

# Guidelines for the Issue of Harbour Towing Licences by Port Government Owned Corporations

# 1.0 Guidelines

1. Government-owned Corporation (GOC) port authorities will consult with the portfolio Minister before commencing any process which may lead to the issuing, granting, renewal of or entering into any licence, approval, contract or service arrangements with any person or body corporate for the provision of towage services within its port.
2. Port authorities will consider the following matters prior to commencing the process:
  - (a) all relevant legislation, State policies and any applicable GOC guidelines. This includes, but is not limited to, the following:
    - i. *Transport Infrastructure Act 1994*;
    - ii. *Government Owned Corporations Act 1993*;
    - iii. *Maritime Safety Queensland Act 2002*;
    - iv. Code of Practice for Government Owned Corporations' Financial Arrangements (The Code); and
    - v. The Queensland Procurement Policy 2019.
  - (b) the impacts on port users and other relevant stakeholders, including the employees of the incumbent provider of towage services at the port;
  - (c) the net benefits of the proposed arrangements including the consideration of longer term issues such as continuity of towage services, efficiency of the tug fleet and whether the operating arrangements are consistent with the ongoing safety of towage and port operations;
  - (d) the transitional arrangements which the port authority intends to implement to ensure that the risks relating to the provision of towage services or the safety of the port operations within the port are minimised;
  - (e) the process which the port authority intends to follow before issuing, granting, renewing of or entering into any licence, contract or service arrangement, including, the measures to be taken by the port authority to ensure the probity of the proposed process including the possibility of appointing a probity officer;
  - (f) if the port authority intends on granting an exclusive licence, contract or service agreement, it shall seek a letter of support or other documentation from the Australian Competition and Consumer Commission (ACCC) which indicates that the ACCC are not opposed to the licence, contract or service agreement being of an exclusive nature; and
  - (g) any other matters which the portfolio Minister has deemed to be in the public interest and has notified the port authority.
3. As part of the consultation process with the portfolio Minister in terms of paragraph 1 above, port authorities will provide written material addressing the matters set out in paragraphs 2(b); 2(c); 2(d); 2(e); and 2(f) above.
4. The port authority shall not commence the process it intends to follow for issuing, granting, renewing of or entering into any licence, contract or service arrangement until the portfolio Minister has approved the process.
5. The Board of the port authority will be responsible for the final decision in relation to the issuing, granting, renewing of or entering into any licence, contract or service arrangement with any person or body corporate regarding towage licences.
6. Once the port authority has made a final decision in relation to the issuing, granting, renewing of or entering into any licence, contract or service arrangement with any person or body corporate regarding towage licences, the port authority shall advise the portfolio Minister of its decision and reason for making this decision.
7. The port authority will not make public in any way (including informing stakeholders) its final decision in relation to the issuing, granting, renewing of or entering into any licence, contract or service arrangement with any person or body corporate regarding towage licences for a period of seven (7) calendar days after notifying the portfolio Minister as per paragraph 6, unless by approval of the portfolio Minister.