



PrimePort Common User Rules Safety, Security & Environment

Effective 27 May 2021

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PrimePort Common User Rules – Safety, Security & Environment

1. OBJECTIVES

- 1.1 To set a minimum standard of safety, security and environmental practices for all persons who access PrimePort.
- 1.2 Ensuring there is minimal operational disruption for Port Users.
- 1.3 To provide a framework for all parties to work in a collaborative manner that best supports a safe and secure Port for all users and protection of the environment.
- 1.4 To enable safe and effective traffic flows and minimise congestion within common user areas.
- 1.5 To enable Port Users areas to create and implement effective controls for their work activities arising in, or next to, common user areas.
- 1.6 To facilitate better cooperation and communication between Port Users sharing the same Port area.
- 1.7 To ensure that PrimePort assets and infrastructure are used in a safe and efficient manner.

2. DEFINITIONS

- 2.1 **Authorised Work Activity**
Is an activity authorised under these Rules.
- 2.2 **Berth**
Is a location at the wharf made available to a vessel for the purposes of berthing.
- 2.3 **Common User Area**
Is the wharf and/or port land area outside a defined Port User “Work Zone”, when more than one PCBU has access to that area at one time.
- 2.4 **Operational Area**
Any place within security fenced boundaries of the Port area.
- 2.5 **PCBU**
Is a person conducting a business or undertaking as defined in section 17 of the Health and Safety at Work Act 2015. It is a broad concept used through Health and Safety at Work Act 2015, to describe all types of modern working arrangements which we commonly refer to as businesses.
- 2.6 **Port User Personnel**
Includes Port User employees, contractors, company officers, visitors or any other person under the care and responsibility of the Port User.
- 2.7 **PrimePort Permit to Work**
A Permit to Work is a document issued by PrimePort authorising certain high risk activities to take place within the Operational Area. [Section 8](#) details specific activities requiring a Permit to Work.
- 2.8 **The Rules**
The PrimePort Common User Rules set out in this document.

2.9 Work Zone
Is a defined work area which is defined by Work Zone signs.

2.10 Working Load Limit
Working Load Limit (WLL) is the maximum working load designed by the manufacturer. This load represents a mass or force that is much less than the required to make the lifting equipment fail or yield, also known as the Minimum Breaking Load.

3. APPLICATION

3.1 The Rules apply to all Operational Areas.

3.2 The Rules do not grant exclusive rights to any Port User to the exclusion of other Port Users.

3.3 The Rules are provided to inform Port Users how to safely access and work within PrimePort Operational Areas, under terms and conditions acceptable to PrimePort.

3.4 Where applicable The Rules are to be read in conjunction with the PrimePort Standard Terms & Conditions. If there is any ambiguity between the two then the Standard Terms & Conditions shall take precedence.

4. LEGISLATION

4.1 PrimePort and Port Users shall comply with all regulatory requirements and obligations relating to PrimePort and the Port Users operations and activities whilst on PrimePort property including: any acts, regulations, codes or subsequent guidance issued under Acts of Parliament.

4.2 These Acts, Regulations, Codes include, but are not limited to, the following:

4.2.1 Hazard Substances and New Organisms Act 1996 (HSNO);

4.2.2 Health and Safety at Work Act 2015;

4.2.3 Customs and Excise Act 2018;

4.2.4 Customs Trade, Partnership Agreement Anti-Terrorism (C-TPAT);

4.2.5 Maritime Security Act 2004;

4.2.6 Biosecurity Act 1993;

4.2.7 Maritime Transport Act 1994;

4.2.8 Building Act 2004;

4.2.9 Electrical Safety Regulations and applicable safety standards;

4.2.10 Navigation Safety By Laws 2010;

4.2.11 NZ Road Rules and Transportation Act 1998;

4.2.12 Resource Management Act 1991 (RMA). Inclusive of any operative regional or district plan in respect of PrimePort, land/premise and any direction of PrimePort in respect of PrimePort's obligation under the RMA and District/Regional Plan;

4.2.13 New Zealand Port and Harbour Marine Safety Code; and

4.2.14 International Ship and Port Facility Security (ISPS) Code.

5. HEALTH & SAFETY

- 5.1 The Port User will utilise safe operational and general work practices and comply with the Health and Safety at Work Act 2015 and associated Regulations.
- 5.2 The Port User will maintain auditable procedures that comply with the requirements of the Health and Safety at Work Act 2015 and associated Regulations.
- 5.3 The Port User will ensure it works cooperatively with other PCBU's to ensure safety at the Port. For the avoidance of doubt, the Port User will consult, cooperate with, and coordinate activities with PrimePort and other applicable Port Users in respect of health and safety within the Port.
- 5.4 The Port User will maintain a Drug and Alcohol Policy acceptable to PrimePort.

6. RESPONSIBILITIES OF PRIMEPORT

- 6.1 PrimePort shall:
- 6.1.1 In its capacity as the landowner, endeavour to allocate a berth/Work Zone (subject to PrimePort's own operational needs), to enable the Port User to carry out their authorised work activities; and
- 6.1.2 Reserve the right to deny access to any Port User who in the opinion of PrimePort fails to comply with the PrimePort Common User Rules including, but not limited to, breaches of:
- Regulatory compliance;
 - Security;
 - Environmental standards;
 - Safe traffic management;
 - Health and safety; and
 - Any other rules defined or those consequently executed by PrimePort and notified to Port Users.

7. SAFETY RESPONSIBILITIES OF PORT USERS

- 7.1 Port Users shall:
- 7.1.1 Ensure their employees, contractors and visitors understand and comply with the requirements of this document.
- 7.1.2 Ensure their employees, contractors and visitors have completed the PrimePort site induction, or are personally escorted by an experienced inducted employee while on site.
- 7.1.3 Ensure that their employees, contractors and sub-contractors, working in the Operational Area, shall wear appropriate personal protective equipment (PPE) at all times.
- 7.1.4 Within all Operational Areas the mandatory PPE requirements are:
- Day/night standard Hi Visibility clothing as per AS/NZS 4602 1-2011 High visibility safety garments Part 1: Garments for High Risk Applications.

- Safety boots – ship’s crew or visitors shall wear sensible shoes transiting to or from a vessel, if they use defined and barriered walkways through a vessel’s Operational Area. No person may enter/work in a Work Zone without wearing safety toed boots.
 - Hard hats when working adjacent to suspended loads.
 - Where practicable, Port Users personnel shall wear an approved personal floatation device (PFD) when working within one (1) metre of the wharf edge.
- 7.1.5 Follow safe operations and general work practices and comply with the current health and safety legislation and regulations including but not limited to HSWA.
- 7.1.6 Be subject to a drug and alcohol testing as requested by PrimePort as set out in the company’s Drug & Alcohol Policy, which may include post incident, reasonable cause and random testing.
- 7.1.7 Will as soon as practical and without undue delay notify PrimePort and any relevant statutory body:
- (a) of any Damage or any Notifiable Event, injury, illness or incident which occurs at the Port and is more than negligible and would require reporting at law and or is a breach of any law or consent or permit issued pursuant to law;
 - (b) if it becomes aware that it is in breach, or is likely to be in breach, of any of its obligations under these Rules;
 - (c) if any cargo, waste or pollutant is spilled, discharged or dropped into the harbour or at the Port, and the spill, discharge or drop is more than negligible and would require reporting at law and or is a breach of any law or consent or permit issued pursuant to law;
 - (d) if it identifies any actual or potential health and safety risk or hazard at the Port, whether due to activities of its Personnel, or otherwise; and
 - (e) of any complaint, notice, requisition or direction it receives from any regulatory authority or other person in relation to its activities at the Port.
- 7.1.8 Comply with all load-bearing and/or other operational restrictions imposed by PrimePort with specific reference to roadways and wharves of PrimePort, including requesting from and being issued by the Port Engineering Manager, a “Permit to Work” for the plant intended to be used.
- 7.1.9 Ensure that all portable equipment, rubbish or other materials are removed from wharf Operational Areas and Common User Areas immediately after use, so as to allow other Port Users unobstructed access and use of Operational Areas. Failure to comply with this requirement, may incur fees to cover the costs of removal.
- 7.1.10 Ensure that all equipment and plant is maintained in a safe operating condition including holding all current Certificates of Fitness and/or Warrant of Fitness required by law and is clearly marked with the Port Users or Owners name.

- 7.1.11 Ensure that all lifting equipment is certified and Safe Working Loads are not exceeded. Lifting equipment shall only be operated by trained and competent personnel.
- 7.1.12 Ensure that any suspended load is not swung over the top of other Port Users personnel or vehicles.
- 7.1.13 Develop and maintain a traffic management plan for specified Work Zones. These plans have to be integrated into the Port's Common User Area traffic management plans. These plans shall be communicated to PrimePort's Health, Safety & Security Manager, PrimePort's Operations Manager and other relevant stakeholders.
- 7.1.14 Ensure that any reported hazards or incidents involving traffic are investigated and corrective actions are put into place in a timely manner.
- 7.1.15 Ensure that their workers do not interfere with, move or remove any safety barriers, cones or fencing erected by PrimePort or other Port Users.
- 7.1.16 Where required, submit to PrimePort a traffic management plan specific to their operations at pre-ship review meetings.
- 7.1.17 Have a current Permit to Work as detailed at [Section 8: Permit to Work](#).
- 7.1.18 Ensure the operational traffic movements are conducted in a safe manner.
- 7.1.19 Communicate and cooperate with other Port Users in their immediate area and shared Common User Area regarding traffic management.
- 7.1.20 Inform PrimePort of any proposed modifications to operations that may impact the Common User Area.

8. PERMIT TO WORK

- 8.1 PrimePort's Permit to Work is a safety management system used to ensure that work is done safely, efficiently and permit issuer/receiver are fully aware of the operational hazards and that appropriate risk mitigations are put in place prior to the work being started.
- 8.2 Permit to Work authorisation is required for the following activities:
 - Hot work;
 - Under or over water work;
 - Any structural penetrations (e.g. through buildings or structures);
 - Electrical isolation is required;
 - Water shutdown is required;
 - Ground penetration/excavation (e.g. direct drilling, piling, trenching etc);
 - Mobile crane/truck mounted crane work;
 - Travel or operation of any tracked machinery on any wharf, asphalt or other paved area;

- An overweight/over dimension road permit is required for a vehicle operating in the Operational Area;
- Traffic management is required;
- Working at heights;
- Work in a ceiling, wall, floor space or other confined space activity;
- Activities requiring a council or statutory authority permit or approval;
- Construction, repair, demolition and/or any earthworks;
- Work requiring a notification of a particular hazardous work lodged with WorkSafe New Zealand; and
- Work potentially impacting upon PrimePort or other Port Users ability to operate.

Note: Applications for a Permit to Work shall (*excluding genuine emergency situations*) be submitted to a PrimePort Issuer for consideration **at least 48 hours** prior to the work being undertaken. Work that triggers one or more of the activities listed above, shall not be undertaken without a correctly completed PrimePort Permit to Work, authorised by a PrimePort Issuer.

9. HEAVY POWERED MOBILE PLANT

- 9.1 Heavy powered mobile plant or metal tracked vehicles that may cause damage to PrimePort's roadways, drains, asphalt, concrete paving, underground cabling and wharves shall not be used without the prior permission of PrimePort's Port Engineering Manager.
- 9.2 Port Users may apply for permission by submitting a written application to PrimePort's Port Engineering Manager. The application shall include axle/track loads and a methodology detailing how the powered mobile plant or metal tracked vehicle shall be operated on-site and how the Port User will mitigate the risk of damage to PrimePort's infrastructure.
- 9.3 Each application will be assessed by the PrimePort Port Engineering Manager on a case by case basis. PrimePort reserves the right to refuse heavy powered mobile plant access to the Port. Failure to seek prior permission may result in the equipment owner facing claims for damages.

10. HAZARD & INCIDENT REPORTING

- 10.1 All Port Users have a duty of care to report hazards and incidents, including Common User Area serious near hits/misses. All potentially serious hazards and incidents are to be reported immediately to PrimePort's Health, Safety & Security Manager as soon as practicable within 24 hours and to any other person required by law.

11. PEDESTRIANS

- 11.1 All pedestrians in Operational Areas shall:
- 11.1.1 Have completed PrimePort's safety induction (unless being escorted by an experienced inducted person).
- 11.1.2 Wear day/night standard high visibility clothing and safety footwear.

- 11.1.3 Only walk within designated walkways, which are marked by parallel blue lines.
- 11.1.4 Be aware of traffic movements, stop and look for traffic around working areas in particular shed doorways, vehicle crossing routes, blind corners and in congested areas.
- 11.1.5 Only make phone or radio calls from a safe area.
- 11.1.6 Give way to all plant and vehicles and ensure drivers have given them a positive acknowledgement to proceed before approaching the plant or vehicles, or moving in their vicinity.
- 11.1.7 Not walk in behind a vehicle unless you have made eye contact with the driver and he/she has indicated you may proceed.
- 11.1.8 Report any traffic incidents to PrimePort’s Health, Safety & Security Manager and as required by law.

12. VEHICLE RULES

12.1 The following right of way rules apply within the PrimePort Operational Areas:

Designated Area	Right of Way Rules
Rail Lines	Trains have right of way at all times to all vehicles. Powered mobile plant and light vehicles must give way at all rail crossings. For further rules and guidance in respect of Giving Way at Rail Way Lines click on the link to Waka Kotahi website.
Roads and Intersections	Follow the instructions of all traffic signs and signals. Public road rules apply.
Pedestrian Walkways	Pedestrians must give way to all traffic, stop and visually check before crossing any roadways, rail tracks, building doorways or Operational Areas.
Warehouses	Forklifts have right of way, general traffic is not permitted inside warehouses except service vehicles with prior permission.

13. SPEED LIMITS

13.1 The maximum speed limit within the PrimePort Operational Area is 20km/hr or as otherwise posted on wharves, private Port roads and hardstand areas. All drivers are expected to drive to the conditions and reduce speed accordingly when approaching congested areas.

14. LOG YARD

14.1 The Log Yard is a high hazard area. Access is not permitted without first reporting to the log marshalling operator’s office and completing their site specific induction.

15. WORK ZONES

15.1 Any work undertaken by a Port User not in a “Common User Area” must be undertaken in a “Work Zone”.

15.2 Each Port User shall appoint a person to be in charge of a Work Zone prior to work commencing and the contact details of the person in charge of the Work Zone shall be displayed on the Work Zone barrier/signs.

- 15.3 Work Zone barriers shall be positioned by the Port User, prior to any work commencing.
- 15.4 No access is permitted through Work Zone areas that are barriered, fenced, coned off and/or have signage advising authorised access only.
- 15.5 Only personnel authorised by the person in charge of the Work Zone are permitted in the vicinity of Work Zones for vessels.

16. SECURITY RESPONSIBILITIES OF PORT USERS

16.1 The following applies to all Operational Areas:

- 16.1.1 Port Users shall comply with all PrimePort security requirements, including having completed a PrimePort safety induction and being issued with an access tag to a secured Port area.
- 16.1.2 Vehicular traffic shall comply with traffic management plans when entering PrimePort Operational Areas, this includes complying with speed limits, directional road markings/signage, stop and give way rules and only park in designated parking areas.
- 16.1.3 Mobile plant headlights and/or a flashing amber light must be on at all times, seatbelts must be worn when fitted by the vehicle manufacturer.
- 16.1.4 Handheld mobile phones or radios are not to be used while operating any vehicles or plant.

17. DOG RESTRICTIONS

17.1 No person may bring a dog into any Operational Area of the Port, with the exception of New Zealand Police, Ministry of Primary Industries, Customs New Zealand and Drug Detector dogs.

18. WIRELESS COMMUNICATION EQUIPMENT

- 18.1 The installation or modifications to any Port Users Wi-Fi or radio communications hardware on PrimePort infrastructure requires PrimePort approval. The Port User shall submit a detailed written proposal to PrimePort requesting permission to install new or modify existing hardware. The submission shall provide a detailed description of the installation, electrical design (where applicable) and final engineering drawings. No modifications shall be undertaken by any Port User without prior written permission from PrimePort's Information Technology Manager.
- 18.2 Port Users shall ensure that their radio frequencies do not affect any radio frequencies used by PrimePort, on-site government agencies or other Port Users.
- 18.3 Port Users shall ensure new Wi-Fi (broadband) or other wireless networks do not affect any existing networks used by PrimePort. Written permission must be sought from PrimePort's Information Technology Manager, prior to installation of equipment or of wireless frequencies.

19. ENVIRONMENTAL RESPONSIBILITIES OF PORT USERS

19.1 Port Users shall:

- 19.1.1 Ensure their employees and contractors understand and comply with any specifically agreed Environmental Management Plan.

- 19.1.2 Ensure their employees and contractors understand and comply with any dangerous or noxious goods control plans relevant to their operations.
- 19.1.3 Ensure their employees and contractors understand and comply with PrimePort's [Air Quality Management Plan](#).
- 19.1.4 Have in place any equipment required to respond to an environmental incident e.g. a spill kit for oil discharges.
- 19.1.5 Ensure all spills and leaks of hazardous substances are cleaned up/responded to and reported in accordance with the [Tier 1 Marine Oil Spill Response Plan \(ECan\)](#).
- 19.1.6 Ensure clean down procedures are in place and undertaken in areas that prevent environmental contamination.
- 19.1.7 Keep their worksites clean and free from unnecessary materials that could cause safety hazards and/or an environmental incident.
- 19.1.8 Report any breach of PrimePort's environmental responsibilities identified in the Environmental Management Plan as soon as practicable to the Security Watchman or Environmental Officer.

20. HAZARDOUS SUBSTANCE MANAGEMENT

20.1 Purpose

To manage the risks associated with the handling, use and storage of hazardous substances (includes chemicals and dangerous goods) at PrimePort.

20.2 Key Requirements

All Port Users shall prepare and maintain a Hazardous Substance Register for all products store on their Port work area. This register shall be maintained in a format that ensures it can easily be provided to PrimePort on an annual basis or whenever a significant change occurs in the type, quality and location of substances being stored occurs.

20.3 Hazardous Substance Risk Assessment & Registers

A risk assessment shall be conducted on the use of all hazardous substances and dangerous goods and these shall be recorded in the respective Port Users Hazardous Substance Registers and relevant Standard Operating Procedures shall be updated with the required controls.

The risk assessment shall take into consideration the need, quantities, location and impact on other hazardous substances and activities in the work area. Hazardous substances shall be stored and placed as per detailed and relevant regulatory requirements by each Port User for their items they have in their control.

Safety Data Sheets shall be obtained for each substance contained on site and located in a readily accessible location within each Port Users workplace.

20.4 Trained Personnel

All Port Users shall ensure all workers who handle or use chemical substances shall receive training in understanding and use of safety data sheets, including hazards and risk control measures.

20.5 Transporting Hazardous Substance on Port

Generally, if Port Users are transporting dangerous or hazardous goods, they will need a dangerous goods (D) endorsement on the workers driver licence. Port Users shall

ensure hazardous substances are transported in a manner that complies with the Land Transport Rule: Dangerous Goods 2005. Dangerous Goods 2005 Information can be found on: http://nzta.thomsonreuters.co.nz/DLEG-NZL-LTSA-T.LTR-45001_1.pdf.

21. BREACHES OF SECURITY, SAFETY & ENVIRONMENTAL PRACTICES

- 21.1 This section formalises the enforcement guidelines for breaches of acceptable safety, security and environmental practices.
- 21.2 For serious breaches, PrimePort reserves the right to issue a warning under the three strike policy, suspend, limit or terminate any individual or PCBU's right of access to any PrimePort area immediately ("enforcement action").
- 21.3 Examples of serious breaches include the following:
- 21.3.1 Significantly exceeding the Port speed limit;
 - 21.3.2 Driving through Work Zones, coned off or safety barriered areas;
 - 21.3.3 Dangerous driving i.e. driving in a manner likely to cause injury to Port personnel or cause property damage;
 - 21.3.4 Driving unsafe vehicles;
 - 21.3.5 Tailgating or "piggy-backing" personnel through security gates;
 - 21.3.6 Misuse of a security tag e.g. giving unauthorised person a security tag to use;
 - 21.3.7 Tagging in unauthorised persons;
 - 21.3.8 Allowing non-inducted and unescorted persons to access site;
 - 21.3.9 Operating vehicles when not authorised or licenced to do so;
 - 21.3.10 Moving or removing any safety barriers/cones/fences erected by PrimePort or other Port Users;
 - 21.3.11 Threatening behaviour, or verbal and/or physical abuse of PrimePort or Port Users;
 - 21.3.12 Encouraging or engaging in wilful or malicious behaviour that damages PrimePort or Port Users property;
 - 21.3.13 Failure to acquire the appropriate Permit to Work;
 - 21.3.14 Failure to comply with a reasonable direction of a PrimePort Manager/Supervisor;
 - 21.3.15 Non reporting of incidents required to be reported;
 - 21.3.16 Deliberate and/or ongoing breaches of consent conditions;
 - 21.3.17 Failure to take adequate steps to mitigate any damage or action post an incident;
 - 21.3.18 Inappropriate discard of waste; and

- 21.3.19 Any other breach of the environmental responsibilities of the Port User under these Rules.
- 21.4 For less serious breaches PrimePort may issue written warnings using a three strike policy.
- 21.5 Examples of other breaches that may be considered serious or subject to the three strike policy, depending on severity and reoccurrence, include the following:
- 21.5.1 Manually using a cell phone while driving;
 - 21.5.2 Driving without headlights and/or amber flashing light in Operational Areas;
 - 21.5.3 Having unauthorised passengers in the vehicle;
 - 21.5.4 Not wearing appropriate Personal Protective Equipment and Personal Protection Clothing in Operational Areas;
 - 21.5.5 Failing to place Work Zone barriers with the correct contact details; and
 - 21.5.6 Parking in unauthorised areas.

22. THREE STRIKE POLICY

22.1 First Strike

If a breach is found to be valid by the Chief Executive Officer (CEO) of PrimePort, a “first strike” shall be notified in writing to the Port User, noted against the Port User’s name in the security system and a strike shall be in effect for a period of six (6) months. At the end of the six (6) month period, if no further strikes have been assigned, the record of the “first strike” will be removed from the security system.

22.2 Second Strike

If the Port User commits another breach before the first strike probation period expires, a “second strike” shall be notified in writing to the Port User and recorded against the offender. In addition, the offender will be issued with a PrimePort written warning via their employer.

22.3 Third Strike

In the event of a “third strike” being recorded within the next six (6) months of the second strike, PrimePort may deny the offer of access to the Port by providing written notice.

22.4 This policy does not limit PrimePort’s ability to immediately suspend, limit or terminate any individual or PCBU’s right of access should the seriousness of the breach warrant such action in the reasonable opinion of the CEO of PrimePort.

23. REPORTING OF SAFETY, SECURITY OR ENVIRONMENTAL BREACHES

23.1 Where any Port User witnesses a safety, security or environmental breach, they shall bring it to the offender’s notice if safe to do so and report the breach to PrimePort management as soon as practicable.

23.2 Where a Port User is assessed as being in breach of safety, security or environmental rules, PrimePort management will inform the offender’s employer of the nature of the infringement and enforcement action being taken.

24. ENFORCEMENT APPEAL PROCESS

24.1 Appeal Procedure

- 24.1.1 Any appeal against enforcement action must be submitted in writing to PrimePort management within five (5) working days of PrimePort giving written notice to the offender and/or their manager.
- 24.1.2 The appeal submission must outline the reason for the appeal, the offender's version of events, why the enforcement action is not justified, and what (if any) sanctions are appropriate.
- 24.1.3 Upon receipt of the written appeal submission, PrimePort management will undertake a review of the events that resulted in an enforcement action.

24.2 Post Appeal Process

- 24.2.1 The decision from the appeal process is final and no further correspondence will be entered into following conclusion of the appeal hearing. A decision in writing will be provided to the appellant, or their manager, following the appeal hearing.

25. PRIMEPORT CONTACT NUMBERS

PrimePort Duty Supervisor	03 687 2710
Watchman (24/7)	03 687 2728

Security

Senior PFSO	027 621 8404
PFSO	022 350 8830

Operations Manager	027 450 8825
Operations Supervisor	027 277 9386
Port Engineering Manager	027 747 0281
Health, Safety & Security Manager	027 621 8404
Environmental Officer	027 277 9386