



28 NOVEMBER 2025

PAMA

Response to Draft Ports and Maritime Administration Amendment (Freight Reform) Regulation 2025

Submission to Transport for NSW on behalf of Freight & Trade Alliance (FTA) and the
Australian Peak Shippers Association (APSA)

“KEEPING AUSTRALIA’S INTERNATIONAL TRADE MOVING”



Australian Peak Shippers
Association Inc. (APSA)

Table of contents

03	ABOUT THE ALLIANCE
04	EXECUTIVE SUMMARY
05	RECOMMENDATIONS
06	RESPONSES
10	CONCLUSION

ABOUT THE ALLIANCE

Freight & Trade Alliance (FTA) is the peak body for the international trade sector with a vision to establish a global benchmark of efficiency in Australian biosecurity, border related security, compliance, and logistics activities.

FTA represents more than 500 businesses including Australia's leading customs brokerages, freight forwarders and major importers.

On 1 January 2017, FTA was appointed the Secretariat role for the Australian Peak Shippers Association (APSA).

APSA is the peak body for Australia's containerised exporters and importers under *Part X of the Competition and Consumer Act 2010* as designated by the Federal Minister of Infrastructure and Transport.

APSA is also a member and has board representation on the Global Shippers Forum (GSF) that represents shippers' interests and that of their national and regional organisations in Asia, Europe, North and South America, Africa and Australasia.

FTA / APSA also provide international trade and logistics advocacy support to the following associations:

- Australian Council for Wool Exporters and Processors;
- Australian Dairy Products Federation;
- Australian Horticulture Trade;
- Australian International Movers Association;
- Australian Meat Industry Council;
- Australian Steel Association;
- Feed Ingredients and Additive Association of Australia;
- Grain Trade Australia; and
- Tyre Stewardship Association.

The current APSA Officers and Committee of Management are listed below:

- Olga Harriton (Manildra Group) - APSA Chair
- Brian Thorpe (Visy) - APSA Vice Chair
- Billy Davies (Australian Meat Industry Council) - Treasurer
- Mark Christmas (QMAG)
- Flaminio Dondina (Casella Family Brands)
- Sarah Granger (Fletcher International Exports)
- Brian Wright (Australian International Movers Association)
- Michael Brittain (AGT Foods Australia)
- Paul Zalai - APSA Secretary

A list of all members and further information about FTA / APSA is available at www.FTAlliance.com.au

EXECUTIVE SUMMARY

Freight & Trade Alliance (FTA) and the Australian Peak Shippers Association (APSA) welcome the opportunity to comment on the Ports and Maritime Administration Amendment (Freight Reform) Regulation 2025.

Our members — freight forwarders, customs brokers, importers, exporters and logistics providers — operate at the coalface of the international supply chain, and depend on regulatory frameworks that provide certainty, transparency and safeguards against operational or pricing practices that undermine reliability and competitiveness.

The proposed amendments implement key recommendations from the Independent Review of the Ports and Maritime Administration Act 1995 (PAMA) and introduce important modernisation measures across safety, environmental performance, data transparency and enforcement.

FTA/APSA supports reform that strengthens transparency, improves data flows, clarifies responsibilities and enhances the State's ability to oversee ports and maritime operations. However, we are equally clear that modernisation must not become a pathway to deregulation.

Any weakening of regulatory safeguards — particularly in relation to landside charging and performance accountability — would risk returning the industry to the conditions that originally necessitated stronger intervention at Port Botany.

This submission responds only to the Ports and Maritime Administration Amendment (Freight Reform) Regulation 2025 and the associated Regulatory Impact Statement (RIS). Consequential amendments that touch on Port Botany Landside Improvement Strategy (PBLIS) are considered only to the limited extent that they appear in the Regulation itself. A separate submission will address broader PBLIS reforms, including the Mandatory Standards and performance frameworks.

CONTACT

For further detail please contact:



Tom Jensen

General Manager, Freight Policy & Operations - FTA / APSA

tjensen@FTAlliance.com.au

RECOMMENDATIONS

Recommendation 1 - FTA/APSA supports the amendments to dangerous goods management in the Regulation and encourages Transport for NSW to actively work with other jurisdictions and relevant Commonwealth agencies to pursue national harmonisation of dangerous goods processes and standards. A consistent regulatory approach across Australian ports would materially reduce compliance costs, improve safety outcomes and enhance operational predictability for businesses moving regulated cargo across more than one port.

Recommendation 2 - FTA/APSA supports the strengthening of enforcement powers under the Regulation and recommends that Transport for NSW publish clear guidance on how these powers will be exercised in practice. Transparent thresholds for intervention, clearly articulated compliance expectations and well-defined escalation pathways will provide industry with confidence, support consistent application of the law and reduce the risk of misinterpretation or inconsistent practice across sites and agencies.

Recommendation 3 - FTA/APSA strongly supports the proposed amendments relating to vessel environmental performance information.

We recommend that Transport for NSW ensure that the reporting framework is underpinned by standardised requirements, that data is published in a consistent and readily accessible format, and that information is presented in a way that is operationally meaningful to commercial users. A robust and transparent environmental information regime will enhance export competitiveness, support members' sustainability credentials and position NSW ports as credible, future-focused gateways in a decarbonising global economy.

Recommendation 4 - FTA/APSA supports the data efficiency and transparency reforms and recommends that Transport for NSW embed strong compliance and monitoring mechanisms to ensure consistent adherence by all relevant parties, including shipping lines, stevedores and empty container parks. Effective enforcement of these obligations is essential if the policy benefits are to be realised. Consistent electronic data delivery will reduce avoidable inefficiencies, support better fleet utilisation and materially improve the reliability of the landside logistics chain.

Recommendation 5 - FTA/APSA recommends regulatory safeguards relating to landside pricing and performance, particularly in relation to Terminal Access Charges, be preserved and, where necessary, strengthened to ensure that market power imbalances do not result in unreasonable cost burdens on freight forwarders, customs brokers, importers, exporters and logistics providers.

1. Scope of This Submission

This submission responds exclusively to:

- the Ports and Maritime Administration Amendment (Freight Reform) Regulation 2025; and
- the associated Regulatory Impact Statement (RIS).

It also comments, where strictly relevant, on consequential amendments within the Regulation that relate to data and transparency obligations associated with PBLIS.

A separate and more detailed submission will address the broader PBLIS reform program, including changes to the Port Botany Landside Operations Mandatory Standards, performance schemes and slot management rules.

2. Summary of FTA/APSA Positions

FTA/APSA supports reforms that:

- modernise outdated provisions and clarify responsibilities;
- strengthen data and information-sharing obligations;
- improve visibility of vessel environmental performance; and
- provide clearer, more contemporary enforcement powers and oversight tools.

We do not support any trajectory that would:

- weaken regulatory oversight relating to landside charges such as Terminal Access Charges (TACs); or
- reduce the ability of government to intervene where market failures, unreasonable pricing or poor performance occur.

In summary, FTA/APSA supports modernisation that enhances transparency, accountability and safety, but cannot support reforms that could be interpreted, now or in future, as steps toward deregulation of landside operations.

3. Detailed Feedback on the Regulation

3.1 Management of Dangerous Goods in Ports (RIS Section 2.1)

The Amendment Regulation modernises dangerous goods provisions by clarifying responsibilities, aligning definitions with contemporary maritime and safety standards, and resolving inconsistencies that have existed between port operators, regulators and industry users.

These changes address long-standing inefficiencies experienced by freight forwarders, logistics providers and shippers handling regulated cargo.

Members regularly report that differing requirements across states and even between individual ports lead to duplicated documentation, varied notification expectations and inconsistent compliance burdens. These inefficiencies slow cargo movement, increase administrative overheads and heighten compliance risks.

The updated provisions in New South Wales provide welcome clarity and reduce interpretive variability

across NSW ports. They also offer an important platform for broader national harmonisation. Many FTA/APSA members operate across multiple Australian jurisdictions and have consistently called for more consistent requirements and processes for dangerous goods management nationwide.

Recommendation:

FTA/APSA supports the amendments to dangerous goods management in the Regulation and encourages Transport for NSW to actively work with other jurisdictions and relevant Commonwealth agencies to pursue national harmonisation of dangerous goods processes and standards.

A consistent regulatory approach across Australian ports would materially reduce compliance costs, improve safety outcomes and enhance operational predictability for businesses moving regulated cargo across more than one port.

3.2 Strengthened Enforcement Powers (RIS Section 2.5)

The Regulation introduces clearer and more contemporary enforcement tools, addressing gaps identified in the Independent Review. These include strengthened powers for authorised officers, more clearly defined investigative authority and clarified obligations for regulated entities. The intent is to ensure that compliance activities are effective, consistent and better aligned with current operational realities.

Historically, some ambiguity in enforcement provisions has created uncertainty among operators and delayed resolution of operational issues. Inconsistent approaches between different ports or agencies can undermine confidence and make it difficult for businesses to understand exactly what is required of them.

Stronger and clearer enforcement powers, used in a transparent and proportionate way, protect compliant operators, promote consistent safety outcomes and enhance overall supply chain integrity. However, predictability in how powers are exercised is crucial to avoiding unintended operational disruption.

Recommendation:

FTA/APSA supports the strengthening of enforcement powers under the Regulation and recommends that Transport for NSW publish clear guidance on how these powers will be exercised in practice. Transparent thresholds for intervention, clearly articulated compliance expectations and well-defined escalation pathways will provide industry with confidence, support consistent application of the law and reduce the risk of misinterpretation or inconsistent practice across sites and agencies.

3.3 Vessel Environmental Performance Information (RIS Section 2.6)

The Regulation expands requirements for reporting vessel environmental performance, reflecting the global shift towards decarbonisation and increased scrutiny of supply chain emissions. For our members — particularly exporters — access to reliable environmental performance data is no longer simply a desirable feature; it is rapidly becoming a core commercial requirement.

Exporters are increasingly required by their overseas customers to demonstrate that their logistics chains meet defined sustainability or emissions benchmarks. Importers similarly face expectations from international suppliers and corporate stakeholders to understand and manage the environmental footprint of inbound cargo movements. Without access to verified and standardised environmental performance information, Australian businesses risk being placed at a competitive disadvantage relative to suppliers operating through ports where such information is readily available.

Transparency in environmental performance is therefore vital to maintaining and growing market access. It also supports members in meeting their own corporate sustainability commitments and responding to emerging regulatory requirements in key export markets.

Recommendation:

FTA/APSA strongly supports the proposed amendments relating to vessel environmental performance information.

We recommend that Transport for NSW ensure that the reporting framework is underpinned by standardised requirements, that data is published in a consistent and readily accessible format, and that information is presented in a way that is operationally meaningful to commercial users. A robust and transparent environmental information regime will enhance export competitiveness, support members' sustainability credentials and position NSW ports as credible, future-focused gateways in a decarbonising global economy.

3.4 Data Efficiency and Transparency (RIS Section 2.7)

The data efficiency and transparency reforms are among the most significant aspects of the Regulation for FTA/APSA members. The proposed amendments mandate electronic empty container directions, strengthen vessel manifest information requirements and impose clearer data-sharing obligations on shipping lines, stevedores and empty container parks.

These changes directly address long-standing inefficiencies arising from inconsistent, late or non-standardised data exchange. Members routinely report delays, duplicated administrative effort and under-utilisation of transport assets due to poor quality or poorly timed data. In particular, inconsistent or last-minute empty container redirections, provided through non-standard channels or formats, can cause major operational disruption, additional truck movements and avoidable congestion.

By formalising electronic data-sharing requirements and ensuring consistent standards across the supply chain, the Regulation aligns NSW with modern global port practice. Reliable and timely data will materially improve planning capability, truck and equipment utilisation, and the overall efficiency of container movements.

Recommendation:

FTA/APSA supports the data efficiency and transparency reforms and recommends that Transport for NSW embed strong compliance and monitoring mechanisms to ensure consistent adherence by all relevant parties, including shipping lines, stevedores and empty container parks. Effective enforcement of these obligations is essential if the policy benefits are to be realised. Consistent electronic data delivery will reduce avoidable inefficiencies, support better fleet utilisation and materially improve the reliability of the landside logistics chain.

3.5 Provision of Private Port Operator Information (RIS Section 3.3)

The Regulation enhances the State's ability to access operational and other relevant information from private port operators. This reform is particularly important in a context where NSW's major trading ports operate under long-term private leases, yet play a central role in the State's freight network and economic performance.

Historically, limitations on government visibility into private port operations have at times constrained policy development, slowed responses to emerging issues and made it more difficult to diagnose the root causes

of supply chain disruption. Better information flows between port operators and Transport for NSW will support evidence-based decision-making, more effective regulatory oversight and more informed long-term planning of port-related infrastructure and policy settings.

From the perspective of FTA/APSA members, a more informed and responsive government partner is essential in times of disruption and in considering reforms that affect port interfaces and landside logistics. Recommendation:

FTA/APSA supports the amendments relating to the provision of private port operator information and recommends that Transport for NSW develop a structured, predictable framework setting out how and when these information-gathering powers will be used. Clear processes, communicated in advance, will help maintain industry confidence while ensuring that the State has the visibility required to make timely, evidence-based decisions about port operations, capacity planning and disruption management.

4. Consequential PBLIS-Related Amendments Contained Within the Regulation

The Amendment Regulation also includes certain consequential amendments that interact with PBLIS-related provisions, particularly in relation to data and transparency obligations. FTA/APSA supports measures that improve visibility and information flows across the Port Botany supply chain, to the extent that they are implemented through this Regulation.

We emphasise that our detailed views on the broader PBLIS reform program — including changes to the Mandatory Standards, performance schemes, slot rules and penalties — will be provided in a separate submission. Our support for the data-related consequential amendments in this Regulation should therefore not be interpreted as a comprehensive position on the wider PBLIS reforms.

5. Avoiding a Trajectory Toward Deregulation

Any modernisation of PAMA must avoid weakening the regulatory safeguards that protect landside users from unreasonable charges and inconsistent terminal performance.

FTA/APSA has consistently raised concerns, in previous submissions to both the PBLIS Review and the NSW Freight Policy Reform process, about the continued escalation of Terminal Access Charges (TACs) imposed by stevedores. Over the past decade, TACs have increased dramatically — in many cases by several hundred per cent — without regulatory oversight and without a transparent link to measurable improvements in landside performance.

Our members, including freight forwarders, customs brokers, importers, exporters and logistics providers, have no commercial leverage to negotiate or influence TACs. These charges are imposed unilaterally and applied universally, ultimately being passed through to Australian businesses and, in many cases, to consumers. In an environment where supply chain costs are already under pressure, further unchecked escalation of such charges is unsustainable and inconsistent with the State's objectives of improving freight efficiency and supporting trade competitiveness.

The Independent Review recognised that imbalances of market power persist in the port supply chain, and acknowledged the importance of maintaining safeguards within the legislative framework. FTA/APSA reiterates that any reforms to PAMA or its regulations must strengthen, not weaken, the capacity for government to intervene where pricing or performance outcomes are unreasonable.

TACs remain one of the most significant cost burdens affecting shippers and their logistics providers. Regulatory oversight must be preserved to prevent ongoing cost escalation, ensure transparency around pricing decisions and maintain a fair operating environment. Modernisation of the legislative and regulatory

framework should not be misconstrued as deregulation. Appropriate oversight remains essential to protect industry from market failures that directly impact Australia's trade competitiveness.

Conclusion

In summary, FTA/APSA recommends that the proposed amendments relating to dangerous goods management, environmental information, data transparency, enforcement and information-gathering powers be progressed, subject to the implementation considerations outlined in this submission.

FTA/APSA further recommends regulatory safeguards relating to landside pricing and performance, particularly in relation to Terminal Access Charges, be preserved and, where necessary, strengthened to ensure that market power imbalances do not result in unreasonable cost burdens on freight forwarders, customs brokers, importers, exporters and logistics providers.

We look forward to continued engagement with Transport for NSW as these reforms are finalised and implemented.