

Ports and Maritime Administration Amendment (Freight Reform) Regulation 2025 Regulatory Impact Statement

Implementation of recommendations from the
Independent Review of the Ports and Maritime
Administration Act and Port Botany Landside
Improvement Strategy (PBLIS)

October 2025

transport.nsw.gov.au

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Consultation process

How to make a submission

Public consultation on the draft Amendment Regulation and this regulatory impact statement (RIS) will occur over 6 weeks.

The draft Amendment Regulation and RIS are available to download on the [Transport Ports and Maritime Administration Act and Port Botany Landside Improvement Strategy website](#).

Interested parties are invited to submit written comments on the draft Amendment Regulation to the [Have Your Say](#) webpage. These may be directed to individual matters or on the draft Amendment Regulation as a whole. If commenting on a specific matter, please refer to the section number of the draft Amendment Regulation.

If you have any questions please email freight@transport.nsw.gov.au.

If you need to access a translation and interpreting service, please phone 1300651500 or visit the Language Services page of the Multicultural NSW website: <https://multicultural.nsw.gov.au/services>

What will happen with submissions?

Transport will review and evaluate the submissions received and the draft Amendment Regulation may be amended.

All submissions received will be published. If you wish for all or part of your submission to be treated as confidential, please clearly state this in your submission.

There may be times where the Government is required by law to release the content of your submission, including under the Government Information (Public Access) Act 2009.

1 - Independent Review of Ports and Maritime Administration Act 1995 and Port Botany Landside Improvement Strategy

Independent Review

On 12 November 2021, the NSW Government announced a comprehensive independent review of the *Ports and Maritime Administration Act 1995* (the Act) and Port Botany Landside Improvement Strategy (PBLIS). Mr Ed Willett, the Independent Reviewer, has more than 30 years' experience in competition policy and economic regulation. He was supported by Transport for NSW (Transport).

The Act sets the framework for ports and maritime management across NSW, including relevant functions of the Port Authority of New South Wales (Port Authority), the two private port operators (Port of Newcastle and NSW Ports), and Transport. It specifies the marine safety functions of the Minister and contains provisions relating to the management of wharves and moorings, port price monitoring, and the regulation of parts of the port supply chain. The Act is relevant for the freight industry and the recreational and domestic commercial vessel sectors.

The Review of the Act assessed the policy objectives and considered whether those objectives remain suitable. The Review then considered whether the Act required any changes to deliver the policy objectives, to ensure the framework underpinning ports and maritime administration in NSW was appropriate and effective.

PBLIS was introduced in 2010 to support improved efficiency and reduce congestion in and around the Port Botany precinct. PBLIS is a regulated arrangement that covers the performance of stevedores (road and rail servicing) and road carriers at the container terminals.

PBLIS is established under the Act, with the details in the Ports and Maritime Administration Regulation 2021 (the Regulation) and the subordinate Port Botany Landside Operations Mandatory Standards (Mandatory Standards).

The review of PBLIS considered:

- Why PBLIS was introduced and what it was expected to achieve,
- What PBLIS has achieved to date, and
- Whether PBLIS remains the best approach, and, if so, whether the PBLIS arrangements are appropriate, and if not, what are the alternative options.

The Review also considered the broader supply chain operating environment, the expected future port environment and whether there have been any direct or indirect costs or savings resulting from PBLIS and any unintended adverse impacts on the supply chain.

The Review was conducted using a three phased approach: Discussion Paper, Options Paper and Final Report to government. Two rounds of public consultation were undertaken in 2022. The Review heard from port operators, container stevedores, domestic commercial vessel and recreational vessel operators, the shipping industry, transport operators, rail operators, peak industry bodies, unions, individuals, community groups and Government.

This consultation included roundtable sessions and individual meetings, as well as port tours and site visits. 47 written submissions were received and verbal feedback in consultation sessions was recorded from over 70 stakeholders.

The Review of PBLIS was informed by three independent studies:

Cost Benefit Analysis of direct and indirect costs and benefits of PBLIS

Castalia Limited conducted a CBA of the performance of PBLIS since its introduction, including the qualitative and quantitative estimation of direct and indirect economic, social and environmental costs and benefits, focusing on the impacts on stakeholders. Analysis of a counterfactual scenario provided additional visibility of what the containerised freight supply chain would look like without PBLIS, assuming parallel developments in the sector.

International and national comparison of port landside interfaces

Advisian Worley Group undertook a comparative analysis of international approaches to government regulation of landside container management at ports in North America, Europe and Asia; approaches in Australia and New Zealand for managing the landside container interface; and operational experience over the past decade.

Industry behavioural research

Deloitte Access Economics investigated the impact of PBLIS on the behaviour of stevedores, road operators and rail operators. The research identified and explained specific behavioural changes that have resulted from PBLIS and determined if these changes might still have occurred without its introduction. It also identified the factors underpinning these behavioural changes.

Review of the Act – Need for change

The Review found the Act policy objectives remained valid but there were opportunities to improve parts of the Act and its application, to facilitate the delivery of the Act objectives to support safety, efficiency and effective governance arrangements for NSW's ports and maritime environment.

Sixteen recommendations were made to modernise and streamline the Act, clarify functions, improve safety and efficiency in ports and wharves, improve visibility of the port related supply chain and address issues raised during consultation. Stakeholders were broadly supportive of the Act recommendations. Non regulatory approaches have been considered and where regulatory requirements are introduced the Better Regulation Principles have been applied including consideration of whether government action is effective and proportional.

Twelve of the Act recommendations were implemented in September 2024 in the *Ports and Maritime Administration Amendment Act 2024* (the Amendment Act). The remaining four Act recommendations, as well as additional detail of some of the twelve changes, are addressed in the proposed Amendment Regulation.

The Review also made five findings including changes which did not require legislative amendments or proposals made by stakeholders that were considered but not recommended for implementation, or suggestions Government may choose to consider in the future but that evidence did not support change at this time.

Review of PBLIS – Need for change

The Review found that PBLIS is a globally unique arrangement, as other jurisdictions and international ports either do not regulate vehicle or rail servicing at the container port landside interface, or where they do it is not to the same extent as under PBLIS. It considered a range of options for how to best manage the landside interface into the future –including the retention of PBLIS with no changes and its complete removal. The Review found that PBLIS is not suitable to continue unchanged, and that it can be substantially improved.

The Review made 21 recommendations to ensure an effective port operating environment for container management at Port Botany into the future, relating to the port road interface, data transparency, port access and port rail. The centrepiece recommendation is a carefully managed transition from the current prescriptive PBLIS rules to a performance scheme based on the principles of incentive-based regulation, underpinned by increased transparency on performance and enabling flexibility to innovate and adapt.

The Review also made three findings which were options contained in the earlier Review Options Paper but were not recommended.

The Independent Review [Final Report](#) was released by the NSW Government on 25 January 2024 and a comprehensive freight supply chain review commenced, the Freight Policy Reform Program. The Freight Policy Reform Program was guided by an independent panel chaired by Dr Kerry Schott AO to deliver a comprehensive strategic reform agenda for Government to optimise freight transport across NSW.

The panel consulted on how implementation of 20 of the 21 PBLIS Review recommendations may benefit or impact industry. Recommendation 18 to engage NSW Ports, the private port operator, as a service provider to government to administer elements of PBLIS, was not supported as the current arrangement where Transport administers PBLIS is most appropriate at this time.

The Panel engaged with over 60 businesses, associations, academics, and community members on the PBLIS recommendations. The final report 'Delivering freight policy reform in New South Wales', was endorsed by the NSW Government on 6 June 2025 and included adopting the 20 PBLIS Recommendations, with Recommendation 18 to be reconsidered in a five-year review of the PBLIS changes. Some of the 20 PBLIS recommendations will be implemented in changes contained in the proposed Amendment Regulation, with others in changes to mandatory standards or non-regulatory methods.

2 - Proposed regulation changes – consequential changes from review of the Act

2.1 Management of dangerous goods in ports

What is the change

Review Act Recommendation 1: Dangerous goods time limit penalty.

Replace the current three tier dangerous goods in ports time-limit penalty structure with an ongoing penalty that applies for each day that dangerous goods remain at port facilities beyond the set time limits.

The net benefits of this change are:

- Ensures the continued and consistent effectiveness of the management of the dangerous goods penalty structure by creating an incentive to comply with requirements that extend beyond 96 hours, and
- Simplifies the penalty structure to improve clarity, consistent with the NSW Government Better Regulation Principles.

Proposed section 102 of the Regulation replaces the current three-tier dangerous goods in ports penalty structure for overstaying allowed port time-limits with a maximum penalty for the first day of an overstay and a further maximum penalty for each additional day overstayed. Penalty infringement notice (PIN) amounts for overstaying port facility time limits also follow this structure (under proposed Schedule 6 of the Regulation).

Under this new structure the penalties are cumulative. For example, if an import container that was allowed to stay in the port for 120 hours (5 days) was not picked up for 8 days it would have overstayed by 72 hours (3 days) and the cargo owner could be subject to a maximum penalty of 150 penalty units or a \$3,750 PIN.

Table 1.1 - Proposed Regulation overstay timeframes

	Maximum penalty (penalty units)		PIN	
	Corporation	Individual	Corporation	Individual
First day	50	10	\$1,250	\$250
Each additional day (beyond the first day of overstay)	50	10	\$1,250	\$250

Current Situation

Dangerous goods can pose significant risks to port facilities, and their management is regulated to ensure they are handled and stored safely. Port facility time limits for dangerous goods are applied from the time the goods enter the port facility (for imports or exports) to when they are transported out of the port to ensure safety within ports. Both the cargo owners and stevedores are responsible

for ensuring dangerous goods are not kept at the port facility beyond the time limits and stevedores are also required to appropriately store and handle the dangerous goods while at the port.

Section 101 of the Regulation currently specifies the time limits for different types of dangerous goods, as below:

- two hours for certain explosives and radioactive goods,
- 12 hours for specified dangerous goods in containers in quantities greater than 500 kilograms (such as flammable or toxic gases), as well as certain explosives, low specific activity materials and restricted chemicals, and
- 120 hours for other kinds of dangerous goods.

Currently there are three tiers of overstay penalties that can apply to the dangerous goods cargo owner or the stevedore, depending on if the time limits are exceeded by less than 48 hours, between 48 and 96 hours, or 96 hours or more. The penalties do not increase after 96 hours.

Table 1.2 - Current overstay time frames in the Regulation

	Maximum penalty (penalty units)		PIN	
	2. Corporation	Individual	Corporation	Individual
Less than 48 hours	50	10	\$1,250	\$250
Between 48 and less than 96 hours	100	20	\$2,500	\$500
96 hours or more	300	60	\$7,500	\$1,500

Rationale for change

Replacing the current three-tier penalty structure with a daily penalty offence ensures there is an ongoing incentive to comply with dangerous goods time limit requirements once the limit has been overstayed by 96 hours (four days) or more. It also simplifies the penalty structure to improve clarity.

In 2024, Port Authority issued 121 dangerous goods penalties for overstaying port facility time limits. 37 of these penalties were for overstaying beyond four days, and six penalties were for overstaying beyond 11 days.

2.2 Mooring licence conditions

What is the change

Review Act Recommendation 2: Mooring licences.

Remove the reference to identification numbers issued under the *Commonwealth Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth) (the National Law) as a condition of holding a mooring licence in NSW.

The net benefit of this change is that it improves the robustness of the mooring licensing scheme in NSW by ensuring that the requirements for obtaining a mooring licence address the condition of the vessel.

This change is made at proposed section 29 of Regulation.

Current Situation

Only holders of a mooring licence (private or commercial) issued by Transport can moor their vessel in NSW. Mooring licences are subject to conditions and may be suspended or cancelled for various reasons including if the vessel is not seaworthy or presents a risk to the environment or property.

Section 29 of the Regulation currently provides that one of the conditions of holding a mooring licence is that a vessel occupying a mooring must be registered under the *Marine Safety Act 1998* (NSW) or have a certificate of operation or vessel identification number issued under the National Law.

Under the National Law a vessel identification number can be automatically issued when a person applies to Australian Maritime Safety Authority for various matters such as a certificate of survey, non-survey approval or an intention to build a vessel. Alternatively, a person can make a standalone application for an identification number.

Rationale for change

Obtaining an identification number under the National Law may not by itself provide assurance that a vessel is in good condition. Vessels in poor condition pose risks to maritime safety and the environment. Removing the use of National Law identification numbers when applying for a mooring licence in NSW supports the application of robust requirements and standards.

This change does not impact recreational vessel owners.

2.3 Licensing regime for towage, lines handling and bunkering services at ports

What is the change

Review Act Recommendation 3: Licensing regime for towage, line handling and bunkering services

Introduce a statutory licensing regime administered by Port Authority to:

- Replace the current towage licence system, administered by Port Authority under its harbour master powers and Port Safety Operating Licence,
- Apply licensing requirements for the provision of lines handling services, using a similar approach to towage licensing, and
- Apply licensing requirements for the provision of some bunkering services, including information requirements and minimum safety standards.

The net benefits of the regime are:

- Provides a robust statutory licensing regime to support the safe and effective provision of critical port operations to ensure that there are no disruptions to trade,
- Supports enforcement of standards and requirements for towage, lines handling and bunkering to ensure safety outcomes and appropriate oversight by Port Authority, and
- Promotes competition in the market for these services.

Changes were made to the Act on 30 September 2024 to introduce a statutory licensing regime for towage, lines handling and bunkering (refuelling) services at pilotage ports in NSW. This will commence when the regulation changes are complete.

Proposed Part 1A of the Regulation includes additional details of the statutory licensing framework. This includes licensed service determinations to be developed by Port Authority which will set out requirements and standards for licensed service providers at ports. Port Authority will be required to consult on the licensed service determinations. The draft Amendment Regulation also specifies licensing fees (\$5,000 annually), licensing decisions of Port Authority that can be referred to the NSW Civil and Administrative Tribunal review, and the ability for Port Authority to issue infringement notices for certain offences (refer proposed Schedule 6). Existing towage operators under the current non-statutory licensing scheme will be transitioned to the new arrangements. For lines handling and bunkering service providers this is a new requirement. Service providers will need to apply to the Port Authority for a licence.

Recreational vessels are not directly impacted by the new licensing regime. However, if a recreational vessel was to moor at a commercial berth in a pilotage port, they would have to use a licensed lines handler if they exceed 35 metres in length.

The new licensing requirements will not apply to bunkering providers for recreational vessels and domestic commercial vessels – and they will also not apply to bunkering facilities already licensed under NSW legislation such as those operating under an Environment Protection Licence.

Current Situation

Vessels directed by the harbour master as requiring towage services must use providers that have a towage licence from the Port Authority. Application of this requirement is in harbour master directions that requires vessels to use a licensed towage service. Lines handling and bunkering are currently unlicensed.

Across NSW's six ports there are currently six licensed towage providers operating, seven lines handling providers and sixteen bunkering providers.

Rationale for change

Towage, lines handling and bunkering are services that when carried out appropriately can mitigate risks to safety, the environment, and property, as well as ensuring there is no disruption to port operations. The licensing regime supports the safe and effective provision of critical port services to ensure there are no disruptions to trade. The licences are non-exclusive and any suitable operator can continue to provide these services, as is currently the case.

2.4 Permit requirements for bunkering and other works

What is the change

Review Act Recommendation 4: Permit requirements for bunkering and other works

Update permit requirements to:

- Apply the current requirement for vessels carrying dangerous goods to obtain written approval for carrying out bunkering or specified work to all seagoing ships (whether or not they are carrying dangerous goods).
- Remove cleaning or painting the ship's hull, polishing or cleaning the ship's propeller, and running a radar if the ship is a tanker from the list of specified works that require written approval.

The net benefits of this change are:

- Strengthens the safe management of ports by Port Authority by ensuring bunkering and specified works on seagoing ships are undertaken safely.
- Provides a consistent approach for bunkering and specified activities for commercial vessels in ports.
- Updates the legislation and provides clarity for users by aligning the Regulation with current practice.
- Taking a risk-based approach removes unnecessary requirements from the approval process to minimise regulatory impact on users.

This change is at proposed section 110A of the Regulation, which replaces section 81 of the Regulation, and section 66.

Current situation

A master of a ship that is carrying dangerous goods must not carry out certain work or bunkering (refuelling) on the ship while in the water or berthed at a port facility without written approval from the relevant port authority. The relevant authority needs to be aware of potentially risky activities in the port, so it can properly monitor and manage overall port safety.

Vessels that are not carrying dangerous goods are currently not required to obtain written approval before bunkering or undertaking specific activities.

Rationale for change

Risks can be posed by seagoing ships that are not carrying dangerous goods, when they are bunkering or when certain work is being carried out on the vessel. There are inherent safety and environmental risks associated with refuelling, as well as when certain work is being carried out on the ship.

This change provides consistency in how safety and environmental risks are managed by applying the same permit requirements to all seagoing ships. Seagoing ships has the same meaning as in the Marine Safety Regulation 2016 and means vessels used or intended to be used to carry cargo or passengers for hire or reward that normally operate on voyages between ports. The length of a seagoing ship aligns with the length in the Marine Safety Regulation 2016.

The Review Act Recommendation 4 was to extend the current requirement to obtain a permit to all commercial vessels that require pilotage (vessels over 35 meters in length) or where the master of the vessel is required to hold a certificate of local knowledge. Taking a risk-based approach, the permit requirement was further clarified to only apply to seagoing ships (vessels over 45.72 meters in length). This also means non-seagoing ships carrying dangerous goods will no longer need to obtain a permit. These types of vessels include smaller domestic commercial vessel operators, for example contactors involved in the construction industry. Recreational vessels are not impacted by this change.

The specific activities being removed from requiring written permission from the harbour master removes regulatory requirements that are not necessary, because they either do not warrant written approval or are appropriately regulated under other legislation.

2.5 Strengthening of enforcement powers

What is the change

Review Act Recommendation 5: Enforcement of private port operator directions.

Make changes to private port operator directions to introduce a criminal offence and PIN for persons who breach private port operator directions at Port Botany, Port Kembla, and Port of Newcastle, relating to: the driving, stopping, and parking of vehicles; the movement, handling or storage of goods; or any activity that may pose a risk to safety and security at the port.

The net benefit of this change is that it strengthens enforcement of port operator safety and security directions to support safe and efficient operations and management of private ports

Proposed Schedule 6 of the Regulation introduces a penalty infringement notice amount of \$500 for both corporations and individuals to enable a PIN to be issued for persons who breach private port operator directions at Port Botany, Port Kembla, and Port of Newcastle, relating to:

- the driving, stopping, and parking of vehicles;
- the movement, handling or storage of goods;
- any activity that may pose a risk to safety and security at the port.

Current Situation

The criminal offence under section 39(1) of the Act for breaching private port operator directions was introduced in the Amendment Act and has a maximum penalty of 30 penalty units. This has addressed part of this Recommendation.

Under Part 3A of the Act, a private port operator can, for the purposes of maintaining or improving safety and security at the port, give directions (port operator directions) covering the following activities in the landside port precinct of a private port, including:

- the driving, stopping and parking of vehicles,
- the movement, handling, or storage of goods, and
- any activity that may pose a risk to the safety or security at the port.

A private port operator can take action to enforce directions, such as removing persons not complying with the direction and moving or removing vehicles or goods as required. No PINs can be issued. The port operator can recover the costs of enforcing directions from the relevant person. NSW Police can also assist in dealing with people that do not comply with port operator directions. For serious or escalating breaches, the NSW Government could commence criminal proceedings in court on behalf of the private port operators.

Rationale for change

The introduction of a PIN for breaching a private port operator direction strengthens enforcement of directions. The NSW Government will authorise the issuing of PINs by appropriately trained private port operator staff. For serious or escalating breaches, the NSW Government could commence criminal proceedings in court on behalf of the private port operators. This change ensures effective enforcement of port operators' directions to support the safe operation of Port Botany, Port Kembla and Port of Newcastle.

While government agencies are generally responsible for issuing PINs and prosecuting offences under relevant legislation, government and private entities can work in partnership to ensure the safety and security of significant infrastructure assets are managed and maintained.

The general PIN scheme in NSW is established under the *Fines Act 1996* and includes an automated processing system operated by Revenue NSW. Transport will be able to disclose appropriate

registration information to private port operators for the purpose of issuing PINs. Training of authorised officers and review of individual fines will be undertaken in line with relevant government guidelines.

The existing requirement for private port operators to regularly report to the Minister on port operator directions, including actions to enforce compliance, provides visibility of enforcement actions taken by private port operators.

2.6 Vessel environmental performance information

What is the change

Review Act Recommendation 8: Vessel environmental performance information.

Require trading ships to provide relevant port authorities with vessel performance information such as fuel types and exhaust gas cleaning systems, and for vessels carrying bulk liquids to also provide information such as pump and outlet capacities.

The net benefits of this are:

- Contributes to effective management of environmental performance and risk mitigation strategies in ports by making consistent information available regarding the environmental performance of vessels, and
- Supports the ongoing monitoring of vessels' environmental performance to help identify opportunities for improvement and assess new initiatives, as well as inform future port investments.

Proposed section 105C of the Regulation requires trading ships to provide relevant port authorities with vessel environmental performance information such as:

- the type of fuel(s) in use on the vessel (including sulphur content, where applicable),
- the status, maintenance and availability of exhaust gas cleaning systems (scrubbers),
- the capacity of all relevant pumps and outlets for vessels carrying bulk liquids,
- any specifics on shore power infrastructure installed on vessels, including the status, maintenance and availability of infrastructure, and
- other information about the vessel's environmental performance that the relevant port authority reasonably requests.

An offence and maximum penalty of 20 penalty units is introduced for not providing this information.

Information about vessel noise emission levels and any noise mitigation measures were included in the recommendation but are not addressed in the draft Amendment Regulation. Following further investigation, it was found that this information is not readily available and that its provision would be an inappropriate burden on vessels.

Current Situation

Port operators can request information from vessels for specific purposes, including monitoring compliance with port operator directions, calculating and applying port charges, compiling required statistics and co-ordinating communication at the port. However, this does not currently cover collection of information for monitoring of vessel environmental performance.

NSW Ports receives some information on vessel environmental performance via their Environmental Incentive rebates for port charges. These are available to vessels if they perform better in reducing air emissions than what is required under global shipping standards. This information however is only provided by vessels that choose to apply for a rebate. This scheme uses the international Environmental Ship Index (ESI) score that can be obtained by making a self-declaration to the ESI Bureau.

Rationale for change

An expansion of these requirements supports ongoing monitoring of vessel environmental performance through access to relevant information. This information can contribute to management of environmental protection and risk mitigation strategies in ports – for example, air quality and allows for accounting of port wide environmental impacts.

Port operators in NSW have environmental performance related plans. NSW Ports has developed a 2022 Sustainability Strategy, Port Authority has Net Zero targets, a Sustainability Plan and Environmental Management Plan, and Port of Newcastle has an Environmental Management Plan and an Environmental Management System.

Access to vessel environmental performance information could help to identify opportunities for improvement and assess new initiatives, as well as assist with determination of future port infrastructure needs.

The administrative impacts of this change will be mitigated where possible by utilising information and formats that are readily available.

Vessels which enter a port may revisit a port several times within a calendar year which would mean they may only need to provide the requested information to the port operator on the first visit. Table 2 shows the total number of vessel arrivals at port in 2024, including how many of those visits were made by unique vessels. Data includes all vessel types.

Table 2 - Vessel arrivals per port, calendar year 2024¹

	Port of Newcastle	Port Botany	Sydney Harbour	Port Kembla	Port of Eden	Port of Yamba
Total number of vessel arrivals	2,302	1,590	846	768	57	44
Total number of individual vessels	1,369	477	189	546	40	28
Number of vessels arriving once	896	185	116	424	32	19
Number of vessels arriving 2+ times	473	292	73	122	8	9

2.7 Data efficiency and transparency

¹ Port Authority of New South Wales data

What is the change

Review Act Recommendation 10: Vessel manifest information and data format.

Strengthen vessel manifest information requirements and information sharing mechanisms to support quality information provision and efficient data sharing.

Vessel manifests

1. Require the following information to be provided by a vessel owner in a manifest for goods loaded or discharged from a vessel to the relevant port operator:

- The Harmonized System (HS) classification based on internationally agreed descriptors for imports and exports.
- For containerised imports, the inland point of destination or origin for the container within Australia.

2. Create a criminal offence in the Regulation for failure to provide required information in a manifest within required timeframes.

Effective information sharing

3. Require delivery orders for cargoes and vessel manifests to be provided by the owner of the vessel to relevant parties, including port operators and empty container parks, in an appropriate electronic format, unless agreed otherwise.

4. Require information provided in vessel manifests and delivery orders to also be made available by relevant parties to the NSW Government.

The net benefits of this change are:

- Improves consistency in the information provided in vessel manifests to provide a more accurate and reliable overview of import and export container movements to inform planning for future freight supply chain requirements.
- Ensures compliance with vessel manifest requirements by strengthening enforcement provisions.
- Modernises and streamlines information sharing methods to support efficient and effective information transfers.

Changes for vessel manifests at 1. and 2. were addressed in the Amendment Act.

Proposed section 105A of the Regulation introduces a requirement for:

- Vessel manifests to be provided by the owner of the vessel to a relevant port authority electronically in the way approved by the relevant port authority and published on its website – or another way agreed to between the owner and the relevant port authority.

Proposed section 105B of the Regulation introduces requirements for:

- Delivery orders to be provided by the owner of the vessel to a port operator or empty container storage facility electronically in the way approved by Transport and published on its website.
- Empty container directions to be provided by an owner of a vessel to a carrier or empty container storage facility electronically in the way approved by Transport and published on its website.

In all cases, it is an offence if the vessel owner does not comply, with a maximum penalty of 20 penalty units.

Under proposed section 105D of the Regulation the Minister can require, by written direction, a port operator or relevant port authority to provide the Minister or Transport information about delivery orders or manifests held by them.

Current Situation

Vessel owners must currently provide information in a manifest relating to the loading or discharge of goods, including the address of the consignee and the berths at which the goods are loaded/discharged, as well as other information about the goods that the relevant port operator reasonably requests. Port operators use this information to calculate port charges under the Act. It is already general industry practice for container trade at Port Botany to use Electronic Data Interchange (EDI) format for manifests.

Table 3 shows the number of freight vessel arrivals at Port Authority berths for the 2024 calendar year. Data only includes freight vessels on international or domestic trips (bulk, containerised cargo and roll on-roll off cargo). It excludes other vessel types such as heavy lift, tugs and barges, refuelling and supply vessels, research, navy, fishing, cruise and passenger vessels.

Table 3 - Freight vessel arrivals per port, calendar year 2024²

Name of Port	Total number of freight vessel arrivals
Port of Newcastle	2,248
Port Kembla	762
Port Botany	1,511
Sydney Harbour	126
Port of Eden	13
Port of Yamba	1

Port Botany is the largest container port in New South Wales, handling 99.6 per cent of containers for the state, and is Australia’s largest common user bulk liquids facility³. In 2024, Port Botany handled:

- 2.8 million TEU of containerised freight⁴ (including 1.3 million TEU full imports, 0.9 million TEU empty exports, and 0.2 million transhipped containers that are unloaded from one ship and leave the port on another ship)⁵.
- 6.2 million revenue tonnes of bulk liquids and gas⁶.

Rationale for change

² Port Authority of New South Wales data
³ [Australia’s Premier Port – Port Botany, NSW Ports](#)
⁴ [Australia’s Premier Port – Port Botany, NSW Ports](#)
⁵ [Transport Open Data – Freight Data Port Botany](#)
⁶ Calculated using [NSW Ports Trade Reports](#)

The system-to-system electronic exchange of information is important for the effective operation of the port supply chain. These changes modernise and streamline information sharing and provide greater visibility of container movements to inform future freight planning.

The sharing of information with Transport is consistent with the existing requirement under section 108 of the Regulation for empty container parks to provide specified information when requested to do so by the Minister.

2.8 Navigation service charges

What is the change

Review Act Recommendation 15: Application of the navigation service charge.

Remove the navigation service charge exemptions applied in Port Botany and Sydney Harbour in the Regulation so that vessels that enter ports are subject to the navigation service charge for each entry.

The net benefits of this change are:

- Ensures the navigation service charge for port entry remains directly linked to port vessel traffic to ensure that port operator effort in providing safe and efficient port access is directly linked to the charge.
- Ensures ongoing efficient access to port infrastructure as freight volumes increase.
- Aligns the application of the navigation service charge across all ports in NSW and updates the Regulation.

The exemptions will be removed in existing section 14 (Part 2, Division 3) of the Regulation.

Current Situation

The navigation service charge is the port entry charge applied to all trading vessels for access to ports. It is not payable for entry by a vessel that leaves Port Botany and travels directly to Sydney Harbour or vice versa. In addition, the charge is reduced by 50 per cent for a second entry by a vessel that leaves either Port Botany or Sydney Harbour and re-enters the same port.

This type of port movement is generally undertaken by a small proportion of bulk liquid vessels. In the 2024 calendar year, there were 491 bulk liquids and gas vessel arrivals to Port Botany and Sydney Harbour. Of these, 21 vessels delivered multiple cargoes and sought the exemption for their subsequent port entry – 16 accessed a 50 per cent discount and five accessed a 100 per cent discount under the Regulation. The total value of the exemptions granted to these vessels was approximately \$750,000.

The navigation service charge is applied in full for entry into Sydney Harbour or Port Botany in all other circumstances – as well as at the Port of Newcastle, Port Kembla, Eden and Yamba.

Rationale for change

A vessel delivering two cargoes at different times and choosing to make two port entries creates the same port traffic as two vessels and should be charged accordingly for the access provided. This vessel activity does not provide a saving to the port operator and applying an exemption is therefore not efficient or appropriate for managing port access.

The practice of multiple port entries is an infrequent activity undertaken by a limited number of bulk liquid vessels. This activity is likely due to delivery scheduling practices as there are no port infrastructure capacity constraints.

Separately to the exemption in the Regulation, Port Authority can waive port charges and does so for example for the navigation service charge when vessels are directed to leave the port for reasons such as poor weather. This operational policy provides an exemption from the second navigation service charge for re-entry into the relevant port.

2.9 Updates to the Act and Regulation

What is the change

Review Act recommendation 16: Updates to the Act and Regulation

Outline the objectives of the Act and make other amendments to remove outdated references and requirements and simplify the Act.

A number of changes were made in the Amendment Act, including clarifying the objectives of the Act, allowing online maps for site occupation charges, and updating terminology. Additional changes are now required to update and modernise the Regulation, to ensure it remains fit for purpose.

The net benefits of this change are that it updates and modernises legislation in line with current and expected future practice to ensure they remain fit for purpose.

Membership of the Maritime Advisory Council

Proposed section 109 of the Regulation increases the membership of the Council from nine to 11, following a new requirement for additional members introduced in the Amendment Act.

Definition – Bunkering fuel

Proposed section 67(6) of the Regulation introduces a definition of bunkering fuel to improve clarity. Existing section 67(4) in Part 7 (Management of dangerous goods) of the Regulation refers to bunkering fuel but this is not defined.

3 - Proposed regulation changes – Additional

3.1 Site Occupation Charge – Cruise charges calculation

What is the change

Amend the site occupation charge approach to allow charging for cruise vessels in Sydney Harbour by reference to the vessel's stated maximum passenger capacity rather than the number of passengers listed on the inward manifest. The maximum capacity on the vessel's International Tonnage Certificate will be used for this purpose.

The net benefit of this change is that it aligns Port Authority's cruise vessel charging approach with their priority allocation annual booking process and improves allocation of access to cruise terminal infrastructure in Sydney Harbour.

These changes are addressed by proposed section 9 of the Regulation.

Current situation

Section 9(3) of the Regulation currently allows a relevant port authority to choose the way site occupation charges are calculated (from among several prescribed methods). For Sydney Harbour, site occupation charges are calculated by the total number of passengers arriving on the vessel, as indicated on the inward passenger manifest.

Rationale for change

The current cruise charging approach does not reflect the approach and benefits provided to cruise operators under the Port Authority's Cruise Booking Policy. This policy allocates priority in bookings to ships with higher stated maximum capacity for single bookings or the highest capacity aggregate where a ship makes multiple bookings. This is applied at the time of the application window which is three years prior to the ship visit and therefore cannot take into account the actual number of incoming passengers.

This change therefore supports Port Authority's objectives of maximising the net worth of the State's investment in cruise infrastructure, and to promote and facilitate a competitive commercial environment. It removes the link between port charges and actual passenger numbers, as passenger attraction is not in the port operators control, but is the responsibility of the cruise operator. It ensures that access to port infrastructure is aligned with port charges application.

Due to cruise scheduling requirements where bookings are made 2-3 years in advance, the cruise industry has been engaged by Port Authority on this change.

3.2 Berthing Fees

What is the change

Specify that vessels under 500 gross tons can be charged a berthing fee.

The net benefit of this change is that it enables smaller vessels to be charged a berthing fee when accessing appropriate Port Authority berths and wharves, rather than either requiring a contractual licensing arrangement or applying the site occupation charge which is designed for international trading vessels.

These changes are addressed by proposed section 5A of the Regulation.

Current situation

Port Authority's berths and wharves are used by a variety of vessels. There are two primary ways charges are applied – statutory site occupation charges and contractual licensing arrangements.

Section 65 of the Act provides that a berthing charge is payable in respect of the berthing of a vessel at a wharf, buoy or dolphin if the vessel has a gross tonnage of less than that prescribed by the regulations – however, no gross tonnage is currently prescribed.

Rationale for change

This will allow Port Authority to more appropriately apply charges to smaller vessels that access their berths and wharves—such as tugs, barges and fishing vessels—by applying a berthing fee, rather than requiring the owner to enter into a licensing arrangement for berth space or potentially charging a site occupation charge for a larger berthing area that may not be required by smaller vessels.

3.3 Provision of private port operator information to Transport

What is the change

Require private port operators to share information provided to the Minister under the Act with Transport.

The net benefits of this change are:

- Facilitates a consistent approach across all port operators, and
- Supports appropriate monitoring and oversight of port charges and port operator directions.

This change is addressed by proposed section 105E of the Regulation.

Current situation

Section 40D(1) of the Act requires private port operators to report twice yearly to the Minister on port operator directions—including the giving of directions and any compliance action. Additional information may also be requested by the Minister by notice in writing under section 40D(2).

Section 81 of the Act requires port operators to report annually on port charges, including revenue received and any variations in charge amounts. Additional information may also be requested by the Minister by direction in writing under section 82.

Rationale for change

Mandating the requirement for private port operators to share information concurrently with the Minister and with Transport will support appropriate monitoring of port charges and port operator directions. Given the number of notifications and reporting required each year this approach expedites the receipt of advice on these matters.

3.4 Increased flexibility to support the safe transport of dangerous goods

What is the change

Enable restricted areas to be designated within a port facility by the Port Authority, subject to a satisfactory risk assessment. Prescribed dangerous goods could be kept in a designated restricted area for up to five days with the written approval, including any conditions of approval, from the Port Authority.

The prescribed dangerous goods are in section 101(3) of the Regulation and currently must be moved from the port within 12 hours and include containers packed with more than 500 kilograms of certain toxic, flammable, oxidising and corrosive substances, explosives of Division 1.4, low specific activity material, and restricted chemicals (certain ammonium nitrate and calcium hypochloride substances) as defined in the Regulation.

Failing to comply with the conditions of the approval from the Port Authority will be an offence with a maximum penalty of 300 penalty units for port facility operators.

The net benefits of this change are:

- Facilitates the safe transport of prescribed dangerous goods, including by rail, and
- Allows the safe management of all dangerous goods at ports.

This change is addressed by proposed section 101A of the Regulation. The existing port facility time limits in section 101 of the Regulation will continue to apply to dangerous goods outside of restricted areas. Failure to comply with the port facility time limits, or the extended port facility time limits if one applies, will continue to be an offence.

Current situation

Prescribed dangerous goods cannot remain at port facilities longer than their port facility time limit, which is either two, 12 or 120 hours, depending on the type of dangerous good. Under section 69 of the Regulation the Port Authority can currently grant exemptions from dangerous goods requirements on a case-by-case basis.

Rationale for change

Limited road access routes to Port Botany and the increasing use of tunnels across the Sydney road network, which cannot be accessed by any trucks carrying dangerous goods, make rail the preferable mode of transport for certain containerised dangerous goods, such as ammonium nitrate fertiliser (which is defined as a “restricted chemical” under the Regulation).

However, the uncertainty of ship arrival times, the availability of rail servicing windows and potential train delays mean the requirement to remove some prescribed dangerous goods within 12 hours cannot always be met when transporting the goods by rail.

Allowing prescribed dangerous goods to be kept in a designated restricted area, subject to a satisfactory risk assessment and compliance with any conditions of the written approval from the Port Authority would facilitate their safe transport on rail where appropriate.

Consideration was given to direct alignment with the port facility time limit requirements in the Australian Standard AS 3846-2005 *The Handling and Transport of Dangerous Cargoes in Port Areas* (AS 3846) and it is noted that AS 3846 allows 120 hours for some dangerous goods that the Regulation applies a 12 hour time limit to.

4 - Proposed regulation changes - PBLIS

The NSW Government announced the Review of the *Ports and Maritime Administration Act 1995* and the Port Botany Landside Improvement Strategy (PBLIS) on 12 November 2021, with the Final Report published on 25 January 2024.

The Freight Policy Reform Independent Advisory Panel then consulted on how implementation of 20 of the 21 PBLIS Review recommendations may benefit or impact industry, with their Final Report endorsed by the NSW Government and published on 6 June 2025.

A decision to progress 20 of 21 PBLIS recommendations (excluding PBLIS Recommendation 18, which is to be reconsidered in a five-year review of changes) was announced by the NSW Government on 6 June 2025.

PBLIS Review

The review of PBLIS, undertaken concurrently with the review of the Act, considered:

- Why PBLIS was introduced and what it was expected to achieve,
- What PBLIS has achieved to date, and
- Whether PBLIS remains the best approach, and, if so, whether the PBLIS arrangements are appropriate, and if not, what are the alternative options.

The Review also considered the broader supply chain operating environment in relation to PBLIS, the expected future port environment and whether there have been any direct or indirect costs or savings resulting from PBLIS and any unintended adverse impacts on the supply chain.

The Review was conducted using a three phased approach:

- [Discussion Paper](#)
- [Options Paper](#)
- [Final Report](#)

Two rounds of public consultation were undertaken in 2022, including roundtable sessions and individual meetings with the Independent Reviewer, as well as port tours and site visits. 47 written submissions were received and verbal feedback in consultation sessions was recorded from over 70 stakeholders.

The Review of PBLIS was also informed by three independent studies:

- [Cost Benefit Analysis](#)
- [International and national comparison of port landside interfaces](#)
- [Industry behavioural research](#)

Freight Policy Reform Program

The Freight Policy Reform Program was conducted using a three phased approach:

- [Consultation Paper](#)
- [Interim Directions Paper](#)

- [Final Paper](#)

The Panel engaged with over 60 businesses, associations, academics, and community members on the PBLIS recommendations.

Implementation approach for the PBLIS Review recommendations

Independent Review recommendation	Implementation method
PBLIS Recommendation 1: PBLIS Performance Scheme Introduce (via a managed transition process) a regulated performance-based incentive scheme for the stevedore and road interface that rewards efficient performance of stevedores and road operators, and provides flexibility to support innovation in landside operations. Monitoring will provide transparency of ongoing landside performance. Government should retain the potential to re-introduce the current, prescriptive PBLIS rules if port performance deteriorates.	Included in the proposed Regulation and revised and new mandatory standards
PBLIS Recommendation 2: Change carrier cancellation rules to take or pay Change the slot booking notice period and cancellation rules for carriers to a take or pay arrangement.	Included in revised mandatory standards
PBLIS Recommendation 3: Facilitate no booking until discharge Enable stevedores to voluntarily implement a no booking until discharge system that allows container pick up booking once the import container has been discharged from the vessel.	Included in revised mandatory standards
PBLIS Recommendation 4: Staggered time zone commencement Facilitate the optional commencement of truck servicing time zones every half hour instead of every hour.	Included in revised mandatory standards
PBLIS Recommendation 5: Differential pricing of time zones Stevedores should consider applying different prices to truck time zones to encourage 24/7 landside port access.	No government action required as it can already occur – voluntary for stevedores
PBLIS Recommendation 6: Remove the broad power for regulating stevedore charges Remove the broad Regulation power for regulating stevedore charges, and remove associated PBLIS stevedore charge notification and government assessment requirements.	Included in the proposed Regulation and revised mandatory standards
PBLIS Recommendation 7: Apply late penalties per truck trip rather than per container	Included in the proposed Regulation and revised mandatory standards

Apply PBLIS late arrival penalties per truck trip rather than per container.

PBLIS Recommendation 8: Apply unforeseen events to terminal sections

Increase flexibility in stevedore unforeseen event application to allow partial closure of a stevedore terminal for an impacted time zone, instead of the whole terminal during that time zone.

Included in revised mandatory standards

PBLIS Recommendation 9: Update penalty rates by Consumer Price Index (CPI)

Backdate PBLIS penalty rates by CPI from 2010 and apply ongoing annual CPI increases.

Included in the proposed Regulation

PBLIS Recommendation 10: Remove large and small carrier classifications

Remove the option for stevedores to separate carriers into Large Carriers (Class B carriers) and Small Carriers (Class A carriers) for the purpose of releasing slots.

Included in revised mandatory standards

PBLIS Recommendation 11: Remove Transport approval for stevedore import and export slot allocation

Remove the requirement for Transport to approve the stevedore import and export slot allocation.

Included in revised mandatory standards

PBLIS Recommendation 12: Road data transparency

Increase the information publicly available on stevedore truck servicing and carrier performance, and improve data provided to government.

Included in the proposed Regulation, revised mandatory standards and Ministerial directions

PBLIS Recommendation 13: Rail data transparency

Provide detailed information on stevedore rail window and rail operator performance to industry, make data publicly available, and encourage visible container tracking.

Included in the proposed Regulation, revised mandatory standards and Ministerial directions)

PBLIS Recommendation 14: Empty container data transparency and efficiency

Require empty container storage facility data and make suitable data publicly available, and require empty container redirections be provided in an appropriate electronic format.

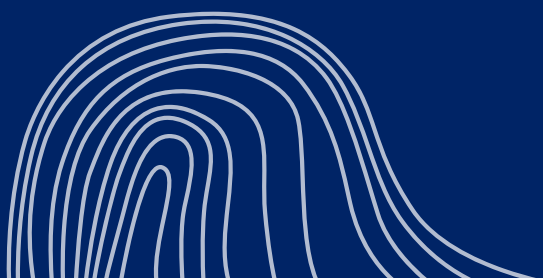
Included in the proposed Regulation

PBLIS Recommendation 15: Freight Community System (FCS)

Progress development of a FCS Strategic Business Case and, if positive, develop a phased implementation plan to proceed as a high priority.

Potential business case development

PBLIS Recommendation 16: Second truck marshalling area Investigate the need and timing for a second truck marshalling area (TMA) and, if required, consider options for its development.	Non regulatory implementation
PBLIS Recommendation 17: Certified transport operator access Introduce a certification requirement for container transport road operators at Port Botany	Included in the proposed Regulation
PBLIS Recommendation 18: Engage NSW Ports as a service provider to administer elements of PBLIS, truck marshalling area and Transport camera network Engage NSW Ports to administer PBLIS, and manage the TMA and the Transport ANPR camera networks as a service provider to Transport with the NSW Government (Transport) retaining responsibility for and control of the Act, Regulation and Mandatory Standards.	Not supported for implementation as the current arrangement where Transport administers the Strategy is most appropriate at this time To be reconsidered in the 5-year review
PBLIS Recommendation 19 Update regulated rail servicing arrangements Retain the regulated rail servicing arrangements and increase charge rates in line with CPI annually, backdated from 2011. Reconsider the approach in a five-year review of PBLIS changes, with a view to removing the regulated rail servicing arrangements.	Included in the proposed Regulation and Ministerial Directions
PBLIS Recommendation 20: Improve governance frameworks to align public infrastructure managers with the port rail task Ensure public rail infrastructure managers (Sydney Trains and ARTC) requirements are appropriately aligned with the port rail task.	Considered as part of Freight Policy Reform Program Actions 60, 61, 66
PBLIS Recommendation 21: Examine future rail options As rail investments mature, consider further options for improving the interface and/or coordination between supply chain participants and functions.	Considered as part of Freight Policy Reform Program Actions 65, 66, 68, 72, 89, 93



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