

# AUSTRALIAN MARINE COMPLEX COMMON USER FACILITY

## ACCESS MANUAL

Prepared by:

AMC Management (WA) Pty Ltd  
124 Quill Way  
HENDERSON WA 6166

Prepared by:

Approved by:

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\_\_\_\_\_

Jonathan Smith  
Business Development Manager

Richard Clark  
General Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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## 1.0 Policy Overview

As Facility Manager (FM) for the Australian Marine Complex – Common User Facility (AMC-CUF), AMC Management (WA) Pty Ltd will provide 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, AMC Management (WA) Pty Ltd will make decisions on the basis of the stated objectives of the State of Western Australia.

## 2.0 Outline of Manual

This manual has been prepared for use by Facility Management (FM) personnel in their role of maximising the use of the AMC-CUF for work that brings economic benefit to Western Australia. The function of the manual 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

### 3.1 Facility Manager (FM)

AMC Management, the company contracted to manage the AMC-CUF.

### 3.2 Land Corp

An agency of the Western Australian State Government which is the “owner” of the AMC-CUF and which has contracted the FM..

### 3.3 User

A party that has had a User Agreement to use the AMC-CUF approved. Its AMC-CUF operations may or may not have already commenced.

### 3.5 Potential User

A company, entity or individual, which has an interest in making use of the AMC-CUF.

### 3.6 Integrated Management System

The management system implemented and maintained by the FM for the purpose of managing the AMC-CUF.

## 4.0 Reference Documents

- A. P-OHSP Occupational Health and Safety Plan
- B. P-EMP Environmental Plan
- C. P-IR Employee Relations Plans & Policy

## 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 manual to clarify these obligations and expectations.

## 6.0 Delegated Authority of Manager

### 6.1 Agent of LandCorp

LandCorp has engaged AMC Management (WA) Pty Ltd (the FM) as its agent to manage, operate, market and maintain the AMC-CUF.

### 6.2 Manager's Role

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

- optimising the availability of the facilities to Users;
- providing 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;

- managing leases (User Agreements) of the AMC-CUF (between the Principal and Users), including compliance with the terms of the leases, as directed by the Principal from time to time
- maintaining the AMC-CUF and the FM's Assets in good working order and condition;
- promoting the use of the facility; and
- promoting 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.

## **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.

### **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.

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 require a different level of support to a 6 month operation using all facilities with 200 people working a 24 hour shift.

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).

#### **7.2.1 Occupational Health and Safety (OH & S)**

The FM will provide the User with OH & S 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 A).

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

One month before User operations commence or at a time acceptable to the FM, the User will present to the FM, for review and approval, an OH & S management plan that shows how the User will manage OH & S while on the site.

### **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 B).

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.

One month before User operations commence or at a time acceptable to the FM, the User will provide the FM with an environmental management plan for their proposed AMC-CUF activity, for review and approval.

### **7.2.3 Employee Management**

Prior to acceptance of an Application for AMC-CUF access, a User must present to the FM an acceptable Employee Relations Management Plan.

The FM will determine if an ERMP is acceptable. However, 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 C).

The FM will conduct periodic Employee Relations Management Meetings between 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 with 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 potential 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, Including Schedule of Rates.**

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. Attachment 1 provides a Standard Schedule of Rates (SSOR) for the AMC-CUF. Attachment 2 provides Lease Agreement Standard Terms and Conditions for use of the site.

### **7.4 Application Process**

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

The FM Business Development Manager 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 be wharfs, 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 Principal's approval before rejecting one User application in favour of another. The recommendation will address the Principal's objectives and, if appropriate, rate User applications against these. The decision flowchart and State's Objectives are given in the attachment 3.

#### **7.4.3 Initial Deposit**

At the time of AMC-CUF Access Acceptance, the User will 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 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 unallotted 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 the Principal in writing and put forward a case for an application or decision to be reconsidered.

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 the Principal, 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.

## **7.5 ATTACHMENTS**

- 7.5.1 Attachment 1. AMC - CUF User Agreement terms/conditions and Standard Schedule Of Rates (SSOR)**
- 7.5.2 Attachment 2. Decision Flowchart & States Objectives**