
2. SCOPE.....	4
3. EFFECTIVE DATE .....	4
4. POLICY STATEMENT.....	4
5. RESPONSIBILITIES.....	5
6. PROCEDURE .....	5
7. DEFINITIONS.....	5
8. RELATED LEGISLATION AND DOCUMENTS .....	5

## 1. OBJECTIVE

Southern Ports takes its obligation to comply with those laws and regulations relevant to its business seriously (including its obligations under competition law as set out in the *Competition and Consumer Act 2010* (Cth)).

This Policy helps ensure that Southern Ports' conduct does not substantially lessen competition in the market for stevedoring services at Esperance Port. It does this by outlining Southern Ports':

- a) approach to exercising its statutory power to issue and monitor licences for the provision of stevedoring services (**Licensing Power**); and
- b) commitment to measures to assist in the appropriate separation of the exercise of its Licensing Power, and to itself provide stevedoring services, at Esperance Port.

In the event that Southern Ports sought to provide stevedoring services at Albany Port or Bunbury Port, a similar policy would be introduced at those ports.

## 2. SCOPE

This Policy applies to Southern Ports and its directors and employees.

## 3. EFFECTIVE DATE

This Policy is effective from 13 June 2019.

## 4. POLICY STATEMENT

Southern Ports is committed to:

- its conduct not substantially lessening competition in the market for stevedoring services at Esperance Port by way of the following;
  - generally speaking (that is, without fettering the proper exercise of its statutory discretions):
    - issuing a stevedoring services licence to any appropriately qualified and experienced stevedore services provider that a licensed Esperance Port user may wish to use for its product and/or that may wish to offer its stevedoring services to licensed Esperance Port users; and
    - monitoring the provision of stevedoring services to licensed Esperance Port users in a consistent manner, whether provided by a third party stevedore services provider or by itself; and
  - implementing and maintaining measures to assist in the appropriate separation of the exercise of its Licensing Power, and to itself providing stevedoring services, at Esperance Port;
- complying with all applicable legislation;
- making this Policy and the related procedure available to all employees of Southern Ports and interested third parties, including third party stevedoring services providers;
- periodically reviewing this Policy; and
- ensuring this Policy and the procedure is displayed, communicated and implemented.

## 5. RESPONSIBILITIES

The CEO, GM - Commercial & Legal, the GM - Esperance Port, and delegated staff members are responsible for ensuring Southern Ports' compliance with this Policy. The CEO is responsible for ensuring this Policy is effectively communicated to all Southern Ports staff.

## 6. REVIEW OF POLICY

A review of the effectiveness and relevance of this Policy will be conducted every second year on the anniversary of the Effective Date (unless there is a major legislative change or other material matter that necessitates an earlier review in the opinion of the CEO or the GM – Commercial & Legal).

## 7. PROCEDURE

Various procedures have been implemented by Southern Ports to facilitate the implementation of this Policy. Further details are contained in the Procedure.

## 8. DEFINITIONS

<b>Act</b>	means the <i>Port Authorities Act 1999 (WA)</i> .
<b>Board</b>	has the meaning given to the term "Board" under section 3 of the Act.
<b>CEO</b>	means the Chief Executive Officer of Southern Ports appointed by the Board in accordance with section 14(2) of the Act and approved by the Minister for Transport in accordance with section 14(3) of the Act, from time to time.
<b>Effective Date</b>	means the effective date of this Policy as set out in section 3 of this Policy.
<b>GM</b>	means a General Manager of Southern Ports appointed from time to time.
<b>Procedure</b>	means Southern Ports' "Stevedore Licensing and Ring Fencing Procedure".
<b>Regulations</b>	means the <i>Port Authorities Regulations 2001 (WA)</i> .
<b>Southern Ports</b>	means Southern Ports Authority ABN 30 044 341 250.

## 9. RELATED LEGISLATION AND DOCUMENTS

The applying legislation and documents include, but are not limited to the following:

- *Port Authorities Act 1999 (WA)*
- *Port Authorities Regulations 2001 (WA)*
- *Competition and Consumer Act 2010 (Cth)*

Approved by the Board at the Board meeting held on 21 February 2019.



Chair



Chief Executive Officer