

**AUSTRALIAN MARINE COMPLEX  
COMMON USER FACILITY**

**USER ACCESS  
MANAGEMENT PLAN**

P - AM

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### 1.0 POLICY OVERVIEW

The Facility Manager (FM) for the Australian Marine Complex – Common User Facility (AMC-CUF) will manage, operate, market and maintain the AMC-CUF as a first class fabrication, assembly and load-out facility for Western Australian industry, at competitive rates. All parties will have equal access to the facility, with standard and transparent terms, providing they satisfy minimum health, safety, environment and people management standards. When it is necessary to prioritise access amongst different parties the Facility Manager will make decisions on the basis of the stated objectives of the State of Western Australia.

### 2.0 PURPOSE

This Management Plan has been prepared for use by the FM in its role of maximising the use of the AMC-CUF for work that brings economic benefit to Western Australia. The function of the Plan is to: -

- reiterate Government of WA objectives for the use of the AMC-CUF, which will form the foundation of decision making regarding facility usage;
- define commercial terms for the use of the facility;
- define the role of the FM in relation to User access;
- state the access policy, particularly regarding minimum standards for User access;
- describe procedures for evaluating requests to use the AMC-CUF; and
- state the policy for determining access priority.

### 3.0 DEFINITIONS

Refer to WI-IMS-01 – Definitions and acronyms

### 4.0 REFERENCE DOCUMENTS

P-IR	Employee Relations Policy
UA – CUF	User Agreement
UA – M&D	User / Service Agreement for FD&TS
WI-AM-01	Facility Rules - User
WI-CP-LS-001	Standard Schedule of Rates (SSOR)
WI-AM-004	User Enquiry, Application, Review and Approval Process
WI-AM-005	Evaluation of User OHSE & ER Plans
WI-AM-006	Management of Users
BDU-403	User Conflict Decision Flowchart

## **5.0 OBJECTIVES**

The AMC-CUF has been established with the following objectives and operating principles, to:-

- provide an internationally competitive facility for repair, fabrication, assembly and maintenance activities;
- provide effective, fair and equitable third-party access, with no conflict of interest between the FM and existing and potential users;
- attract investment to the State;
- to generate the greatest economic benefit to the State;
- generate local business and employment and broad community support;
- foster local content in fabrication and maintenance;
- provide flexibility in adapting to changing User needs and co-operative business development;
- promote best industry practice in operation and maintenance, safety compliance, environmental management and improvements & innovation; and
- ensure transparency/accountability of decision making.

In order to achieve these objectives, the common-user nature of the facilities must be recognized and accepted by all stakeholders. This generates both expectations and obligations on the FM and Users. It is the purpose of this Plan to clarify these obligations and expectations.

## **6.0 DELEGATED AUTHORITY OF THE MANAGER**

### **6.1 AGENT OF LANDCORP**

LandCorp has engaged the FM as its agent to manage, operate, market and maintain the AMC-CUF including the Floating Dock and SPMT's.

### **6.2 MANAGER'S ROLE**

The FM shall manage in accordance with LandCorp's objectives. The FM must:

- optimise the availability of the facilities to Users;
- provide technical and operational advice and inductions to User management regarding the use of the AMC-CUF, including compliance with the safety and environmental procedures set out in the Integrated Management System;

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- manage leases (User Agreements) of the AMC-CUF (between LandCorp and Users), including compliance with the terms of the leases, as directed by LandCorp from time to time
- maintain the AMC-CUF and the FM's Assets in good working order and condition
- promote the use of the facility; and
- promote local content, local business growth and state government policies in general.

### 6.3 NO CONFLICT OF INTEREST

Because the FM has expertise in the business activity for which the AMC-CUF has been conceived, processes have been put in place to ensure that no conflict of interest between the FM and a Potential User or User goes unidentified and unmanaged. Refer to WI-CP-FC-004 Dealing with FM Conflict of Interest.

## 7.0 ACCESS PRINCIPLES

### 7.1 AMC-CUF – ACCESS POLICY

The AMC-CUF has been funded by state and federal governments, with the intention of promoting business development in Western Australia.

The name, AMC-CUF, is significant. A major policy of the two governments is that all parties have access to the AMC-CUF under the same terms. It is the responsibility of the FM to implement this policy.

When specific facilities are requested by more than one Potential User, conflicts will be resolved against a background of the overarching government objectives. See

### 7.2 MINIMUM STANDARDS

To obtain access to the AMC-CUF, parties will need to demonstrate that they have the management ability and systems to meet minimum health, safety, environment and employee management requirements. Documentation of systems and capabilities will be required. Government requires that operations at the AMC-CUF are acceptable to the overall community. Refer to BDU-403 for the User Conflict Decision Flowchart.

In general, it is expected that the standards required to pre-qualify for and win work for major resource companies in Western Australia will meet AMC-CUF requirements.

The level and sophistication required of management systems and associated documentation will vary depending on the nature of the activity. For example, a one hour use of a wharf to transfer a simple load will required a different level of support to a 6 month operation using all facilities with 200 people working a 24 hour shift or merely the storage of project material.

The FM will determine the level of planning and documentation required. However, the following provides an indication of likely requirements for a long term operation (more than a month). The User Access evaluation and approval process is detailed in WI-AM-004.

### **7.2.1 Occupational Health and Safety (OHS)**

The FM will provide the User with OHS information related to the site, such as emergency response systems, communication processes, induction requirements, general house keeping and procedures for interfacing with other Users (Reference document WI-AM-001 Facility Rules for User).

At the time of application for AMC-CUF access, parties must be able to demonstrate to the FM that they have an acceptable OHS management system in place and are capable of applying their OHS management systems to operations at the AMC-CUF.

Prior to mobilisation onto the Facility, the User will present to the FM for review and approval an OHS management plan that shows how the User will manage OHS while on the site. (Reference document WI-AM-005)

### **7.2.2 Environmental Control**

The FM will provide the User with environmental information related to the site, providing details of matters such as waste disposal, drainage, emergency responses, Cockburn Sound sensitivities, needs of neighbouring industries, etc (Reference document WI-AM-001 Facility Rules for User).

At the time of application for CUF access, the User will need to demonstrate to the FM that it has an understanding of the different environmental issues and regulations that AMC-CUF activities must operate within, and has environmental management systems sufficient to meet all environmental requirements on site.

Prior to mobilisation onto the Facility the User will provide the FM with an environmental management plan for their proposed AMC-CUF activity, for review and approval. (Reference document WI-AM-005)

### **7.2.3 Employee Relations Management**

The FM will provide the User with the AMC-CUF Employee Relations Management Policy and Procedures for acceptance of Users Employee Relations Management Plan (Reference document P-IR).

Prior to acceptance of an Application for AMC-CUF access, a User must present to the FM an acceptable Employee Relations Management Plan (ERMP). The FM will determine if the ERMP is acceptable. As a minimum, all ERMP's must comply with Western Australian state law or Federal law, as appropriate and must satisfy the minimum terms and conditions as laid out in the reference document P-IR.

The FM will conduct periodic meetings with Users currently on-site. All Users are expected to attend these meetings and contribute in a cooperative manner.

### **7.2.4 Training**

All Users are obligated to provide appropriate induction training programmes to their staff and contractors for access to the AMC-CUF. The programmes must comply with State and Commonwealth training policies. The obligations will be discussed with the potential User during negotiations.

### **7.2.5 User's Management Capability**

The FM may require the User to demonstrate how their management structure will ensure that they will meet the scheduled obligations of their lease. Should the ability of the User to vacate the AMC-CUF on the specified date be in doubt due to past performance, project uncertainties or any other reason, this should be brought to the attention of the FM. The impact on other Users will be assessed prior to approving an application. In some cases liquidated damages provisions may be included in the User Agreement to reinforce the importance of significance of a schedule overrun.

### **7.2.6 Financial Performance**

The FM may require that an application to use the AMC-CUF is accompanied by financial data, to show that the Potential User has the financial resources and support to satisfy its AMC-CUF commitment.

## **7.3 TERMS AND CONDITIONS FOR USE**

As a Government owned Facility, it is the intention that all users for a particular project will have access to the site on the same terms and conditions. The FM may choose to vary the terms and conditions to encourage a specific project, but any terms will be available to all parties interested in that particular project.

## **7.4 APPLICATION PROCESS**

### **7.4.1 Facility Evaluation and Initial Application.**

The FM Business Unit Managers and other FM staff are available to provide interested parties with site tours and information about the facility, to provide planning advice on issues such as facility availability, and to assist in a general business development role.

After initial exploratory discussions, it is expected that Potential Users will document their requirements formally.

### **7.4.2 Initial Priority**

Should there be conflict between one or more Users for specific areas or assets within AMC-CUF, whether they are the Floating Dock, wharves, fabrication hall or any other assets, the FM will discuss requirements with Users and Potential Users to see if the conflict can be resolved and the needs of all parties met. Should it not be possible to meet the needs of all parties, AMC-CUF FM will determine priorities and allocate resources in what it considers to be the best interests of the State of Western Australia. The FM shall prepare a recommendation and obtain LandCorp's approval before rejecting one User application in favour of another. The recommendation will address LandCorp's objectives and, if appropriate, rate

User applications against these. The procedure for evaluating User access is detailed in WI-AM-004.

### **7.4.3 Initial Deposit**

At the time of AMC-CUF access acceptance, the User may be required to make a non-refundable deposit equivalent to 20% (or as otherwise agreed) of the estimated total fee for use of the AMC-CUF for their project. The deposit is to be paid to an account designated by the FM within 7 days of access acceptance.

For minor, short duration projects, or at times when there is limited competition for facilities, the FM has the discretion to waive the requirement for this deposit.

### **7.4.4 Conditional Applications and Deposits**

Parties may make an application to use the AMC-CUF for a project which is still at the bidding stage. It is possible that more than one party will make an application to use the AMC-CUF for that same project. Thus, more than one bidder may place a deposit on AMC-CUF space in anticipation of winning a contract and using the facility.

The FM will advise Potential Users if the AMC-CUF is available at the time the access application is made, but will not provide unconditional acceptance of an application until the project requiring the AMC-CUF has been formally awarded to the Potential User.

Thus, it will not be possible for a single Potential User to secure all or part of the AMC-CUF for a potential project, preventing other Potential Users from bidding for that same project. This applies whether or not a deposit has been paid.

### **7.4.5 Commitment Schedule and Prioritisation**

At the time of application for access, the User will specify the AMC-CUF resources required and the corresponding schedule. It will need to commit to making use of these resources and for the specified duration as a minimum.

If an access application has been accepted and the User wishes to broaden the AMC-CUF facilities it intends using or extend the intended duration of its operation, the FM will use its best endeavours to comply with the User's new requirements. However, the FM will continue to allocate resources between all parties in the manner it considers to be in the best interest of the State of Western Australia.

### **7.4.6 Dispute Resolution**

From time to time a Potential User may feel that the FM's treatment of their health, safety, environment, employee management plans or commercial terms are unreasonable. Similarly it may dispute the basis of the FM's prioritisation of competing User demands. Should a Potential User feel that the FM has been unreasonable in its evaluation and decision in relation to a particular application, it may notify the FM of this in writing. If it considers that the FM's response is not acceptable, it may notify LandCorp in writing and put forward a case for an application or decision to be reconsidered.

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Similarly, if during User operation at the AMC-CUF, the User finds itself in dispute with the FM, the User may choose to raise the differences with LandCorp, but only after advising the FM in writing of its intention to do so.

### 7.4.7 Confidentiality

As part of its role, the FM will from time to time have access to information relating to various User and Potential User's bid strategies and other commercial details. The FM must ensure that a User's specific request is treated confidentially. This will apply in particular where more than one Potential User is bidding for the same project.

Details of all access applications will be kept confidential by the FM.

### 7.4.8 Conflict of Interest

Where a member of the FM feels that there is the potential for a perceived conflict of interest in the application process, there is an internal FM process that will bring the matter to the attention of LandCorp and ensure that the matter is dealt with appropriately.

## 8.0 ATTACHMENTS

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Attachment 1. States Objectives (State of Western Australia)

Attachment 1

States Objectives

The State's objectives for the CUF are given below. Those highlighted apply particularly to features of the project for which the User is applying to lease facilities.

- provide internationally competitive fabrication, assembly, and maintenance facilities
- provide effective, fair and equitable third-party access, independence and no conflict of interest between the FM and existing and potential users
- **attract investment to the State**
- **work to generate the greatest economic benefit to the State**
- **generate local business and employment and broad community support**
- **foster local content in fabrication and maintenance**
- provide flexibility in adapting to changing User needs and co-operative business development
- ensure Best Industry Practice in operation and maintenance, safety compliance, environmental management and improvements & innovation, and
- ensure transparency/accountability of decision making.

The key elements of a recommendation, which under certain circumstances will require ratification by LandCorp therefore include: -

Element	Assessment	Level of Compliance		
		High	Medium	Low
Attract investment to the State	Extent of project that would be (or is being) performed in WA anyway			
Maximise Economic Benefit to the State	Significant size and WA location of project.			
	Likelihood of extensions to or developments from project			
Local Content	Stated and likely levels			