



People and Culture Policy

Drug and Alcohol Policy

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1. PURPOSE

As an organisation, we are committed to providing and maintaining a safe, healthy and productive workplace. We recognise the concerns of employees, contractors, ancillary service providers, visitors and the general public with regard to the impact from the misuse of alcohol and/or drugs. Our aim is to ensure all employees return home safely every day and others are not negatively impacted by our actions. While we do not wish to intrude into the private lives of our employees, if alcohol or drugs have a direct impact on an individual's work performance or on our safety standards, it is our responsibility to intervene.

The objectives of this policy are to:

- a) reduce the likelihood of injury and damage resulting from the misuse of alcohol and/or drugs (including prescription drugs);
- b) provide employees with an understanding of the behaviour expected of them during working hours;
- c) ensure that employees who are consuming alcohol or other drugs out of work hours, don't do so in a way that impacts on their work – for example, through a hangover; and
- d) explain how incidents will be handled when an employee is demonstrating signs and symptoms that may deem them to be unfit for work.

2. SCOPE

This policy applies to all

- Ports Victoria employees, whether full-time, part-time, casual, fixed-term or permanent whilst at work at Ports Victoria workplaces, other workplaces or locations during the course of employment;
- all on-site contractors and subcontractors performing work for Ports Victoria;
- all other persons working on a Ports Victoria site including Ancillary Services Providers (ASP); and
- visitors who are participating in Ports Victoria business activities, collectively referred to in this policy as 'employees'.

This policy applies in all work locations, including locations visited for company purposes. Where an employee is co-located with another organisation, they will be expected to comply with this policy as well as the policy of the other organisation.

The organisation will take the necessary steps to ensure parties are informed of the requirements in advance.

3. ALCOHOL AND DRUGS IN THE WORKPLACE

As an employer, we will take all appropriate measures to reduce the risk of harm to all employees. All employees also have a responsibility when it comes to identifying and managing risks associated with alcohol and other drugs. Employees should be aware of the risks unique to our working environment.

These risks include but are not limited to:

- employee fitness for work while driving on the road;
- risk taking behaviour and dangers caused by other workers;
- entering port precincts, berths, sheds, wharves and boarding vessels
- use of IT and computer equipment in the office and kitchen appliances and working around such equipment
- handling of goods; and
- the image and reputation of our business.

The effects of alcohol and drug use can be long lasting. Employees have obligations under the VPCM Code of Conduct, Occupational Health and Safety and People and Culture policies in relation to ensuring they are fit for work. In relation to drugs and alcohol, this means that they must attend with a BAC of 0.000% and concentrations not exceeding the levels defined in AS/NZS4760:2019 (the Standard).

4. RESPONSIBILITIES - Employers

Under the Occupational Health and Safety Act 2004 (Vic), as an employer we have a general duty of care towards employees and others who may be present in the workplace to maintain a safe working environment.

To help meet this general duty, the employer is responsible for:

- providing a safe workplace that ensures employees are not exposed to unnecessary risks;
- giving employees information, instruction, training and supervision to enable them to work in a safe manner;
- consulting and cooperating with employees to reduce alcohol and drug related harm; and
- ensuring that this policy is applied on a consistent and fair basis.

4.1 Alcohol and drug standard

To meet the above standard Ports Victoria has determined:

Persons to whom this policy applies shall not have a blood alcohol content (BAC) above 0.000%; and / or exceed the concentration levels of substances identified in Australian Standard for Oral Fluid (ASNZ4760:2019)

4.2 Alcohol and drug testing

As a company, we are authorised to carry out testing procedures for alcohol and/or drugs in the workplace. Alcohol and/or drug testing can be carried out at any time while employees are performing duties for the organisation. Employees should note that a refusal to take an alcohol and/or drug test will be addressed under relevant policies relating to safety and conduct and consequences may apply, up to and including termination of employment.

Circumstances where we may conduct alcohol and/or drug testing include but are not limited to:

- pre-employment (as part of recruitment process);
- in accordance with the Ports Victoria random D&A testing methodology outlined in Australian Standard for Oral Fluid (AS4760:2019)
- after an incident or accident) in which the person is directly involved or
- where there is a reasonable suspicion that the person may be contravening this policy.

4.3 Action upon a confirmed positive result

If an employee returns a negative result for alcohol and/or drugs, no further action is taken and the employee returns to work. An employee who returns a positive result greater than 0.00% (alcohol) or a confirmed positive result from a NATA accredited confirmatory laboratory confirmed positive result (drugs) will be considered in breach of this policy. As a consequence, and Ports Victoria may take appropriate disciplinary action that may include counselling, a warning, suspension or dismissal.

In the event of a person not being a Ports Victoria employee, access to Ports Victoria sites may be withdrawn.

Ports Victoria recognises that alcohol and drug can affect individuals' health, family relationships, work, financial and other life situations. Employees who continue to be unfit for work due to the continued use of alcohol or drugs will be provided with advice and assistance. Ports Victoria provides programs to prevent the misuse of alcohol and drugs as well as rehabilitation assistance.

It is Ports Victoria's intention to continue to educate staff about the inappropriate use of drugs and alcohol through ongoing awareness programs including random drug and alcohol testing for staff, contractors, ancillary services providers and visitors conducting work on Ports Victoria sites.

4.4 Confidentiality of results

Ports Victoria will take all reasonable steps to ensure that the test results concerning any sample(s) provided by an employee, contractor, ancillary service provider or visitor, and subsequent investigations, if any, in relation to such test results, and participation in counselling or rehabilitation services if any, will, to the extent reasonably practicable, remain confidential between the employee and their manager, contractors management, ancillary service providers management, and the nominated People & Culture representative.

Ports Victoria have engaged a third-party service provider to act as a collection facility. The service provider is required to comply with Ports Victoria standards for privacy and applicable legislation.

However, Ports Victoria may disclose the outcome of any such test results and investigation to third parties as required by law.

5. RESPONSIBILITIES - Employees

5.1 Employee responsibility overview

Under section 25 of the Occupational Health and Safety Act 2004 (Vic) employees must take reasonable care, for their own health and safety, and that of others, who may be affected by their actions or omissions.

The Marine (Drug Alcohol and Pollution Control) Act 1988 prohibits a person working, or a master or pilot of a vessel underway or at anchor, while:

- under the influence of alcohol or any other drug; or
- the prescribed concentration of alcohol or more than the prescribed concentration of alcohol is present in the blood or breath; or
- impaired by a drug; or
- the prescribed concentration of drugs or more than the prescribed concentration of drugs is present in the blood or oral fluid.

This includes employees not being adversely affected by alcohol or drug use during working hours. Employees should be aware of their own ability to work and ensure they comply with this policy at all times. They should carry out a self-assessment (determine if you are fit for work) and inform their supervisor if they believe they are not fit for work. Employees are reminded that fitness for work encompasses your physical, mental and emotional state.

5.2 Prescription and over-the-counter drugs/medication

Employees must inform their supervisor if they are taking any prescription or over-the-counter drugs/medication which has the potential to adversely affect them, before commencing work. It is important that employees make sure they understand the potential side effects of their medication, for example by asking their General Practitioner (GP) or pharmacist about side effects. Employees are not required to reveal the nature of their condition, only inform their supervisor how their performance may be adversely affected. It is the responsibility of the employee to ensure they:

- take the prescription or over-the-counter drugs/medication in accordance with the instructions from their GP or pharmacist, or those given on the medication pack. If these instructions are not readily available, the employee must take steps to find out including asking questions of their GP or pharmacist;

- don't misuse the medication, including taking more than recommended or drinking alcohol while taking the medication (if it's not advised);
- are aware of their limitations while taking the medication (e.g. side effects that affect driving ability).

5.3 Illegal drugs

Illegal drugs are not permitted on workplace premises or to be used during working hours. If an employee is found in the possession of an illegal drug (see definition at Appendix A) or is deemed not fit for work by a supervisor as the result of the consumption of an illicit substance as identified in the Standard, this could have consequences on their employment.

Employees should be aware that the coming down effects of illegal drugs can last for several days and that this may impact on their performance at work and cause safety issues. It is the employee's responsibility to ensure they are fit for work.

The sale, distribution or manufacture of illegal drugs in the workplace is a criminal offence and will be referred to police for investigation and will result in instant dismissal. This includes prescription or over-the-counter drugs/medication that are being distributed or consumed not for medical purposes, including 'synthetic' drugs.

5.4 Liability and workers' compensation

Ports Victoria may not accept liability for any damage to a company vehicle, an injury to another person, or damage to property if an employee's use of alcohol and/or drugs contributed to the incident. The employee will be personally liable in such circumstances.

Employees should be aware that under the Workplace Injury Rehabilitation and Compensation Act 2013 (Vic) they might not be entitled to workers' compensation if they sustain an injury whilst being under the influence of alcohol and/or drugs.

5.5 Company vehicles and vessels

Company vehicles and vessels are not to be driven by anyone who is unfit for work. Ports Victoria may not accept any liability for any damage to a company vehicle or vessel, injury to any person, or damage or injury to any third party, incurred while the driver of the Ports Victoria vehicle or vessel is in breach of this policy or the law.

5.6 Machinery and Equipment

To ensure a safe environment no machinery or equipment is to be operated or used by anyone who is unfit for work. Machinery includes Ports Victoria vehicles and vessels. Equipment includes information technology systems.

5.7 Returning to work after being deemed not fit for work

If an employee is sent home by a supervisor because they are deemed not fit for work due to alcohol and/or other drug consumption, prior to returning to work, the employee is to report to their supervisor. A medical certificate may be required from a medical practitioner prior to resuming work. Employees are required to cooperate in any investigation of such matters. Failure to cooperate or providing false information in an investigation may result in action being taken against the employee, as set out in Section 6.1 below under the heading 'Breach of this policy'

5.8 Concerns about another employee

Employees who have concerns about any employee not fit for work should inform their supervisor immediately. Further information about concerning signs and symptoms are detailed in Annex B.

6 SUPERVISORS

6.1 The definition of a supervisor

Assessing and determining if an employee may not be fit for duty as it relates to the use of drugs and/or alcohol can be a complex process but it is often necessary for it to be made immediately to protect the safety of the employee and the worksite. All managers, supervisors and employees working in a supervisory capacity (collectively referred to in this policy as 'supervisors') are authorised under this policy to determine if someone is not fit for work. Supervisors can make the assessment based on their observations and the conduct of the employee at the time.

Supervisors should be aware of any work-related factors that may contribute to individuals developing alcohol or drug problems and take steps to eliminate or minimise these factors. Further information on how to determine if someone is not fit for work is provided at Annex B.

6.2 Prescription and over-the-counter drugs/medication

Management will ensure that no employee is disadvantaged by reporting that they are taking medication on the advice of a medical practitioner. Management will not request unnecessary information (e.g. the nature of the employee's condition). If a supervisor suspects that an employee's ability to safely perform work is affected, they may take steps to address the issue, for example finding alternative duties.

Laboratory confirmation reports that confirm the presence of substances listed within the Standard that are consistent with declared medications will be appended to your employee file with no further action taken for breach of this policy. The result will in effect be treated as if the initial finding was a negative result.

6.3 Alternative duties for people taking medication

Where an employee is taking prescription or over-the-counter drugs/medication for a legitimate medical purpose and is unable to perform required work, the supervisor in conjunction with the supervisor's manager may make reasonable adjustments to the work requirements, upon receiving a medical certificate or official medical advice. If it's not possible to accommodate the person at work while they are taking the medication, and the situation is temporary, the employee will be released from duty on personal leave. If it is not temporary, further consultation and consideration of appropriate duties should be discussed with the supervisor's manager and People and Culture.

6.4 Don't assume alcohol or drug use

Supervisors should not assume difficulties in talking, lack of balance or coordination are necessarily related to alcohol or drug use. Other causes of impairment may include head injuries, fatigue or a medical condition. When employees are demonstrating these sorts of unsafe, concerning behaviours and there is no clear sign their behaviour is the result of alcohol or drugs, appropriate medical intervention should be sought prior to arranging safe transport home for the individual.

6.5 Suspicion an employee possesses alcohol and/or illegal drugs

If a supervisor suspects that an employee has alcohol or illegal drugs in their possession at work, they may take any or all of the following steps:

- investigate the matter to attempt to determine whether the employee does have such substances in their possession;
- request the employee to open their locker, bag, or vehicle or to empty their pockets or jacket for the purpose of locating any alcohol and/or illegal drugs.
- should an open container of alcohol be found, the supervisor is to dispose of the alcohol immediately (unopened alcohol is permitted);
- should illegal drugs be found, the supervisor is to inform the police; and
- upon request, some or all employees may be required to undergo a medical examination in order to test for the presence of alcohol and/or illegal drugs (this cost will be borne by the company).

6.6 When an employee may be intoxicated, hungover or coming down from drugs

Supervisors should be proactive if they suspect, or another employee suspects, someone in the workplace is intoxicated, has a hangover or is coming down from drugs, thereby making the employee unfit for work.

It is the responsibility of supervisors to make themselves aware of the signs and symptoms and remember that fitness for work encompasses the physical, mental and emotional state of an employee (further information is provided in Annex B). If anyone is unsure of these signs and symptoms, they are to request assistance from their immediate supervisor.

If you have reasonable suspicion (see Annex B) that an employee is not fit for work you must:

- stop the employee from carrying out further work;
- remove the employee from any position of risk (if this isn't possible due to the individual becoming threatening or violent, remove all other people from the area, shut down machines and remove keys from vehicles where possible and, if required, call the police); and
- organise suitable transport for the employee to their residence at the expense of the organisation;
- inform the individual that they will not be allowed to return to work until deemed fit to perform their duties safely and productively. Inform them again of this requirement after the incident to ensure they remember. If a medical certificate is required prior to returning to work, this must be explained before the employee returns – with reasonable time to visit a doctor. Offer them information on assistance and support services (See Annex C).

In such cases where the person has been directed to cease work, a report will be prepared for People and Culture.

6.7 Managing the return to work process

When an employee returns to work, following being sent home because they have been deemed not fit for work, the supervisor must assess whether they are now fit for work.

If the supervisor suspects the employee has a medical condition or an ongoing problem with alcohol and/or drugs, they can require the employee to bring a medical certificate into work to prove they are fit for work.

6.8 Alcohol and drug rehabilitation

We recognise that some people develop problems with alcohol and/or drugs and that this is a treatable condition.

Employees experiencing these problems will be provided with information on assistance and support services (see Annex C). If necessary, personal leave will be granted to attend rehabilitation treatment, but will not be granted beyond entitlements. However, a period of unpaid leave may be granted for those attending rehabilitation and will be assessed on a case by case basis.

6.9 Refusal

If an employee refuses to undertake reasonable corrective action to improve their performance and behaviour in the workplace (e.g. seek medical treatment) or refuses to go home when told by a supervisor, this will be considered a 'breach of this policy' – as set out in Section 7.1 below.

6.10 Workplace functions and events

This policy is not restricted to the workplace or work hours. The obligations contained in this policy extend to all "work-related functions". It is recognised that from time to time, the

employer may organise or allow the consumption of alcohol at approved functions. Responsible serving of alcohol practices will be observed on all such occasions.

Alcohol must be consumed responsibly when drinking at work-related functions where alcohol is available (including representing the company at a third party's event). Employees must:

- not become intoxicated;
- uphold an appropriate standard of behaviour at all times;
- ensure their drinking won't affect their work (e.g. through a hangover);
- not drive any vehicle if they are over the legal blood alcohol concentration.
- not return to the office if they have consumed alcohol and/or are under the influence of alcohol or drugs

7 DISCIPLINARY ACTION

7.1 Breach of this policy

Employees must comply with this policy at all times. If an employee is found to have breached this policy, they may be subjected to disciplinary action in accordance with the appropriate company policies and procedures.

In circumstances where an employee's behaviour may involve a breach of any Australian laws or international laws that we are subject to, the employer will notify the police or other relevant authority.

7.2 Agents, contractors or casual employees

Agents, contractors or casual employees who are found to have breached this policy will be subject to a review of their contractual terms and conditions and may have their contracts terminated.

7.3 Transport Integration Act

The information contained in this paper is for internal use only and relates to compliance with internal policies and procedures. While these policies and procedures are not directly linked to any specific decision that will impact on the integrated transport system, they guide and direct the conduct of Ports Victoria employees in undertaking their duties and in making any decision that will impact on the achievement of the transport system objectives. As such, Ports Victoria confirms that the policies and procedures align with the decision making principles detailed in the Transport Integration Act 2010 (Vic).

8 APPROVAL LEVEL REQUIRED

This policy is approved by the CEO.

9 POLICY OWNER

This Policy is owned by the CEO.

10 OVERALL RESPONSIBILITY

The CEO has overall responsibility for the implementation of the policy with the operational aspects of the implementation being managed by the Health and Safety Manager.

11 ADMINISTRATION and MAINTENANCE

People and Culture is responsible for the administration and maintenance of the policy and subordinate documents including maintaining the records management and managing the third-party service provider for drug and alcohol testing.

12 TIME PERIOD FOR WHICH THIS POLICY APPLIES

This policy will be reviewed as required on a minimum of every two years after its approval subject to any event which, in the opinion of management, necessitates an earlier review.

13 SUPPORTING or RELATED DOCUMENTS

This policy is accessible to all employees via the organisations Intranet. Contractors and Ancillary Service Providers will have specific clauses written into their work contracts or site access licenses to ensure they are aware of the Drug and Alcohol Policy requirements.

Associated policies and references that support these policy arrangements include:

- Australian Standard for Oral Fluid (AS4760:2019).
- Health Records Act 2011 (Vic).
- Marine (Drug Alcohol and Pollution Control) Act 1988 (Vic).
- Occupational Health and Safety Act 2004 (Vic).
- People & Culture policy – Employee Assistance Program.
- People & Culture policy – Equal Employment Opportunity and Appropriate Workplace Behaviour.
- Privacy Act 1988 (Cth).
- Privacy and Data Protection Act 2014 (Vic).
- Transport Integration Act 2010 (Vic).

Appendix A DEFINITIONS

Term	Definition
Alcohol	<ul style="list-style-type: none"> Alcohol means all intoxicating liquor including Ethyl Alcohol and Ethanol.
Ancillary Service Provider	<ul style="list-style-type: none"> An Ancillary Service Provider is a company and its staff who have applied for and been granted an access license to provide their services to a third-party on a PV worksite
Consultants	<ul style="list-style-type: none"> Consultants operate either as an individual, sole trader or a company to typically provide technical or human resource expertise with a project focus to support PV's service delivery objectives. Consultants may be engaged through a third party provider such as a labour hire agency or organisation.
Contractors	<ul style="list-style-type: none"> Contractors operate either as an individual, sole trader or a company to typically provide technical or human resource expertise to support PV's service delivery objectives. Contractors may be engaged through a third party provider such as a labour hire agency. They may be engaged directly by PV and paid through the OPEX budget – they are not paid through our payroll system.
Drug	<ul style="list-style-type: none"> a medicine or other substance which has a physiological effect when ingested or otherwise introduced into the body.
Employee	<ul style="list-style-type: none"> Employee means all PV employees (including the CEO). This Policy only applies when Employees are undertaking or scheduled to work for PV.
Employee Assistance Program (EAP)	<ul style="list-style-type: none"> Provides free short term counselling assistance to employees experiencing personal and work related difficulties.
Illegal drugs	<ul style="list-style-type: none"> An illicit drug is defined as any drug which is illegal to possess or use or any legal drug used in an illegal manner, for example: a drug obtained on prescription but given or sold to another person to use.
Not fit for work	<ul style="list-style-type: none"> Being able to safely undertake all tasks required for the duration of scheduled worked time at the expected and normal level of concentration and performance.

Visitors	<ul style="list-style-type: none"><li data-bbox="487 283 1445 388">• Visitors are those individuals who attend PV premises to meet with PV employees or representatives for the purpose of participating in PV business activities.
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Appendix B SIGNS AND SYMPTOMS

Supervisors need to watch out for the signs and symptoms of an employee being not fit for work. It may be difficult to determine whether the employee is not fit for work due to alcohol or drugs, or some other reason such as a medical condition. Therefore, supervisors are encouraged in the first instance not to focus on why the employee is unfit but the actual signs and symptoms, and how they determine if the person is not fit for work. This will also assist in minimising conflict and managing the situation in a calm and professional manner.

Fitness for work encompasses an individual's physical, mental and emotional state. Before making a determination that someone is unfit supervisors are encouraged to have a discussion with a senior manager, People and Culture representative or a member of the Health & Safety team.

The time to raise the possible causes of the concerning signs and symptoms is when the employee has recovered and you have made a time to discuss the incident with them.

Below are symptoms supervisors should look out for to help determine if an employee is not fit for work. Less concerning symptoms will need to be present in conjunction with other symptoms for an employee to be deemed not fit for work. For example, blood shot eyes would not be a reason to send an employee home, but blood shot eyes in conjunction with uncoordinated movement, irritability and fatigue, might be. However, fainting on its own (irrespective of the cause) would be a reason to send an employee home.

Physical Symptoms
Shakiness
Bloodshot eyes
Dilated pupils
Uncoordinated movements, loss of balance and problems walking
Irregular breathing
Slow reactions and responses
Vomiting
Slurred speech
Hyperactivity
Fainting
Fatigue
Psychological Symptoms

Unclear judgement/confusion
Aggression
Loss of memory
Depression
Irrational behaviour
Hallucinations
Anxiety
Irritability
Appearing 'high' or drunk by laughing or talking more than usual

Appendix C ASSISTANCE AND SUPPORT

If you feel like you're struggling, it's important to take advantage of the many free services that could help you get back on track, including:

Employee Assistance Program – a free service to all employees

Converge International

Tel: 1300 687 327

Email: eap@convergeintl.com.au

Website: www.convergeinternational.com.au

Address: Level 5, 255 Bourke Street, Melbourne

DirectLine

Confidential alcohol and drug telephone counselling and referral to treatment services. T: 1800 888 236 (24 hours a day, 7 days a week)

Beyond Blue

Support for depression, anxiety and other mental health problems. T: 1300 22 4636 (24 hours a day, 7 days a week)

www.beyondblue.org.au (chat online or email 24 hours a day, 7 days a week)

Hello Sunday Morning

Be supported by other people who want to cut back or stop drinking alcohol through an online forum.

www.hellosundaymorning.org

Txt the Effects

Text the name of a drug, it doesn't matter if it's a slang name or not, and get an instant text back with its effects.

Standard SMS costs apply.

SMS: 0439 TELL ME (0439 835 563) (24 hours a day, 7 days a week)

1800 Ice Advice

The help line – 1800 Ice Advice will direct users and families to the treatment and support services they need and provide general information about ice and its effects. T: 1800 423 238 (24 hours a day, 7 days a week)

REVISION AND APPROVAL

This procedure is approved and released as follows:

14 Revision and approval

This policy should be reviewed by the Policy Owner as required, or at least every three years. Authorisation must be obtained before the updated version of the policy is published.

Policy Owner	Policy Approver	Date Approved	Review Date
EGM Finance and Corporate Support / Commercial Manager	Chief Executive Officer	1 July 2021	July 2022

14.1 History

Version	Date	Name	Reason
1	June 2021	Boris Stojanovic	Adaptation of existing procedure to suit PV needs
2			