



New South Wales

Ports and Maritime Administration Amendment (Freight Reform) Regulation 2025

under the

Ports and Maritime Administration Act 1995

[*The following enacting formula will be included if this regulation is made—*]

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Ports and Maritime Administration Act 1995*.

Minister for Transport

Explanatory note

The object of this regulation is to amend the *Ports and Maritime Administration Regulation 2021* to—

- (a) make provision for licensed services at pilotage ports, including licensed service determinations, consequent on the commencement of the *Ports and Maritime Administration Amendment Act 2024*, Schedule 1, and
- (b) revise provisions for the Port Botany Landside Improvement Strategy consequent on the independent review undertaken in May 2023, including making further provision for mandatory standards, the disclosure and sharing of information and adjustment of financial penalties, and
- (c) address other miscellaneous matters, including extended port facility time limits for dangerous goods, the electronic provision and sharing of documents and offences.

Ports and Maritime Administration Amendment (Freight Reform) Regulation 2025

under the

Ports and Maritime Administration Act 1995

1 Name of regulation

This regulation is the *Ports and Maritime Administration Amendment (Freight Reform) Regulation 2025*.

2 Commencement

This regulation commences on the day on which this regulation is published on the NSW legislation website.

Schedule 1 Amendment of Ports and Maritime Administration Regulation 2021

[1] Part 1A

Insert after Part 1—

Part 1A Provision of licensed services at pilotage ports—the Act, Part 4B

Division 1 Preliminary

3A Meaning of “seagoing ship”—prescribed criteria

For the Act, section 44, definition of *seagoing ship*, paragraph (c), a vessel must be more than 45.72m in length.

3B Meaning of “towage service”

- (1) For the Act, section 46(2), a towage service does not include a service for the movement of construction equipment or material provided by a barge of a length not less than 35m and not more than 80m.
- (2) In this section—
barge means a flat bottomed displacement vessel that—
 - (a) is used for carrying or storing cargo or as a work platform, and
 - (b) is self-propelled or requires towing.

3C Meaning of “lines handling service”

For the Act, section 46A(1), definition of *lines handling service*, paragraph (c), the service of handling lines used to secure a vessel to a commercial berth does not include securing—

- (a) a vessel less than 35m in length, or
- (b) a vessel owned and operated by one of the following—
 - (i) the Port Authority of New South Wales,
 - (ii) TfNSW,
 - (iii) a port operator of Botany Bay, Port Kembla or Port of Newcastle,
 - (iv) NSW Police.

3D Meaning of “bunkering service”

For the Act, section 46B(2)(b), a bunkering service does not include the service of transferring 250L or less of hydrocarbon fuels from a storage facility or container to a vessel.

Division 2 Licensed service determinations

3E Proposed licensed service determinations

- (1) For the Act, section 46C(5)(b), before making a licensed service determination, the Port Authority of New South Wales must—
 - (a) publish a notice of the proposed licensed service determination on the website of the Port Authority of New South Wales, and

- (b) consider written submissions about the proposed license service determination received in accordance with the notice.
- (2) The notice must—
 - (a) include a copy of the proposed licensed service determination, and
 - (b) specify the way in which written submissions about the proposed licensed service determination may be made to the Port Authority of New South Wales, and
 - (c) specify a date by which the written submissions must be made that is not less than 30 days after the day on which the notice is published.

3F Licence fees

- (1) For the Act, section 46F(2)(b), a fee of \$5,000 is prescribed.
- (2) For the Act, section 46ZD(2)(f), a licence holder must pay a \$5,000 fee to the Port Authority of New South Wales for each year the licence is held other than for the first year.
- (3) For the Act, section 46ZD(2)(f), the Port Authority of New South Wales may waive the whole or part of a fee payable under this section.

3G Towage service licences—types of vessels

For the Act, section 46E(1)(a)(ii), a vessel exempt from compulsory pilotage under the *Marine Safety Act 1998*, section 75(1)(a) is prescribed.

3H Ground for suspension or revocation of licences

For the Act, section 46N(i), the licence holder not being a fit and proper person to hold the licence is a ground for suspension or revocation of the licence.

3I TfNSW sharing information about applicants and licence holders

- (1) For the Act, section 46ZD(2)(g), TfNSW may give the Port Authority of New South Wales information about an applicant or licence holder's compliance with the marine legislation for the purposes of the Port Authority of New South Wales determining whether to—
 - (a) grant an applicant a licence, or
 - (b) renew, suspend or revoke a licence holder's licence.
- (2) The information may include personal information within the meaning of the *Privacy and Personal Information Protection Act 1988*.

3J Power to require information—allowable purpose

For the Act, section 46W(3), definition of **allowable purpose**, paragraph (b), a purpose for determining whether a licence holder has committed an offence against one or more of the following is prescribed—

- (a) the marine legislation,
- (b) the *Crimes Act 1900*, section 52B,
- (c) a law, or a provision of a law, of the Commonwealth or another State or Territory that the Port Authority of New South Wales reasonably considers to be similar to a law or provision mentioned in paragraph (a) or (b).

3K Administrative reviews by NCAT

For the Act, section 46ZB(1), a person may apply to the Civil and Administrative Tribunal for an administrative review of the following under the *Administrative Decisions Review Act 1997*—

- (a) a refusal to grant a licence under section the Act, section 46G,
- (b) an imposition, variation or revocation of a condition under the Act, section 46I,
- (c) an immediate suspension of a licence under the Act, section 46P,
- (d) an imposition of a condition on a licence under the Act, section 46Q,
- (e) a suspension or revocation of a licence under the Act, section 46Q,
- (f) a refusal to renew a licence under the Act, section 46S.

Division 3 Miscellaneous

3L Publication of commercial berths

For the Act, section 46ZD(2)(g), the Port Authority of NSW must publish on its website a list of all commercial berths within the meaning of the Act, section 46A(3) that are located in NSW.

[2] Section 5A

Insert after section 5—

5A Maximum gross tonnage applicable for berthing charges

For the Act, section 65(1), 500 is prescribed.

[3] Section 9 Site occupation charges

Insert after section 9(1)(e)—

- (e1) the passenger capacity of the vessel,

[4] Section 9(3)(d1)

Insert after section 9(3)(d)—

- (d1) the passenger capacity of the vessel,

[5] Section 9(4)(d)

Omit “manifest.” from section 9(4)(c). Insert instead—

manifest, and

- (d) a reference to the passenger capacity of a vessel is a reference to the maximum passenger capacity as stated on the vessel’s International Tonnage Certificate.

[6] Section 9(5)

Insert after section 9(4)—

- (5) In this section—

International Tonnage Certificate has the same meaning as within the *Navigation Act 2012* of the Commonwealth.

[7] Part 2, Division 3

Omit the division.

[8] Section 29 Mooring licence conditions

Omit “or identification number issued under the National law” from section 29(1)(b)(ii).

Insert instead “issued under the National law or be exempt from the requirement to hold a certificate of operation,”.

[9] Part 6

Omit the part. Insert instead—

Part 6 Port Botany Landside Improvement Strategy—the Act, s 111 and Schedule 4

Division 1 Preliminary

43 Definitions

(1) In this part—

booking means an arrangement between a carrier and a stevedore for the stevedore to provide truck servicing at the stevedore’s terminal for a truck operated by the carrier.

carrier means a person engaged in a business of transporting shipping containers or cargo to or from Port Botany by truck.

financial penalty means a financial penalty imposed under Division 4 by reference to a financial penalty unit.

financial penalty unit—see section 63(2).

mandatory standard means a mandatory standard set by the Minister under section 47.

minimum benchmark—see section 49(3)(b).

performance benchmark means a performance benchmark set under section 49.

Port Botany means the stevedoring facilities and port facilities located at Port Botany.

rail car means a railway vehicle used to transport a shipping container or cargo to or from Port Botany by rail.

rail servicing means the loading or unloading of shipping containers or cargo onto or from rail cars at a terminal and includes a service that is incidental to the loading or unloading.

required truck turnaround time—see section 58(1).

slot means an opportunity for the making of a booking within a time zone.

stevedore means the operator of stevedoring facilities at Port Botany.

stevedore service provider means a person who provides services to a stevedore in connection with a matter for which a mandatory standard makes provision.

target benchmark—see section 49(3)(a).

terminal means the stevedoring facilities operated by a stevedore at Port Botany.

time zone means the period during which a truck must arrive at a terminal for the purpose of being provided with truck servicing under a booking.

truck means a vehicle used to transport a shipping container or cargo to or from Port Botany by road.

truck servicing means the loading or unloading of shipping containers or cargo onto or from trucks at a terminal and includes a service incidental to the loading or unloading.

- (2) In this part, a truck is **operated** by a carrier if the truck is used for the purposes of the business of the carrier by—
- (a) the carrier, or
 - (b) an employee of or contractor or subcontractor to the carrier.

44 Giving of Minister's directions

- (1) The Minister must give a direction to a person under this part by giving notice to the person.
- (2) If a direction applies to more than one person, the direction may instead be given by being published—
- (a) on TfNSW's website, and
 - (b) in a way that the Minister is satisfied is likely to bring the direction to the attention of the persons to whom the direction applies.

Example— email

- (3) A direction under this part may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors, or
 - (b) specify when it does not apply, or
 - (c) apply differently according to different factors of a specified kind.
- (4) A power to make a direction under this part includes a power to amend or revoke the direction in the exercise of that power.

Division 2 Unique identification numbers for carriers

45 Issuing of unique identification numbers for carriers—the Act, s 111 and Schedule 4, clause 8

- (1) A person must not enter Port Botany for the purpose of carrying out the activities of a carrier without a unique identification number issued by TfNSW.
Maximum penalty—100 penalty units.
- (2) A person may apply to TfNSW for a unique identification number in the form approved.
- (3) TfNSW may—
- (a) give the applicant a unique identification number, or
 - (b) refuse to give the applicant a unique identification number.
- (4) A person who is an applicant or has a unique identification number must give written notice to TfNSW if there is a material change to any information given in the person's application within 28 days after the event causing the material change.
Maximum penalty—50 penalty units.
- (5) TfNSW may, by written notice given to the person—
- (a) replace or amend the unique identification number for any reason, or

- (b) revoke or suspend the use of the unique identification number for any reason.
- (6) Before revoking or suspending the use of a unique identification number, TfNSW must—
 - (a) give the person a reasonable opportunity to make submissions about the proposed revocation or suspension, and
 - (b) consider the submissions in deciding whether to revoke or suspend the unique identification number.
- (7) A person may, in the approved form, request an internal review by TfNSW of a reviewable decision under this section—
 - (a) within 28 days after the person is notified of the reviewable decision, or
 - (b) at a later date determined by TfNSW.
- (8) TfNSW must conduct the internal review of the reviewable decision in accordance with the *Administrative Decisions Review Act 1997*, section 53(3)–(9), other than section 53(6)(c) and (9)(b) of that Act.
- (9) A person is not entitled under this section to a further internal review or internal review of any decision of an internal review under this section.
- (10) In this section—
reviewable decision means a decision—
 - (a) refusing a person’s application for a unique identification number, or
 - (b) revoking or suspending a person’s unique identification number.

Division 3 Regulatory charges

46 Regulation of charges

- (1) The Minister may, by written direction given to a stevedore or stevedore service provider, regulate the following kinds of charges that may be imposed by the stevedore or stevedore service provider for or in connection with the operation or provision of facilities or services of the port-related supply chain at Port Botany—
 - (a) charges in relation to the storage of containers,
 - (b) charges in relation to the arrival, cancellation or departure of carriers for which financial penalties may also be imposed,
 - (c) charges in relation to rail servicing.
- (2) A direction under subsection (1) may—
 - (a) require the giving of notice to the Minister of the imposition of a new charge or an increase in the amount of an existing charge, and
 - (b) prohibit stevedores from imposing charges on carriers, and
 - (c) require a stevedore or stevedore service provider to give the Minister or TfNSW information about charges imposed, or proposed to be imposed or increased, by the stevedore or stevedore service provider.
- (3) A stevedore or stevedore service provider is not entitled to impose, collect or recover a charge in contravention of a direction under this section.
- (4) If a person paid a charge that was imposed on the person in contravention of a direction under this section, the charge may be recovered by the person as a debt due from the person to whom it was paid.

- (5) A stevedore or stevedore service provider must not impose a charge in contravention of a direction under this section.
Maximum penalty—500 penalty units.
- (6) A stevedore or stevedore service provider must comply with a direction to give notice or provide information as referred to in subsection (2)(a) or (c).
Maximum penalty—100 penalty units.
- (7) A person must not, in purported compliance with a direction under this section, provide information that the person knows is false or misleading in a material particular.
Maximum penalty—100 penalty units.

Division 4 Mandatory standards

Subdivision 1 Preliminary

47 Mandatory standards set by Minister

- (1) The Minister may, by order published in the Gazette, set one or more mandatory standards in connection with the provision of port servicing by stevedores at Port Botany, including, without limitation, standards relating to the following—
 - (a) performance in the provision of truck servicing,
 - (b) access to port servicing and facilities for the provision of truck servicing,
 - (c) coordination of truck servicing,
 - (d) other matters authorised or required by this part.
- (2) A mandatory standard set by the Minister may—
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors, or
 - (b) specify when a mandatory standard does not apply, or
 - (c) apply differently according to different factors of a specified kind, or
 - (d) authorise a matter or thing to be from time to time determined, applied or regulated by a specified person or body.
- (3) The Minister must arrange for a copy of each mandatory standard and an amendment to a mandatory standard to be published on a website maintained by TfNSW.
- (4) The Minister must, as soon as practicable after making an order under this section, give each stevedore and carrier written notice of the following—
 - (a) the making of the order,
 - (b) the website on which the standard or amendment is published.

48 Requirement for industry consultation before setting mandatory standards

- (1) Before setting or amending a mandatory standard, the Minister must cause the proposed standard or amendment to be the subject of appropriate industry consultation.
- (2) Appropriate industry consultation is consultation that the Minister considers appropriate with representative bodies and organisations of people likely to be affected by the proposed standard or amendment.

- (3) The consultation must provide the bodies and organisations that are consulted with an adequate opportunity to comment on the proposed standard or amendment.

Subdivision 2 Mandatory standards—performance benchmarks

49 Minimum and target performance benchmarks

- (1) The Minister may set mandatory standards to enable stevedores and carriers operating in the port-related supply chain at Port Botany to transition from operating under mandatory standards to operating without mandatory standards (*performance benchmarks*).
- (2) Without limiting subsection (1), a performance benchmark may set benchmarks which a stevedore or carrier must—
 - (a) meet to begin the transition (a *target benchmark*), and
 - (b) continue to meet to continue the transition (a *minimum benchmark*).
- (3) A performance benchmark may provide for the way in which performance against a benchmark is to be measured.

Subdivision 3 Mandatory standards—booking and gate procedures

50 Booking systems and procedures

- (1) A mandatory standard may provide for the systems and procedures that must be used by stevedores and carriers for or in connection with the making of bookings.
- (2) A stevedore must not accept a booking unless the booking has been made in accordance with the requirements of the mandatory standard.
Maximum penalty—500 penalty units.

51 Minimum duration of time zones for bookings

- (1) A mandatory standard may provide for the minimum duration of time zones.
- (2) A stevedore must not make a booking available for a time zone if the booking has a duration less than the minimum duration for the time zone set by the mandatory standard.
Maximum penalty—500 penalty units.

52 Minimum number of slots for bookings

- (1) A mandatory standard may provide for the minimum number of slots to be made available by stevedores for bookings within a specified period.
- (2) A stevedore must make the minimum number of slots available for booking as required by the mandatory standard.
Maximum penalty—500 penalty units.

53 Minimum booking period before start of time zone

- (1) A mandatory standard may provide for the minimum time before the start of a time zone when slots in the time zone must be made available for booking.
- (2) A stevedore must comply with the requirements of the mandatory standard.
Maximum penalty—50 penalty units.

54 Gate requirements

- (1) A mandatory standard may establish requirements for truck servicing (*gate requirements*) that relate to the following—
 - (a) the permissible points of entry to and exit from a terminal for trucks arriving for and leaving after truck servicing at the terminal,
 - (b) the queuing of trucks for entry to a terminal for truck servicing,
 - (c) the installation of clocks at points of entry to a terminal.
- (2) A stevedore must not permit a truck to enter or exit from the stevedore's terminal in contravention of the gate requirements.
Maximum penalty—50 penalty units.
- (3) A carrier must not cause or permit a truck operated by the carrier to enter or exit from a stevedore's terminal in contravention of the gate requirements.
Maximum penalty—50 penalty units.

Subdivision 4 Mandatory standards—operational performance of carriers

55 Cancellation of bookings by carriers

- (1) A mandatory standard may provide for the cancellation of bookings by carriers, including in relation to the following—
 - (a) limitations on cancellation,
 - (b) procedures that must be followed for a cancellation,
 - (c) the obligations of stevedores to rebook slots for cancelled bookings,
 - (d) the requirements for giving notice of a cancellation.
- (2) A carrier may not cancel a booking after the start of the time zone for the booking.
- (3) A carrier who cancels a booking otherwise than in accordance with the requirements of the mandatory standard referred to in this section is liable to pay the stevedore—
 - (a) 2 financial penalty units, and
 - (b) a stevedore or booking fee for the cancelled booking.

56 Penalty for truck arriving early or late for booking

- (1) A carrier who makes a booking for a truck operated by the carrier must ensure that the truck arrives for the booking by the times set out in the mandatory standards.
- (2) A mandatory standard may provide for the way in which to determine when a truck is considered to have arrived, or failed to arrive, for a booking for the purposes of this section.
- (3) A carrier who does not comply with a mandatory standard for this section is liable to pay the stevedore a financial penalty as follows—
 - (a) 4 financial penalty units for a truck arriving before the start of the time zone,
 - (b) 2 financial penalty units for a truck arriving after the end of the time zone, but before the end of the extended arrival period, if the stevedore permits the truck entry to the stevedore's terminal,

- (c) 4 financial penalty units for a truck arriving after the end of the time zone but before the end of the extended arrival period, if the stevedore denies the truck entry to the stevedore's terminal,
 - (d) 4 financial penalty units for a truck arriving after the end of the time zone and after the end of the extended arrival period, whether the stevedore permits or denies the truck entry to the stevedore's terminal.
- (4) If more than one financial penalty accrues during a truck trip for a carrier, the carrier is only liable to pay the first financial penalty that accrued during the truck trip.
- (5) In this section—
- extended arrival period*** is the period after the end of a time zone for a booking as determined by TfNSW from time to time and notified by TfNSW on its website.
- truck trip***, in relation to a carrier, means the period beginning when the carrier enters a terminal and ending when the carrier leaves the terminal.

57 Penalty for non-service caused by fault of carrier or driver

- (1) A carrier who makes a booking with a stevedore must ensure—
- (a) the truck operated by the carrier complies with requirements set by a mandatory standard, and
 - (b) the stevedore is not prevented from carrying out activities set by a mandatory standard.
- (2) A carrier who does not comply with a mandatory standard for this section is liable to pay the stevedore 4 financial penalty units.
- (3) A mandatory standard may be set for this section, including for the following—
- (a) determining when a truck is or is not capable of receiving the truck servicing for which the truck is booked,
 - (b) specifying the acts or omissions of a carrier or driver of a truck that are regarded as preventing a stevedore from—
 - (i) providing the services for which a truck is booked, or
 - (ii) providing the services within the required truck turnaround time for the booking.

Subdivision 5 Mandatory standards—operational performance of stevedores

58 Required truck turnaround time

- (1) A mandatory standard may provide for the time within which the truck servicing for which a booking is made must be performed by a stevedore (the ***required truck turnaround time***), including by specifying the events that constitute the start and end of truck servicing.
- (2) If the truck servicing for which a booking is made by a carrier is not performed by the stevedore within the required truck turnaround time for the booking, the stevedore is liable to pay the carrier 1 financial penalty unit for every 15 minutes by which the required truck turnaround time is exceeded.

59 Failure or refusal to perform truck servicing

- (1) If a stevedore fails or refuses to perform the truck servicing for which a booking (the ***failed booking***) has been made otherwise than in accordance with a mandatory standard—
 - (a) the stevedore is liable to pay the carrier 4 financial penalty units, and
 - (b) the stevedore must make another slot available for booking by the carrier in a time zone that is no later than 24 hours after the time zone for the failed booking, and
 - (c) the carrier is not liable to pay the stevedore a booking fee for the failed booking, and
 - (d) the carrier is not liable to pay the stevedore storage charges that would otherwise be payable for the storage of cargo in connection with the failed booking during the 24 hours after the time zone for the failed booking.
- (2) A mandatory standard may provide for the circumstances in which a stevedore fails or refuses to perform truck servicing for which a booking has been made for this section.
- (3) A carrier is entitled to the repayment of a fee or charge already paid by the carrier if the carrier is not liable to pay the fee or charge because of this section.
- (4) A stevedore must not demand or accept payment of a fee or charge from a carrier if the carrier is not liable to pay the fee or charge because of this section.
Maximum penalty—100 penalty units.
- (5) A stevedore must make another slot available for booking by a carrier as required by subsection (1)(b).
Maximum penalty—100 penalty units.
- (6) This section does not apply to a failure or refusal to perform truck servicing that results from—
 - (a) the truck not being capable of receiving the services for which the truck is booked, or
 - (b) an act or omission of the carrier or the driver of the truck that prevents the stevedore from—
 - (i) providing the services for which the truck is booked, or
 - (ii) providing the services within the required truck turnaround time for the booking.
- (7) A mandatory standard may require allowances and concessions to be made by a stevedore if—
 - (a) there is a failure or refusal by the stevedore to perform truck servicing within the required truck turnaround time, and
 - (b) the failure or refusal results in a delay for a carrier in connection with another booking.
- (8) The allowances and concessions may include the following—
 - (a) requiring the stevedore to accept a truck for servicing outside the time zone for the other booking,
 - (b) granting an exemption from the payment of a financial penalty that would otherwise become payable in connection with the other booking because of the delay,

- (c) directing changes to the starting time of the required truck turnaround time for the other booking to allow for the delay.

60 Cancellation of bookings

- (1) A mandatory standard may provide for the cancellation of bookings by a stevedore, including—
 - (a) restrictions on cancellation, and
 - (b) requirements for the giving of notice of cancellation.
- (2) If a stevedore cancels a carrier's booking in contravention of a mandatory standard—
 - (a) the stevedore is liable to pay the carrier 4 financial penalty units, and
 - (b) the stevedore must make another slot available for booking by the carrier in a time zone that is no later than 36 hours after the time zone for the cancelled booking, and
 - (c) the carrier is not liable to pay the stevedore a booking fee for the cancelled booking, and
 - (d) the carrier is not liable to pay the stevedore storage charges that would otherwise be payable for the storage of cargo in connection with the cancelled booking during the 36 hours after the time zone for the cancelled booking.
- (3) A carrier is entitled to the repayment of a fee or charge already paid by the carrier that the carrier is not liable to pay because of this section.
- (4) A stevedore must not demand or accept payment from a carrier of a fee or charge that the carrier is not liable to pay because of this section.
Maximum penalty—100 penalty units.
- (5) A stevedore must make another slot available for booking by a carrier as required by subsection (2)(b).
Maximum penalty—100 penalty units.

61 Cancellation of time zones

- (1) A mandatory standard may provide for the cancellation of time zones by a stevedore, including—
 - (a) restrictions on cancellation, and
 - (b) requirements for the giving of notice of cancellation.
- (2) If a stevedore cancels a time zone, whether or not in contravention of a mandatory standard, a carrier who had a booking in the cancelled time zone is not liable to pay the stevedore a booking fee for the booking.
- (3) If a stevedore cancels a time zone in contravention of a mandatory standard—
 - (a) the stevedore is liable to pay the financial penalty specified in subsection (4) to each carrier who had a booking with the stevedore in the cancelled time zone, and
 - (b) the stevedore must make another slot available for booking by each of the carriers that is in a time zone no later than 36 hours after the cancelled time zone, and
 - (c) the carrier is not liable to pay the stevedore storage charges that would otherwise be payable for the storage of cargo in connection with the booking during the 36 hours after the cancelled time zone.

- (4) The financial penalty payable by a stevedore under subsection (3) is—
 - (a) if the carrier was given notice of the cancellation as required by the mandatory standards at least 2 hours before the start of the time zone—2 financial penalty units for each booking the carrier had in the time zone, and
 - (b) if the carrier was not given the notice at least 2 hours before the start of the time zone—4 financial penalty units for each booking that the carrier had in the time zone.
- (5) A carrier is entitled to the repayment of a fee or charge already paid by the carrier that the carrier is not liable to pay because of this section.
- (6) A stevedore must not demand or accept payment from a carrier of a fee or charge that the carrier is not liable to pay because of this section.
Maximum penalty—100 penalty units.
- (7) A stevedore must make another slot available for booking by a carrier as required by subsection (3)(b).
Maximum penalty—100 penalty unit

Subdivision 6 Financial penalties

62 Invoicing and payment of financial penalties

- (1) A mandatory standard may provide for the following—
 - (a) the systems and procedures that must be implemented for invoicing in connection with financial penalties,
 - (b) the data and information that must be relied on to determine liability for financial penalties,
 - (c) the procedures for the payment and processing of payment of financial penalties,
 - (d) the circumstances in which a carrier or stevedore is or is not permitted to make a deduction from or set off against a financial penalty payable by the carrier or stevedore.
- (2) A carrier or stevedore must pay a financial penalty required to be paid under this part—
 - (a) within 14 days after receiving an invoice for the penalty from the carrier or stevedore to whom the penalty is payable, and
 - (b) in accordance with the procedures established by the mandatory standards for the payment and processing of payment of financial penalties.
Maximum penalty—100 penalty units.
- (3) A mandatory standard may provide for the circumstances in which a financial penalty that would otherwise be payable under this part is not payable or must be reduced.
- (4) The amount of a financial penalty specified under this part does not include GST.
- (5) The amount of a financial penalty payable in a particular case must be increased by the applicable GST payable for the financial penalty.
- (6) A financial penalty is recoverable as a debt.

63 Calculation of financial penalty units

- (1) In this division, a reference to a number of financial penalty units is taken to be a reference to an amount of money equal to the amount obtained by multiplying the amount of a financial penalty unit by the number of financial penalty units.
- (2) In this division, a **financial penalty unit** is—
 - (a) in the financial year 2025–2026—\$37, and
 - (b) in each later financial year—the amount calculated as follows—

$$FP \times \frac{A}{B}$$

where—

FP is the financial penalty unit for the previous financial year.

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2025.

- (3) The amount of a financial penalty unit must be rounded to the nearest dollar, and an amount of 50 cents must be rounded down.
- (4) However, if the amount of a financial penalty unit calculated for a financial year is less than the amount that applied for the previous financial year, then the amount for the previous financial year applies instead.
- (5) The amount of a financial penalty calculated by reference to a financial penalty unit, including the amount of a component of a financial penalty, must be rounded to the nearest dollar and an amount of 50 cents must be rounded down.
- (6) As soon as practicable after the CPI number for the March quarter is published by the Australian Bureau of Statistics, TfNSW is required to—
 - (a) notify the Parliamentary Counsel of the amount of the financial penalty unit for the next financial year so that notice of the amount may be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual financial penalty amounts applying in each financial year resulting from the application of the amount of a financial penalty unit calculated under this section.
- (7) Failure to comply with subsection (6) does not affect the operation of subsections (1)–(5).
- (8) In this section—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

Division 5 Compliance, information sharing and records—the Act, s 111 and Schedule 4, clause 1

Note— See section 108 for an additional record keeping obligation for empty container storage facility operators.

64 Direction to keep and share information

- (1) The Minister may, by written direction, require a relevant person—
 - (a) to keep specified records and give specified information to the Minister or TfNSW in connection with the operation or provision of facilities or services of the port-related supply chain at Port Botany, and
 - (b) to keep the records and give the information in a specified format, and
 - (c) to take specified measures to protect the records from loss, damage or destruction.
- (2) Before giving a direction under subsection (1), the Minister must be satisfied the direction is necessary for monitoring a relevant person's—
 - (a) performance in connection with the operation or provision of facilities or services of the port-related supply chain at Port Botany, or
 - (b) compliance with a mandatory standard.
- (3) A relevant person must comply with a direction given under this section.
Maximum penalty—
 - (a) for a corporation—500 penalty units, or
 - (b) for an individual—100 penalty units.
- (4) A person must not, in purported compliance with a direction under this section, provide information that the person knows is false or misleading in a material particular.
Maximum penalty—
 - (a) for a corporation—500 penalty units, or
 - (b) for an individual—100 penalty units.
- (5) The issue of a penalty notice or the taking of proceedings for non-compliance with a direction under this section does not prevent—
 - (a) the giving of the same direction (a *further direction*) on one or more further occasions, or
 - (b) the issuing of a penalty notice or the taking of proceedings for non-compliance with a further direction.
- (6) In this section—
relevant person means the following—
 - (a) a carrier,
 - (b) a stevedore,
 - (c) a stevedore service provider,
 - (d) a rail operator,
 - (e) an operator of an empty storage container facility.

65 Carriers must give truck number-plate information to stevedores

- (1) A carrier must ensure the number-plate information for a truck that the carrier uses for a booking is given by way of the stevedore's container booking system no later than 10 minutes before the truck arrives at the stevedore's terminal.
Maximum penalty—50 penalty units.
- (2) In this section—
number-plate information for a truck means—

- (a) the registration number displayed on the number-plate issued for the truck, and
- (b) the State or Territory in which the number-plate was issued.

65A Carriers must maintain legible truck number-plates in port facility

A carrier must ensure a truck being used by the carrier within Port Botany has a number-plate that is not obscured and displayed in accordance with—

- (a) for a truck registered in NSW—the *Road Transport Act 2013* and the regulations under that Act, or
- (b) for a truck registered in another State or Territory—the corresponding requirements under a law of that State or Territory.

Maximum penalty—50 penalty units.

65B TfNSW auditing of performance and compliance with mandatory standards

- (1) For an audit, TfNSW may give a written direction to a relevant person—
 - (a) to give TfNSW specified information relating to the practices and procedures of the following—
 - (i) the relevant person in connection with the provision of facilities or services of the port-related supply chain at, or related to, Port Botany,
 - (ii) a relevant person in connection with a matter dealt with by a mandatory standard, and
 - (b) to produce for inspection by TfNSW or an authorised officer of TfNSW specified records, including financial and operational records, in connection with the following—
 - (i) the provision of facilities or services of the port-related supply chain at, or related to, Port Botany,
 - (ii) a matter dealt with by a mandatory standard.
- (2) TfNSW may, by its officers or agents, enter and inspect premises or a facility at a stevedore's terminal or another relevant person's place of business for or in connection with a compliance audit by TfNSW.
- (3) A relevant person must comply with a direction under this section.
Maximum penalty—500 penalty units.
- (4) A person must not, in purported compliance with a direction under this section, give information the person knows is false or misleading in a material particular.
Maximum penalty—100 penalty units.
- (5) The issue of a penalty notice or the taking of proceedings for non-compliance with a direction under this section does not prevent—
 - (a) the giving of the same direction (a *further direction*) on one or more further occasions, or
 - (b) the issuing of a penalty notice or the taking of proceedings for non-compliance with a further direction.
- (6) In this section—
relevant person means the following—
 - (a) a carrier,
 - (b) a stevedore,

- (c) a stevedore service provider,
- (d) a rail operator,
- (e) an operator of an empty container storage facility.

65C Publication of information

- (1) For the Act, Schedule 4, clause 7, the Minister or TfNSW may publish the following—
 - (a) reports, statements and other documents based on information given to, or obtained by, the Minister or TfNSW under this part,
 - (b) reports, statements and other documents based on information relating to the performance of stevedores, carriers and stevedore service providers, including in relation to performance against the performance benchmarks,
 - (c) information, reports, statements and other documents relating to the efficiency of Port Botany.
- (2) Information that identifies a person, or is likely to identify a person, who has contravened this part is not permitted to be published under this section.
- (3) No liability, including liability in defamation, is incurred for publishing in good faith anything under this section or a fair report or summary of anything.

Division 6 Transitional provisions relating to performance benchmarks and other mandatory standards

65D Definitions

In this division—

direction means a direction given under this part.

minimum performance determination means a performance determination received in a quarterly period specifying the stevedore or carrier has met the minimum performance benchmarks for the preceding quarterly period.

performance determination means a determination made under section 65E(1) by TfNSW in relation to whether a carrier or stevedore has met the performance benchmarks.

quarterly period means the following periods—

- (a) the beginning of January to the end of March,
- (b) the beginning of April to the end of June,
- (c) the beginning of July to the end of September,
- (d) the beginning of October to the end of December.

target performance determination means a performance determination received in a quarterly period specifying the stevedore or carrier has met the target performance benchmarks for the preceding quarterly period.

65E TfNSW to determine whether performance benchmarks met

- (1) TfNSW must determine, for each quarterly period, whether a relevant person has met—
 - (a) the target performance benchmarks, and
 - (b) the minimum performance benchmarks, and

- (c) the minimum performance benchmarks for a continuous period of 7 quarterly periods beginning immediately after a quarterly period for which the relevant person met the target performance benchmarks.
- (2) In determining whether a relevant person has met a performance benchmark, TfNSW must rely on information held by TfNSW.
- (3) TfNSW must give written notice of a determination for a quarterly period to the relevant person before the end of the following quarterly period.
- (4) A determination is not required to be made for a stevedore or carrier if a determination has been made in relation to the stevedore or carrier in the circumstances referred to in sections 65F(c) or 65G(d), respectively.
- (5) In this section—
relevant person means the following persons—
 - (a) a carrier,
 - (b) a stevedore.

65F Transitional application of mandatory standards and directions to stevedores

A mandatory standard or direction may provide that a mandatory standard or direction, respectively, does not apply to a stevedore—

- (a) for the quarterly period (the **initial period**) immediately after the period in which the stevedore receives a target performance determination, or
- (b) for each quarterly period occurring after the initial period if the stevedore has received a minimum performance determination in the immediately preceding quarterly period, or
- (c) if the stevedore has received a performance determination specifying the stevedore has met the minimum performance benchmarks for a period of 7 consecutive quarterly periods beginning immediately after the initial period.

65G Transitional application of mandatory standards and directions to carriers

A mandatory standard or direction may provide a mandatory standard or direction, respectively, does not apply to a carrier—

- (a) when carrying out services in relation to a stevedore for whom a mandatory standard does not apply under section 65F, or
- (b) for the quarterly period (the **initial period**) immediately after the period in which the carrier receives a target performance determination, or
- (c) for each quarterly period occurring after the initial period if the carrier has received a minimum performance determination in the immediately preceding quarterly period, or
- (d) if the carrier has received a performance determination specifying the carrier has met the minimum performance benchmarks for a period of 7 consecutive quarterly period beginning immediately after the initial period.

[10] Section 66 Definitions

Omit section 66(1), definition of **work**. Insert in alphabetical order—

extended port facility time limit—see section 101A(2)(b).

work, in relation to a ship, includes the following—

- (a) hot work carried out on the ship,

- (b) work that immobilises the ship,
- (c) freeing gas from the ship's tanks,
- (d) underwater inspections of the ship.

[11] Section 67 Application of Part

Omit "Schedule 1" from section 67(2)(a). Insert instead "the schedule".

[12] Section 67(6)

Insert after section 67(5), before the note—

- (6) In this section—
bunkering fuel means hydrocarbon fuel taken on board a ship for the purpose of propulsion or powering auxiliary plants on board the ship.

[13] Section 81 Work or bunkering on ships carrying dangerous goods

Omit the section.

[14] Section 101A

Insert after section 101—

101A Extended port facility time limits for dangerous goods in restricted areas

- (1) This section applies to dangerous goods for which a port facility time limit of 12 hours applies under section 101(3).
- (2) A relevant authority may approve a port facility operator to keep dangerous goods—
 - (a) within an area (a *restricted area*), and
 - (b) for a period longer than a port facility time limit but no longer than 120 hours within the restricted area (an *extended port facility time limit*).
- (3) A port facility operator may apply for an approval in a way approved by the relevant authority.
- (4) An application must be accompanied by a risk assessment undertaken by the port facility operator.
- (5) The risk assessment may address the following—
 - (a) the nature and quantities of hazardous material and other dangerous goods to be kept within the restricted area,
 - (b) the type of equipment to be used when handling the dangerous goods,
 - (c) the extent to which the port facility operator's technical, operational, organisational and emergency procedures are adequate in relation to keeping the dangerous goods,
 - (d) the characteristics of the surrounding area of the port facility, including the land use, population size and location to other hazardous things,
 - (e) other factors relevant to assessing whether the dangerous goods may be kept safely.
- (6) In determining whether to grant approval under this section, the relevant authority must have regard to the risk assessment.
- (7) The approval may be granted unconditionally or subject to conditions.

- (8) Without limiting subsection (7), the relevant authority may impose conditions about—
 - (a) the number of containers permitted within the restricted area, and
 - (b) the kinds of goods that may be kept within the restricted area.
- (9) A relevant authority may amend or revoke an approval under this section for any reason.
- (10) A port facility operator must comply with an approval granted to the operator under this section.
Maximum penalty—300 penalty units.

[15] Section 102

Omit the section. Insert instead—

102 Compliance with port facility time limits

- (1) A responsible consignor or agent for dangerous goods that are export goods must ensure that the goods are not delivered to a port facility for loading on to a ship if the goods will remain at the port facility for more than—
 - (a) if an extended port facility time limit applies—the extended port facility time limit for the goods, or
 - (b) otherwise—the port facility time limit for the goods.Maximum penalty—
 - (a) for a corporation—50 penalty units and, for a continuing offence, a further 50 penalty units for each day the offence continues, or
 - (b) for an individual—10 penalty units and, for a continuing offence, a further 10 penalty units for each day the offence continues.
- (2) A responsible consignor or agent for dangerous goods that are trans-shipment goods that have been unloaded at a port facility must ensure that the goods are loaded on to the ship that will carry the goods out of the port no later than—
 - (a) if an extended port facility time limit applies—the extended port facility time limit for the goods, or
 - (b) otherwise—the port facility time limit for the goods.Maximum penalty—
 - (a) for a corporation—50 penalty units and, for a continuing offence, a further 50 penalty units for each day the offence continues, or
 - (b) for an individual—10 penalty units and, for a continuing offence, a further 10 penalty units for each day the offence continues.
- (3) A port facility operator must ensure dangerous goods brought to the port facility, or unloaded at the port facility, are removed from the port facility no later than—
 - (a) if an extended port facility time limit applies—the extended port facility time limit for the goods, or
 - (b) otherwise—the port facility time limit for the goods.Maximum penalty—
 - (a) for a corporation—50 penalty units and, for a continuing offence, a further 50 penalty units for each day the offence continues, or
 - (b) for an individual—10 penalty units and, for a continuing offence, a further 10 penalty units for each day the offence continues.

- (4) The responsible consignor or agent for import goods and the consignee of import goods that have been unloaded at a port facility must ensure the goods are removed from the port facility no later than—
- (a) if an extended port facility time limit applies—the extended port facility time limit for the goods, or
 - (b) otherwise—the port facility time limit for the goods.
- Maximum penalty—
- (a) for a corporation—50 penalty units and, for a continuing offence, a further 50 penalty units for each day the offence continues, or
 - (b) for an individual—10 penalty units and, for a continuing offence, a further 10 penalty units for each day the offence continues.

[16] Part 7A

Insert after Part 7—

Part 7A Electronic information and disclosure—the Act, s 110(1B)

105A Electronic manifests—the Act, section 110(1B)(a)

- (1) A manifest given by a vessel owner to a relevant port authority under section 11 or 12 must be given—
- (a) electronically, in the way approved by the relevant port authority, or
 - (b) in another way agreed to between the port authority and owner.
- Maximum penalty—20 penalty units.
- (2) A relevant port authority must publish on its website the electronic way approved under subsection (1)(a).

105B Electronic delivery orders and empty container directions—the Act, section 110(1B)(a)

- (1) If an owner of a vessel gives a delivery order to a port operator or empty container storage facility, the owner must give the order to the port operator or empty container storage facility electronically in the way approved by TfNSW.
- Maximum penalty—20 penalty units.
- (2) If an owner of a vessel gives an empty container direction to an empty container storage facility or carrier, the owner must give the direction to the empty container storage facility or carrier electronically in the way approved by TfNSW.
- Maximum penalty—20 penalty units.
- (3) TfNSW must publish on its website the approved way under subsections (1) and (2).
- (4) In this section—
- carrier* means a person engaged in a business transporting shipping containers or cargo to or from a port by truck.
- container* has the same meaning as in section 4.
- empty container direction*, in relation to an empty container for which a vessel owner is responsible, means a direction or instruction given by the owner of

the vessel about the movement or location of the empty container in relation to an empty container storage facility.

105C Relevant port authority may require vessel environmental performance information—the Act, section 110(1B)(b)

- (1) This section applies to a vessel for which a port charge is payable.
- (2) A relevant port authority may, by written notice, require the owner of a vessel to give the port authority environmental performance information about the vessel.
- (3) The notice must specify the information, and the time by which the information, must be given.
- (4) The owner of the vessel must comply with the notice.
Maximum penalty— 20 penalty units.
- (5) In this section—
environmental performance information, in relation to a vessel, includes the following kinds of information—
 - (a) the type of fuel in use on the vessel, including the sulphur content of the fuel,
 - (b) the status, maintenance and availability of an exhaust gas cleaning system, if any,
 - (c) the capacity of pumps and outlets for the vessel if the vessel is carrying bulk liquids,
 - (d) the status, maintenance, availability and other information about shore power infrastructure installed on the vessel, if any,
 - (e) other information about the vessel relevant to a port authority's management and mitigation of environmental risk or impact.

105D Provision of information about manifests and delivery orders—the Act, section 110(1B)(b1)

- (1) The Minister may, by written notice to a port operator, require the port operator to give the Minister or TfNSW information about delivery orders.
- (2) The Minister may, by written notice to a relevant port authority, require the relevant port authority to give the Minister or TfNSW information about manifests.
- (3) A person given a notice under this section must comply with the notice.
Maximum penalty—5 penalty units.

105E Provision of information about port charges and operator directions—the Act, section 110(1B)(b2)

- (1) A port operator of a private port must, when giving information to the Minister under the Act, section 40D or 81, give a copy of the information to TfNSW.
- (2) The Minister may, by written notice, direct the port operator of a private port to give other information to TfNSW that relates to port operator directions or port charges specified in the notice.
- (3) The port operator must comply with the notice.
Maximum penalty—5 penalty units.

public consultation draft

Ports and Maritime Administration Amendment (Freight Reform) Regulation 2025 [NSW]
Schedule 1 Amendment of Ports and Maritime Administration Regulation 2021

[17] Section 109 Maritime Advisory Council—the Act, s 34

Omit “9 persons” from section 109(1). Insert instead “11 persons”.

[18] Section 110A

Insert after section 110—

110A Work or bunkering on seagoing ships

(1) For the Act, section 110(1B)(b3), the master of a seagoing ship—

- (a) must not carry out work or bunkering on the ship while the ship is in the waters or berthed at a port facility within a pilotage port without the prior written approval of the relevant authority for the pilotage port, and
- (b) must ensure that the work or bunkering complies with the conditions of the written approval granted by the relevant authority for the pilotage port.

Maximum penalty—60 penalty units.

(2) In this section—

relevant authority, for a port, has the same meaning as in section 66(1).

seagoing ship has the same meaning as in the Act, section 44.

work, in relation to a seagoing ship, includes the following—

- (a) hot work, within the meaning of section 66(1), carried out on the ship,
- (b) work that immobilises the ship,
- (c) freeing gas from the ship’s tanks,
- (d) underwater inspections of the ship.

[19] Schedule 6 Penalty notice offences

Insert in appropriate order under the heading “**Offences under the Act**”—

Section 39(1)	\$500	\$500
Section 46X(1) and (2)	\$1,000	\$1,000
Section 46ZA	\$500	\$500
Section 104C(4)	\$100	—

[20] Schedule 6, table

Omit “Section 40(1) and (3)” from under the heading “**Offences under this Regulation**”.
Insert instead “Section 40(1)”.

[21] Schedule 6, table

Insert in appropriate order under the heading “**Offences under this Regulation**”—

Section 40(3)—for contravention of a written direction	\$150	—
Section 101A(10)	—	\$7,500

[22] Schedule 6, table

Omit the matter relating to section 102(1)–(4) under the heading “**Offences under this Regulation**”. Insert instead—

public consultation draft

Ports and Maritime Administration Amendment (Freight Reform) Regulation 2025 [NSW]
Schedule 1 Amendment of Ports and Maritime Administration Regulation 2021

Section 102

\$250 and \$250 for the
continuing offence

\$1,250 and \$1,250 for
the continuing offence

[23] Dictionary

Omit the definition of *truck turnaround time*. Insert in alphabetical order—

direction, for Part 6, Division 6—see section 65D.

empty container storage facility means a supply chain facility used for the storage and handling of empty cargo containers.

extended port facility time limit, for Part 7—see section 66.

financial penalty unit, for Part 6, Division 4—see section 63(2).

minimum benchmark, for Part 6—see section 49(3)(b).

minimum performance determination, for Part 6, Division 6—see section 65D.

performance benchmark, for Part 6—see section 43.

performance determination, for Part 6, Division 6—see section 65D.

quarterly period, for Part 6, Division 6—see section 65D.

required truck turnaround time, for Part 6—see section 58(1).

target benchmark, for Part 6—see section 49(3)(a).

target performance determination, for Part 6, Division 6—see section 65D.