

Ports and Maritime Administration Regulation 2012 - public consultation summary

Transport for NSW invited stakeholders to provide feedback on the proposed amendments to the Ports and Maritime Administration Regulation 2012 and proposed changes to the Port Botany Landside Improvement Strategy (PBLIS) Mandatory Standards. Public consultation was conducted from 10 December 2020 to 19 February 2021.

The review was notified through the Sydney Morning Herald and the Daily Telegraph, the NSW Government Gazette, the TfNSW website and emails to over 1,000 stakeholders inviting feedback. Stakeholders contacted included port and terminal operators, road, rail and shipping operators, freight forwarders, maritime industry, government, recreational vessel representatives and industry associations.

Transport for NSW received seven written submissions during public consultation. Follow up meetings were held with stakeholders to discuss their submissions.

During consultation, an additional proposal was identified. This proposal was to introduce the power for the Minister to require empty container storage facility operational data. Consultation on this proposal was undertaken from 10 to 28 May 2021. Ten stakeholders provided feedback via written submissions or meetings with Transport for NSW.

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Some stakeholders requested additional data, including data from other government agencies, be provided or shared across industry. For example, data is provided for the purpose of calculating port charges and parties other than those applying the port charge also sought access to that data. It was also requested that all ship cargo data be provided in electronic format only.

The proposed change to the Navigation Service Charge exemption, which applies a 50 percent discount to vessels that depart and then re-enter Botany Bay, was supported by some stakeholders and opposed by others.

Stakeholders requested that the dangerous goods provisions align with other dangerous goods legislation to ensure changes do not increase compliance costs for customers. It was also requested the required training standards for handling dangerous goods be specified in the Regulation.

The inclusion of Empty Container Parks (ECPs) in the Regulation was requested, both the provision of information about empty container movements and the regulation of these movements similar to the PBLIS arrangements.

Stakeholders also raised other queries that have assisted with improving the clarity of the Regulation, such as clarification of port entry clearance and approval processes for transporting dangerous goods.

Following consultation, Transport for NSW made an additional proposal to introduce the ability for the Minister to require ECP operational data. This proposal was supported by some stakeholders and opposed by others. Further information on potential effects of the proposal were also requested.

PBLIS Mandatory Standards

The proposed changes to the Mandatory Standards were broadly supported, in some instances after clarification of the proposed changes was provided.

Transport for NSW

Various other changes were requested, including changes to definitions, the penalty scheme and changes to the truck slot booking requirements. For example, changes to the cancellation deadline and the time periods allocated for servicing additional containers.

Stakeholders also requested changes to the provision of detailed particulars in relation to Unforeseen Events, and some stakeholders sought access to detailed PBLIS data (which is subject to confidentiality arrangements) in addition to the aggregated data currently provided.

Broader issues

Stakeholders raised a range of broader issues that were outside of the scope of the Regulation or the remake process. These included the expansion of the Regulation and PBLIS (for example to cover technology, vessel information, urban encroachment, corridors, productivity and other government interventions), strengthening the port price monitoring scheme (contained in the *Ports and Maritime Administration Act 1995*), changes to port traffic control provisions and the regulation of container stevedore charges. Some stakeholders also requested Transport for NSW place a moratorium on stevedores increasing any infrastructure charges.

Support was noted for the proposed Port Community System, an industry data sharing platform. Stakeholders requested this cover full and empty containers, include minimum mandatory data reporting requirements, provide full visibility of full import and export container status and ensure compliance from shipping lines on EDI requirements.