

# Ports & Maritime Admin Act & Port Botany Landside Improvement Strategy

## A Submission to Transport for New South Wales

Friday, 28<sup>th</sup> November 2025

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## 1. Introduction

The Australian Logistics Council (ALC) welcomes Transport for New South Wales (TfNSW)'s Draft Ports and Maritime Administration Regulation 2025 and the associated reforms to the Port Botany Landside Improvement Strategy (PBLIS). These reforms represent a meaningful step towards a modern, outcomes-based approach to landside regulation that enhances transparency, strengthens accountability, and supports more efficient container movements across the supply chain. ALC supports the view that supply chain performance cannot be effectively measured solely at the terminal level. Genuine efficiency gains require a precinct-wide perspective that accounts for landside carriers, container yard operations, slot utilisation, intermodal interfaces, and freight rail interactions. By adopting this approach, the reforms reflect an understanding of the interdependent nature of modern supply chains and align with ALC's longstanding advocacy for regulation that considers the full end-to-end logistics ecosystem.

The reforms aim to improve operational efficiency while maintaining appropriate regulatory oversight of stevedores and landside operators. Achieving this balance requires the adoption of governance mechanisms that combine clear performance triggers, risk-based escalation pathways, and operational flexibility, underpinned by alignment with national data and pricing frameworks. Consistent approaches to landside performance measurement, data standards, and pricing oversight will reduce duplication, mitigate fragmentation, and provide operators with predictable, coherent expectations. Ensuring compatibility with national freight data initiatives, such as the National Freight Data Hub, will allow reporting to be machine-readable, protect commercial confidentiality, and minimise administrative burden, while supporting evidence-based operational improvements that genuinely reflect precinct-wide outcomes.

## 2. Guiding Principles and Context for Modernising PBLIS

Port Botany functions as a critical gateway for both the New South Wales and national freight networks, facilitating substantial volumes of import and export freight and underpinning the competitiveness of Australian supply chains.

Historically, PBLIS has contributed to improved landside efficiency; however, growth in freight volumes, increased intermodal activity, heightened expectations for transparency, and the shift to digital regulatory systems now demand a contemporary, performance-based framework. Such a framework must reflect the realities of modern supply chains, including the operational interdependencies of terminals, landside carriers, empty container parks, and freight rail networks.

Performance metrics must be precinct-wide rather than terminal-focused. Metrics that focus narrowly on individual indicators risk encouraging behaviours that optimise isolated outputs without improving overall system efficiency. For example, a terminal-focused metric could inadvertently prioritise container throughput over optimal slot allocation or rail integration, producing bottlenecks elsewhere in the precinct. A modernised regulatory framework must integrate risk-based oversight with clear escalation and de-escalation pathways, enabling regulators to respond to underperformance without penalising operators for circumstances outside their control, such as industrial action, extreme weather events, biosecurity delays, or upstream disruptions. At the same time, operators must retain flexibility to manage dynamic scheduling and operational contingencies. Transparent governance, supported by independent oversight and robust data protocols, is critical to protect commercially sensitive information while ensuring fairness and accountability in regulatory administration.

### 3. Regulatory Architecture and Compliance Framework

The draft Regulation establishes the statutory foundations for data collection, performance frameworks, compliance mechanisms, and administrative oversight, all of which are essential to the success of the reforms. While ALC supports this architecture, there are areas requiring further refinement to ensure clarity, consistency, and operational effectiveness. Inconsistent definitions, metrics, or reporting requirements across jurisdictions can increase compliance costs, limit comparability for operators with national operations, and reduce the overall effectiveness of the regulatory regime. Alignment with national freight data initiatives, such as the National Freight Data Hub, the National Landside Pricing Working Group<sup>1</sup>, and other cross-jurisdictional initiatives is essential to align approaches and reduce regulatory friction.

Escalation and reinstatement mechanisms should be explicitly defined, with objective thresholds, minimum notice periods, and transparent triggers. Penalty structures must reflect operational realities and include force majeure provisions to account for events outside operators' control. Mandatory directions are an important tool for addressing acute operational or systemic issues, but their use should be limited to circumstances involving safety, security, or clear market failure. Transitional waivers and fair-dealing principles are critical to ensuring that performance assessments reflect genuine operator performance, particularly during periods of disruption.

Safeguards against premature deregulation are vital. Performance thresholds should not automatically trigger the removal of reporting obligations without evidence of sustained high performance, clearly documented reinstatement pathways, and independent verification of precinct-wide outcomes. Given the interconnected nature of Port Botany operations, even small changes in one part of the system can have disproportionate impacts on the broader supply chain. Continuity in regulatory data and stability in compliance frameworks are essential to maintaining investment confidence, promoting national alignment, and providing predictable operating conditions for all participants.

### 4. Data Governance

High-quality, interoperable data is central to effective landside regulation and to the monitoring of precinct-wide performance. Reporting obligations should align with national frameworks, adopt standardised machine-readable formats, and apply consistent definitions to streamline compliance and enhance the robustness of national datasets. Reporting requirements should remain proportionate to the scale of operators, particularly for smaller carriers, and commercial confidentiality must be preserved through aggregation, anonymisation, and controlled publication. Clear governance protocols are needed to define permitted data use, security arrangements, and publication timing. Ensuring high-quality, trusted data will enable evidence-based decision-making, improve operational efficiency, and support transparent and accountable regulatory administration.

### 5. Assessment of PBLIS Reform Recommendations

ALC generally supports the proposed reforms, provided they are implemented in a way that safeguards operational flexibility while enhancing transparency and efficiency. The proposed performance scheme under Recommendation 1 is

<sup>1</sup> <https://www.infrastructure.gov.au/sites/default/files/documents/itmm-communicue-11-august-2025.pdf>

supported if it incorporates precinct-wide metrics, objective performance triggers, and safeguards against premature deregulation. Metrics that focus narrowly on terminal outputs risk incentivising behaviours that improve isolated indicators without enhancing overall precinct performance. Transparent reporting, combined with mechanisms for reinstating oversight where necessary, will ensure continuous improvement while protecting the integrity of the regulatory regime.

The proposed take-or-pay slot model under Recommendation 2 is not supported. Such a model risks reducing operational flexibility and encouraging the retention of unused slots, which could restrict the efficient allocation of capacity across operators and potentially produce bottlenecks. A strengthened incentive-based approach, reinforced by transparent monitoring, would better support the fluidity required in a complex and dynamic port environment. Similarly, restricting bookings prior to discharge (Recommendation 3) would disrupt fleet scheduling, increase container dwell times, and reduce flexibility, and is therefore not supported. In contrast, the staggered time-zone commencement proposed under Recommendation 4 is supported, as it is likely to distribute demand more evenly, improving labour planning, equipment utilisation, and operational resilience.

Ministerial oversight of stevedore charges and approval of slot allocation frameworks (Recommendations 6 and 11) should be retained until a nationally consistent pricing framework is established, providing a necessary safeguard in a concentrated market. The proposed reforms relating to trip-based penalties, unforeseen event provisions, simplified carrier classifications, and enhanced data transparency (Recommendations 7, 8, 10, and 12–14) are supported, as they strengthen operational oversight while maintaining fairness and transparency.

## 6. National and Inter-Jurisdictional Alignment

ALC strongly encourages TfNSW to align PBLIS reforms with national and inter-jurisdictional frameworks to avoid duplication and regulatory fragmentation. Coordination with initiatives such as the National Landside Pricing Working Group, the National Freight Data Hub, and the forthcoming Victorian Landside Strategy<sup>2</sup> will support coherent operational planning and enable the adoption of best practice approaches across jurisdictions. Integrating intermodal and freight rail performance metrics is particularly important to ensure Port Botany operates as a fully integrated precinct, reflecting the interdependencies inherent in modern logistics operations.

## 7. Stakeholder Diversity and Balanced Reform

As the peak body representing operators across the container supply chain, ALC must consider the perspectives of terminals, landside carriers, intermodal operators, freight owners, and logistics service providers. PBLIS reforms should balance operational flexibility with robust oversight and the continuity of data. Where proposals risk creating incentive distortions or long-term transparency issues, further technical engagement and co-design with industry are recommended prior to implementation. Such collaboration will ensure that reforms are evidence-based, operationally realistic, and widely supported, strengthening governance arrangements while avoiding unintended efficiency losses.

## 8. Conclusion

ALC supports the intent and direction of the Draft Ports and Maritime Administration Regulation 2025 and the PBLIS reforms. If implemented carefully, with clear performance triggers, reinstatement provisions, strong data governance, and national alignment, these reforms can improve operational efficiency, enhance transparency, and strengthen competitiveness. To maximise these benefits, ALC recommends establishing a structured reform monitoring framework with defined performance indicators, regular reporting intervals, and mechanisms to adjust or pause elements if unintended consequences emerge. Collaborative technical working groups should also be established to refine precinct-wide metrics, strengthen data standards, and advance national alignment, ensuring that the reforms deliver lasting improvements for Port Botany and the broader supply chain.

<sup>2</sup> A state government initiative to be delivered within 12 months of the Port of Melbourne's Port Development Strategy (PDS) submission, as required under the Port Management Act 1995 (Vic).