



SOUTHERN PORTS AUTHORITY

Port of Esperance

**SOUTHERN PORTS AUTHORITY,
PORT OF ESPERANCE (SPA PoE) -
PORT CONSULTATIVE COMMITTEE**

CHARTER

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This Charter establishes the role, function, responsibilities and authority of the Southern Ports Authority, Port of Esperance (SPA PoE)'s Port Consultative Committee (SPA PoE PCC).

1. BACKGROUND

In August 2000, the Esperance Port Authority (EspPA) established the Port Development Consultative Committee (PDCC) to proactively assist EspPA address Esperance community issues associated with port operations and port development, such as the 2000/01 Port Upgrade. The PDCC operated until November 2007.

In December 2007, EspPA established the Port Consultative Committee (PCC) to provide a consultation mechanism between the Port and the Esperance community. The PCC operated until September 2014.

On 1 October 2014, the Ports of Bunbury, Albany and Esperance amalgamated into the Southern Ports Authority (SPA), necessitating the establishment of new Port Consultative Committees at each of the three Ports.

2. ROLE AND RESPONSIBILITIES

The SPA PoE PCC has been established for the purpose of promoting and facilitating communication, information sharing and consultation between the SPA PoE and members of the public (Esperance community) who are or may be affected by port operations and developments.

SPA PoE shall ensure that SPA PoE PCC is consulted on any new or proposed material intended to be imported or exported through the Port of Esperance.

Members of the SPA PoE PCC shall ensure that:

1. Confidentiality of information provided to the SPA PoE PCC by SPA PoE, and/or the Port's existing or potential customers who may be invited to present to the SPA PoE PCC, is maintained; and
2. Information provided by the SPA PoE to Delegates (or Deputy Delegates) appointed nominated by SPA PoE PCC Members is accurately relayed to their respective Organisation(s) in a timely manner. In this respect each Member Organisation and their Delegate(s) are required to comply with Item 2.1 above.

3. TERMS OF REFERENCE

The SPA PoE, through the SPA PoE PCC, will:

1. Identify and engage with individuals and groups with an interest in the Port of Esperance and SPA PoE's operations to ensure that they have adequate opportunities to contribute to the liaison process;
2. Provide regular feedback to the community;

The SPA PoE PCC will:

3. Provide advice to SPA PoE on effective mechanisms for communication and consultation with interested groups including residential, non-residential, business, government and special interest groups;

4. Advise SPA PoE on its management plans of the current and future development;
5. Identify potential positive and negative social, economic and environmental impacts of the Port of Esperance and advise on appropriate monitoring, mitigation and management strategies implemented by SPA PoE;
6. Advise SPA PoE on their monitoring, mitigation and management strategies;
7. Provide regular feedback and advice to SPA PoE;
8. Contribute, through its activities, to the development of resilient, capable and vital communities that are able to meet the challenges of rapidly changing social, economic and environmental circumstances;
9. Discuss methods of dissemination of information from the SPA PoE to the community and provide advice accordingly. This will include dissemination of information on environmental audits and monitoring data. The methods of dissemination of information will include public meetings, the media and publication on the SPA PoE's website;
10. Provide advice to the SPA PoE on any proposal which is, or will be, the subject of a Community Consultation process; and
11. Consider other matters of interest as determined by the SPA PoE PCC.

4. MEMBERSHIP

The SPA PoE PCC will have up to a maximum of 12 Members.

The SPA PoE PCC may invite other persons (not considered to be Members) to attend meetings as considered appropriate for matters under discussion, including Project Proponents, Consultants and Government Agencies such as the Department of Environment Regulation.

Membership of the SPA PoE PCC will be ratified by the SPA Board of Directors.

An independent Chairman and Deputy Chair will be appointed to the SPA PoE PCC on an annual basis and these positions are to be endorsed by the SPA Board of Directors;

The Chairman cannot have been employed or contracted by SPA in the previous two years of their appointment.

Member Organisations shall nominate a Delegate (and Deputy Delegate) to represent their Group;

The Membership of the SPA PoE PCC shall include the following:

1. Representatives from SPA PoE which shall include, but not be limited to the following:
 - a. SPA PoE General Manager Port;
 - b. SPA PoE Environmental Manager; and
 - c. SPA PoE Executive Officer (*Secretarial*)

The SPA Chief Executive Officer and/or SPA Directors may attend SPA PoE PCC meetings from time to time.

2. One representative (Delegate) from the following Community Groups (or their Deputy) as nominated by their relevant Organisation:
 - a. Esperance Chamber of Commerce and Industry;
 - b. Goldfields Esperance Development Commission;
 - c. Tourism Esperance;
 - d. Western Australian Farmers Federation;
 - e. Local Environmental Action Forum (LEAF);
 - f. Locals for Esperance Development (LED);
3. The Chief Executive Officer (or a Senior Delegate) and a Shire Councillor from the Shire of Esperance;
4. Any locally elected Member from State or Federal Parliament (or their nominated representative) shall be entitled to attend, including the Member for Eyre and the Member for the Mining & Pastoral Region; and
5. To ensure that a cross section of community/organisations participate in the SPA PoE PCC, up to two (2) other Community representatives may be elected.
 - a. An initial call will be made for nominations to the SPA PoE PCC for these two (2) positions, for a term of two years;
 - b. Members will be chosen by a Selection Committee comprising of two SPA Directors, the SPA Chief Executive Officer and the SPA PoE General Manager Port;
 - c. Membership candidates will be assessed to ensure no conflict of interest with the SPA PoE or SPA will exist;
 - d. A call for nominations for positions made vacant by expiry of terms on the SPA PoE PCC will be issued in the month of February of the relevant year;
 - e. Existing Members interested in remaining on the SPA PoE PCC will be eligible to re-nominate.

5. MEDIA

1. Members of the Media shall not attend meetings of the SPA PoE PCC.
2. Statements to the media on behalf of the SPA PoE PCC and its Members will only be made through the Chairman.
3. SPA PoE may include reference to the SPA PoE PCC and its Members (including Member profiles), items raised at these meetings and frequency of meetings held in

SPA PoE publications and media releases. This information may also be provided to Government as and when required.

4. QUORUM

A quorum shall be 50 per cent of the Membership plus one. Members are required to attend at least 75 per cent of meetings per year.

5. SECRETARY

The SPA PoE Executive Officer will provide secretarial/administrative support to the SPA PoE PCC.

The SPA PoE Executive Officer, in conjunction with the SPA PoE General Manager Port and independent Chairman, shall draw up an agenda which will be circulated to the members of the SPA PoE PCC at least five (5) working days prior to each meeting.

6. MEETINGS

There are to be at least four (4) meetings each year.

7. MINUTES

Minutes are to be prepared for each SPA PoE PCC meeting. The draft minutes are to be reviewed by the SPA PoE PCC Chairman and circulated to all SPA PoE PCC Members as soon as practicable but no later than ten (10) working days after the meeting.

The minutes can be confirmed via circular resolution out of session and affirmed at the next meeting of the SPA PoE PCC.

Confidential matters or those of a sensitive nature may be recorded, but not circulated to SPA PoE PCC Members. The SPA PoE General Manager Port determines whether matters considered at the meeting are confidential or of a sensitive nature, and thereby excluded (redacted) from the minutes circulated to the SPA PoE PCC members.

Once the minutes have been confirmed via circular resolution a full copy of the minutes is to be included in the papers of the next SPA Board of Directors' meeting. This process is designed to reduce delays in information being passed on to the SPA Board of Directors.

The SPA PoE Executive Officer and SPA Company Secretary will maintain a full copy of the minutes.

8. AUTHORITY

The SPA PoE PCC has been established for the Port of Esperance in accordance with the requirement of Section 14A of the Port Authorities Act 1999 and the Ports Legislation Amendment Act 2014 (Acts).

However, the SPA PoE PCC is not a statutory committee established under these Acts and as such has no executive powers to direct the SPA Board of Directors, SPA Executive Management or SPA PoE Executive Management.

9. SCOPE AND ACTIVITIES

The SPA PoE PCC will:

- Facilitate good community relations and engagement between the SPA PoE and the Esperance community;
- Provide a two-way vehicle for communication, engagement and consultation with the SPA PoE and representation from the Esperance community to the Port; and
- Contribute to the sustainable growth and development of the Port and, therefore the Esperance region.

Approved by:



SPA PoE General Manager Port

28/12/2016

Dated



SPA Chief Executive Officer

28/12/2016

Dated



SPA Chairman
(on behalf of the SPA Board of Directors)

17/01/2017

Dated