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PBLIS

Response to Draft Port Botany Landside Operations Mandatory Standards and Associated Performance Benchmarks

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
07	RESPONSES
19	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 Transport for NSW's draft Port Botany Landside Operations Mandatory Standards and associated Performance Benchmarks, forming a major component of the Government's ongoing landside freight reform agenda.

Port Botany is a critical freight gateway for NSW importers and exporters. The port's landside interface — road carriers, rail operators, freight forwarders, customs brokers and logistics providers — underpins the reliability and competitiveness of global supply chains. Prior to the introduction of the Port Botany Landside Improvement Strategy (PBLIS), stevedore performance was inconsistent, queues were uncontrolled, slot allocation was unreliable, and industry faced chronic visibility and accountability gaps. PBLIS fundamentally reshaped landside operations by introducing enforceable standards and measurable performance expectations that significantly improved operational discipline at the terminals.

The reforms now proposed are the most substantial recalibration of PBLIS since its establishment. FTA/APSA support modernisation that enhances transparency, consistency and supply-chain reliability. However, we remain concerned that several proposed reforms:

- introduce ambiguity where clarity is required
- weaken enforceability in areas previously well-defined
- reduce regulatory oversight at a time of escalating, unregulated stevedore and ECP costs
- rely on performance-based mechanisms that may dilute accountability
- fail to capture essential landside touchpoints such as Empty Container Parks, stack run operations and rail interface visibility

Most notably, the proposed removal of the broad regulatory power to address stevedore-imposed charges — including Terminal Access Charges (TACs) — represents a significant backwards step. While the Department notes this power has not been exercised, its very existence provides an essential safeguard against unreasonable or unjustified charges. TACs have increased sharply over the past decade, with freight forwarders, customs brokers, importers, exporters and logistics providers facing these as unavoidable, non-negotiable costs. Removing this power eliminates the State's primary regulatory backstop at precisely the time industry needs greater, not less, oversight.

FTA/APSA further highlight the growing challenges associated with Empty Container Park Notification Fees, which have risen substantially without transparency, justification or regulatory scrutiny, adding to the cost pressures faced by all users of the port.

The success of any new regime will depend on its ability to maintain the core PBLIS principles — enforceability, transparency, accountability and measurable outcomes. Reforms must not return Port Botany to a pre-PBLIS environment, where variability, inefficiency and unchecked charges imposed substantial operational and financial burdens on the industry.

FTA/APSA provide detailed responses to the proposed Standards and Benchmarks, focusing on elements that materially affect productivity, fairness, cost impacts and stevedore market power. We also outline significant omissions that must be addressed to ensure the regulatory framework remains comprehensive and future-fit.

A modern regulatory system is essential — but only if it strengthens, rather than weakens, the foundational protections that industry depends upon.

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RECOMMENDATIONS

RECOMMENDATION 1 – FTA/APSA urges Transport for NSW to retain the pricing power in full.

Maintaining this safeguard does not imply routine intervention. Rather, it preserves the policy intention: to protect landside users from unreasonable charges and to maintain a credible deterrent. Given the scale and persistence of TAC and ECP fee increases, the Government must keep — not remove — the regulatory safety net.

RECOMMENDATION 2 – The modernised PBLIS framework must recognise TACs and ECP fees as core landside costs requiring transparency, reporting and oversight.

FTA/APSA recommends:

- pushing for introduction of mandatory code on TAC and ECP fee structures
- publication of fee methodologies
- independent review of increases by the ACCC
- clear linkage between fees and measurable service improvements
- the ability for Transport for NSW to intervene where charges become unreasonable

Failure to address TAC and ECP pricing renders the reform incomplete.

RECOMMENDATION 3 – FTA/APSA recommends that the PBLIS framework be expanded to cover ECPs, rail and stack run operations, supported by performance standards that mirror the expectations placed on stevedores.

RECOMMENDATION 4 – FTA/APSA recommends reinstating clear, enforceable obligations expressed through objective, measurable criteria, avoiding discretionary or subjective phrasing unless absolutely necessary.

RECOMMENDATION 5 – FTA/APSA recommends that Transport for NSW retain firm, measurable performance criteria for truck turnaround and time-zone compliance. The Standards should clearly define allowable exceptions, require stevedores to demonstrate causation when invoking an exception, and mandate full transparency through publicly disclosed performance data.

This approach ensures that flexibility does not override accountability, and that landside operators retain the confidence needed to plan, cost and manage freight tasks reliably.

RECOMMENDATION 6 – FTA/APSA recommends that the Standards retain enforceable slot-release windows with clear volumes tied to vessel exchange size. Stevedores should be required to publish slot-availability performance data, measured against transparent KPIs. A move to internally developed "strategies" risks inconsistency and should be supplemented with independent monitoring to ensure fairness, predictability and equity of access for all carriers.

RECOMMENDATION 7 – FTA/APSA recommends that Transport for NSW retain objective queue-management tests and require stevedores to demonstrate the cause of queueing before invoking exceptions. Transparent recording of queue events through GPS timestamping or automated monitoring would provide robust evidence for regulator oversight. This ensures that carriers and cargo owners are not unfairly penalised for delays outside their control.

RECOMMENDATION 8 – FTA/APSA recommends retaining explicit uptime performance thresholds, supported by mandatory reporting of outages, causes, impacts and rectification timelines. Where performance falls below threshold, the Standards should require automatic application of compensatory measures or waivers of associated carrier fees. This ensures stevedores shoulder an appropriate proportion of risk associated with system underperformance.

RECOMMENDATION 9 – FTA/APSA recommends that yard-density thresholds be objectively defined and that stevedores be required to demonstrate that yard congestion is caused by factors outside their control before invoking capacity constraints. Independent visibility into yard density, through data feeds or dashboards, would ensure transparency and prevent overuse of exemptions.

RECOMMENDATION 10 – FTA/APSA recommends that rail performance be incorporated into future Standards and Benchmarks, including metrics for lift rates, window adherence, communication and stack alignment. This is achievable through existing operational data and will materially improve whole-of-port efficiency.

RECOMMENDATION 11 – FTA/APSA recommends that notification obligations be expressed as clear requirements, including minimum notice periods wherever feasible, automated push notifications and public platforms via the PBLIS portal. Clear audit trails must exist to support regulatory enforcement in the event of non-compliance.

RECOMMENDATION 12 – FTA/APSA recommends that Transport for NSW establish joint stevedore–ECP coordination protocols and progressively expand PBLIS-style obligations to ECPs, subject to future consultation.

RECOMMENDATION 13 – FTA/APSA recommends maintaining a clear 95th percentile service target for truck servicing, with stevedores required to justify the invocation of exceptions through transparent, evidence-based reporting. This preserves operational discipline while accommodating legitimate operational incidents.

RECOMMENDATION 14 – FTA/APSA recommends retaining prescriptive slot-release windows tied to vessel exchange volumes.

Benchmarks should measure:

- consistency
- fairness
- total volume released
- alignment with operational demand patterns

This ensures carriers and their customers maintain predictability in planning.

RECOMMENDATION 15 – FTA/APSA recommends that queue benchmarks retain objective trigger points (e.g., defined queue lengths and durations). Stevedores should submit independent verification when seeking exemptions. Congestion should not be used as a convenient blanket exclusion from performance obligations.

RECOMMENDATION 16 – FTA/APSA recommends that the VBS benchmark include:

- explicit uptime thresholds
- mandatory reporting on outages
- required root-cause analyses
- obligations to waive fees arising from system issues

Digital infrastructure is too critical to rely on subjective performance language.

RECOMMENDATION 17 – FTA/APSA recommends Transport for NSW incorporate rail performance benchmarks into future reform stages, including metrics such as lift rates, adherence to windows, stack alignment and labour allocation.

RECOMMENDATION 18 – FTA/APSA recommends that performance data be:

- standardised
- independently verified
- publicly available
- published via a PBLIS portal
- updated at a minimum monthly frequency

Transparency is a fundamental pillar of trust.

RECOMMENDATION 19 – FTA/APSA recommends the explicit inclusion of ECPs within future PBLIS Standards or equivalent regulation.

1. Introduction

Freight & Trade Alliance (FTA) and the Australian Peak Shippers Association (APSA) represent a significant share of Australia's international trade community, including freight forwarders, customs brokers, importers, exporters and logistics providers who interface with Port Botany daily. Landside operations at Port Botany directly influence container transit times, cost structures, reliability of supply chains and the overall competitiveness of NSW exporters and importers.

Our members continue to raise strong concerns regarding:

- escalating, unregulated stevedore-imposed Terminal Access Charges (TACs)
- rising Empty Container Park (ECP) Notification Fees and associated levies
- variable stevedore performance and inconsistent communication
- queueing events and yard congestion driven by terminal decisions
- inconsistencies in slot release, slot availability and VBS reliability
- gaps in transparency across ECPs, stack runs and rail interfaces

The existing PBLIS system, despite imperfections, has delivered measurable improvements in performance, transparency and accountability. Its enforceability — and the credibility of its oversight — remains essential.

The proposed reforms must not dilute these protections. Any erosion of enforceability, any weakening of benchmark rigour, or any step toward deregulation risks reversing a decade of steady improvement.

2. Regulatory Context and Key Considerations

The **Port Botany Landside Improvement Strategy (PBLIS)** was established to correct persistent commercial and operational imbalances between stevedores and landside operators. The framework delivered:

- clear performance expectations
- independent monitoring
- enforceable Standards
- faster truck turnaround times
- improved slot allocation discipline
- reduced queueing and congestion
- enhanced visibility and communication

The **Independent Review (2023)** reaffirmed PBLIS as the national benchmark for landside regulation, recommending its modernisation — not deregulation.

The **Regulatory Impact Statement, Fact Sheet and consultation material** presented by Transport for NSW highlight several key changes:

Positive intentions include:

- greater transparency in performance reporting
- modernisation of outdated Standards
- adjustments to reflect changed terminal operating environments
- enhanced communication and data obligations

However, significant concerns arise where the reforms:

- **remove the broad power to regulate stevedore pricing**, at a time of unprecedented TAC escalation
- **create flexible or discretionary language** that may weaken enforceability
- introduce **softer performance benchmarks** compared to existing standards
- fail to capture critical landside components such as ECPs and stack runs
- risk shifting toward a **performance-based, "light-touch" model** that may diminish regulatory protections

Industry experience since 2017 shows:

- TACs have increased by several hundred percent
- ECP Notification Fees have proliferated
- carriers, forwarders and shippers bear the cost of inefficiencies
- stevedores operate without competitive pressure on landside charges
- operational disruption at terminals directly causes industry-wide inefficiency

This context matters:

Regulation remains necessary because market power imbalances remain significant.

Any reform that weakens oversight will return Port Botany to pre-PBLIS conditions — a scenario industry cannot support.

3. Response to Major Amendments

Transport for NSW proposes several changes to the PBLIS regulatory framework. FTA/APSA supports reforms that clarify obligations, enhance transparency and maintain strong accountability. However, we do **not** support reforms that dilute enforceability or reduce the State's ability to intervene where stevedore-imposed costs escalate without justification.

The following subsection addresses the amendments in the Fact Sheet, consultation deck, the RIS, and the Draft Mandatory Standards, including the proposed removal of regulatory pricing powers.

3.1 Removal of the Broad Power Relating to Regulating Stevedore Charges

FTA/APSA strongly oppose removal of the pricing power.

The Fact Sheet proposes that Transport for NSW will **remove the broad power that currently exists to regulate prices charged by stevedores**, on the basis that it has "never been exercised."

FTA/APSA submits that:

1. The premise is incorrect — the power is deeply valuable even if unused.

It acts as a regulatory safeguard, discouraging excessive or unreasonable charges.

Its removal eliminates the only explicit State mechanism that can respond to:

- sharp, unilateral TAC increases
- the compounding impact of ECP Notification Fees
- unconsulted changes to stevedore or ECP landside levy structures
- pricing behaviour that distorts competition

A power's value lies in its deterrent effect — not its frequency of use.

2. TACs have risen by several hundred per cent since 2016.

PBLIS did not originally contemplate stevedores shifting their cost-recovery model to the landside.

But from 2017 onwards, TACs became a primary revenue stream, rising dramatically and consistently without:

- meaningful justification
- visibility over cost drivers
- consultation
- regulatory limitation

These charges now represent a multi-hundred-million-dollar cost to NSW importers and exporters annually.

3. Empty Container Park fees have followed the same trajectory.

ECP Notification Fees, mandatory booking charges, dehire penalties and non-standard operational fees have all increased significantly, often without prior notice or transparency.

Members report:

- inconsistent charging practices

- unavoidable fees even during ECP congestion
- lack of service-level accountability
- mandatory charges not tied to measurable service levels

The regulatory power to intervene is essential in this environment.

4. Removing the power risks sending an unhealthy signal to the market.

Stevedores and ECPs may interpret its removal as tacit permission to continue escalating landside charges.

Removing the State's only pricing backstop at the very moment the industry is facing unprecedented cost escalation is untenable.

FTA/APSA Recommendation — Pricing Power

FTA/APSA urges Transport for NSW to retain the pricing power in full.

Maintaining this safeguard does not imply routine intervention.

Rather, it preserves the policy intention: to protect landside users from unreasonable charges and to maintain a credible deterrent. Given the scale and persistence of TAC and ECP fee increases, the Government must keep — not remove — the regulatory safety net.

3.2 Terminal Access Charges and Landside Pricing

TACs must be brought within a transparent, reviewable regulatory framework.

TACs are a compulsory charge paid by transport operators but borne ultimately by importers, exporters, freight forwarders, customs brokers and logistics providers. The lack of competition and absence of an alternative service pathway means TACs can be increased unilaterally without market constraint.

Key issues reported by members include:

- Double-digit annual increases for multiple consecutive years
- Limited or no correlation between TAC increases and operational investments
- No visibility into cost drivers
- Lack of service-level obligations tied to the fee
- Mandatory payment regardless of performance failures

Members cannot negotiate TACs.

Members cannot avoid TACs.

Members cannot meaningfully challenge TACs.

This is the definition of an unregulated monopoly environment.

ECP Notification Fees exacerbate the cost burden.

ECPs increasingly impose:

- notification fees
- forced redirections without compensation

Given that dehire obligations are contractually mandated, landside users again have no ability to avoid these charges even where congestion or operational failures occur.

Current regulatory changes do nothing to address this.

Transport for NSW's proposal to remove the pricing safeguard further erodes the policy intention of PBLIS: to ensure a fair, efficient, and accountable landside interface.

FTA/APSA Recommendation — TAC & ECP Pricing Reform

The modernised PBLIS framework must recognise TACs and ECP fees as core landside costs requiring transparency, reporting and oversight.

FTA/APSA recommends:

- pushing for introduction of mandatory code on TAC and ECP fee structures

- *publication of fee methodologies*
- *independent review of increases by the ACCC*
- *clear linkage between fees and measurable service improvements*
- *the ability for Transport for NSW to intervene where charges become unreasonable*

Failure to address TAC and ECP pricing renders the reform incomplete.

3.3 Expansion of Regulatory Scope to Include ECPs, Rail and Stack Runs

The regulatory framework must include all critical landside touchpoints.

Both the Independent Review (2023) and industry feedback highlight that landside inefficiencies frequently originate outside the terminal gate — especially at **ECPs, rail terminals, and stack run operations**.

The proposed reforms do not extend to these areas despite:

- known congestion events
- significant “double handling” caused by ECP capacity shortages
- redirection costs imposed on carriers
- queueing delays at ECPs with no performance accountability
- inadequate slot availability
- inconsistent communication
- rising ECP fees
- growing rail interface variability
-

Industry consensus is clear: PBLIS must evolve to capture the full port ecosystem.

FTA/APSA members strongly supports this direction.

FTA/APSA Recommendation — Scope Expansion

FTA/APSA recommends that the PBLIS framework be expanded to cover ECPs, rail and stack run operations, supported by performance standards that mirror the expectations placed on stevedores.

This reform is essential to deliver end-to-end visibility, cost control and congestion management.

3.4 Regulatory Powers, Breach Enforcement and Dispute Resolution

FTA/APSA supports reforms that strengthen the regulator’s ability to monitor, audit and enforce compliance.

However, several Draft Standards use language such as “**best endeavours**”, “**reasonable steps**”, or “**where practicable**”, weakening enforceability compared to existing standards.

Stevedores operate in a highly consolidated environment.

Ambiguous language invites interpretive “wriggle room”, making it harder for the regulator to apply consequences where obligations are not met.

FTA/APSA Recommendation

FTA/APSA recommends reinstating clear, enforceable obligations expressed through objective, measurable criteria, avoiding discretionary or subjective phrasing unless absolutely necessary.

4. Response to the Draft Port Botany Landside Operations Mandatory Standards

FTA/APSA members support reforms that strengthen reliability, communication and accountability between stevedores and landside users. However, several of the proposed Standards soften existing obligations or introduce discretionary phrasing that risks weakening the integrity of the PBLIS framework.

Below is our structured analysis of the most material Standards for industry.

4.1 Truck Servicing (Truck Turnaround & Time Zones)

Truck turnaround time (TTT) and the ability for carriers to complete tasks within the designated “time zone” are core to the efficiency of Port Botany. Under current PBLIS arrangements, firm obligations exist around the time taken to process trucks, the handling of delay events, and the application of penalties where KPIs are not met.

The draft Standards introduce broader exceptions and more interpretive language around congestion management, equipment failures and weather events. While some operational flexibility is appropriate, overly broad carve-outs weaken enforceability.

Impact on industry

Freight forwarders, logistics providers, customs brokers, importers and exporters ultimately bear the consequences of poor truck servicing performance. Delayed pick-ups and drop-offs create downstream:

- missed dehire deadlines
- detention liability
- additional wharf storage
- missed rail connections
- overtime transport costs
- spoilage risk (for temperature-sensitive cargo)

A weaker Standard risks returning the port to pre-PBLIS performance inconsistency.

A clear, enforceable truck servicing obligation is fundamental. Stevedores must remain accountable for the efficient processing of trucks, with transparent reporting and practical mechanisms to maintain operational discipline.

FTA/APSA Recommendation — Truck Servicing

FTA/APSA recommends that Transport for NSW retain firm, measurable performance criteria for truck turnaround and time-zone compliance. The Standards should clearly define allowable exceptions, require stevedores to demonstrate causation when invoking an exception, and mandate full transparency through publicly disclosed performance data.

This approach ensures that flexibility does not override accountability, and that landside operators retain the confidence needed to plan, cost and manage freight tasks reliably.

4.2 Slot Availability & VBS Release Discipline

Reliable slot allocation is essential for planning. Historically, carriers struggled with unpredictable slot releases, “bunching”, and insufficient allocation volumes. PBLIS significantly improved this through enforceable requirements and slot-release windows.

The draft Standards reduce some of the prescriptive requirements around slot-release timing and introduce greater reliance on stevedore-developed “slot allocation strategies”.

Impact on industry

Any weakening of slot-release discipline immediately affects:

- the ability to plan container pick-up and dehire
- ability to meet vessel cut-off times
- transport efficiency
- resource rostering
- cost predictability for members

Members consistently report that even minor deviations create cascading operational disruption.

Slot availability is a foundational element of port productivity. Any reform must maintain — or strengthen — existing requirements, not dilute them.

FTA/APSA Recommendation — Slot Availability

FTA/APSA recommends that the Standards retain enforceable slot-release windows with clear volumes tied to vessel exchange size. Stevedores should be required to publish slot-availability performance data, measured against transparent KPIs. A move to internally developed "strategies" risks inconsistency and should be supplemented with independent monitoring to ensure fairness, predictability and equity of access for all carriers.

4.3 Queue Management & Congestion Obligations

PBLIS originally established enforceable obligations relating to queue management, including the Queue Management Protocol administered by NSW Ports. The new draft introduces broader exceptions for operational incidents and provides stevedores with more flexibility in classifying "exempt queuing circumstances".

Impact on industry

Queueing drives direct costs:

- wasted driver hours
- missed slots
- rebooking fees
- increased emissions
- congestion and safety risks
- additional running costs for transport operators

When queues arise from stevedore-originated issues (equipment, labour or yard management), landside users should not bear the cost.

Any erosion of queue management accountability risks significant operational and financial impacts across the supply chain.

FTA/APSA Recommendation — Queue Management

FTA/APSA recommends that Transport for NSW retain objective queue-management tests and require stevedores to demonstrate the cause of queueing before invoking exceptions. Transparent recording of queue events through GPS timestamping or automated monitoring would provide robust evidence for regulator oversight. This ensures that carriers and cargo owners are not unfairly penalised for delays outside their control.

4.4 VBS System Performance & Uptime

The Vehicle Booking System (VBS) is the backbone of landside operations. Under PBLIS, stevedores must maintain high uptime and reliable functionality. The draft Standards retain performance expectations but soften the language around system reliability and introduce provision for “reasonable efforts”.

Impact on industry

VBS outages or slowdowns cause immediate chaos:

- trucks unable to enter
- slots lost
- TTT blowouts
- rebooking fees
- congestion outside terminal gates
- potential safety hazards

Freight forwarders and customs brokers then face client pressure due to missed pick-up windows and invoice disputes.

System reliability is non-negotiable. A “**reasonable efforts**” standard is insufficient for a monopoly-operated critical digital infrastructure.

FTA/APSA Recommendation — VBS Reliability

FTA/APSA recommends retaining explicit uptime performance thresholds, supported by mandatory reporting of outages, causes, impacts and rectification timelines. Where performance falls below threshold, the Standards should require automatic application of compensatory measures or waivers of associated carrier fees. This ensures stevedores shoulder an appropriate proportion of risk associated with system underperformance.

4.5 Yard Capacity Constraints & Terminal-Induced Delays

Yard congestion, high yard density and poor stack management are key contributors to landside delays. The draft Standards acknowledge congestion issues but introduce broader stevedore discretion to declare “operational capacity constraints” that exempt them from certain obligations.

Impact on industry

Industry feedback shows that yard congestion is often the result of:

- insufficient labour allocation
- operational decisions
- stack configurations
- misaligned vessel planning
- equipment maintenance practices

When the cause is terminal-originated, granting exemptions dilutes accountability and shifts costs onto transport and cargo owners.

Objective yard-density thresholds and clear rules are required.

FTA/APSA Recommendation — Yard Congestion

FTA/APSA recommends that yard-density thresholds be objectively defined and that stevedores be required to demonstrate that yard congestion is caused by factors outside their control before invoking capacity constraints. Independent visibility into yard density, through data feeds or dashboards, would ensure transparency and prevent overuse of exemptions.

4.6 Rail Interface Performance

Although rail is not formally regulated under PBLIS, its performance is highly interdependent with stevedore yard planning, labour deployment and container stack configuration. Rail operators consistently report inconsistent lift rates and misaligned time windows.

Impact on industry

Poor rail performance:

- drives modal shift back to road
- limits ability for exporters to meet cut-off
- increases costs for regional NSW
- worsens road congestion
- contributes to carbon emissions
- undermines strategic rail investments

While not mandatory in this consultation round, rail must be captured in the next phase of reform.

FTA/APSA Recommendation — Rail Interface

FTA/APSA recommends that rail performance be incorporated into future Standards and Benchmarks, including metrics for lift rates, window adherence, communication and stack alignment. This is achievable through existing operational data and will materially improve whole-of-port efficiency.

4.7 Communication & Notifications (Service Disruption, Operational Changes, Vessel-Related Constraints)

Reliable communication is one of the most consistent member concerns. The draft Standards attempt to modernise notification obligations but introduce subjectivities such as “where possible”.

Impact on industry

Insufficient advance notice on yard closures, equipment failures, vessel changes or stack reshuffles leads to:

- unnecessary truck trips
- wasted labour
- rebooking fees
- detention and storage exposure
- unplanned cost escalation

Notification must be timely, mandatory and delivered through consistent, digital channels.

FTA/APSA Recommendation — Communication

FTA/APSA recommends that notification obligations be expressed as clear requirements, including minimum notice periods wherever feasible, automated push notifications and public platforms via the PBLIS portal. Clear audit trails must exist to support regulatory enforcement in the event of non-compliance.

4.8 ECP Interactions (Impacts on Stevedore Obligations)

While ECPs are outside PBLIS, their performance directly interacts with stevedore operations. Queueing at ECPs routinely causes missed stevedore slots, and vice versa.

Impact on industry

These disconnected systems create operational friction and extra cost for freight forwarders, transport operators, importers and exporters.

Regulation must evolve to reflect interconnected realities.

FTA/APSA Recommendation — ECP Alignment

FTA/APSA recommends that Transport for NSW establish joint stevedore–ECP coordination protocols and progressively expand PBLIS-style obligations to ECPs, subject to future consultation.

5. Performance Benchmarks — Hybrid Deep-Dive Analysis

FTA/APSA supports the modernisation of performance benchmarks, provided they maintain the intent of PBLIS: enforceable, measurable standards that promote discipline, efficiency and fairness across the landside interface.

Benchmarks are only useful when they are clear, transparent and enforceable.

The proposed Benchmarks represent a mixed outcome. Some strengthen reporting and visibility. Others weaken long-standing performance safeguards by adopting softer language or broad exemptions.

FTA/APSA provides a hybrid analysis — addressing each Benchmark category that materially affects industry cost, productivity and performance.

5.1 Truck Turnaround Time Benchmarks

The truck turnaround benchmarks historically required stevedores to process trucks within defined timeframes, with penalties for non-performance. The proposed Benchmarks appear to allow greater flexibility in how truck turnaround is measured and in recognising exception events.

Industry Impact

Truck turnaround directly affects:

- transport scheduling
- driver fatigue management
- dehire deadlines
- detention exposure
- ability to meet vessel cut-offs

A benchmark with broad exemptions risks undermining a decade of improvement.

FTA/APSA Recommendation

FTA/APSA recommends maintaining a clear 95th percentile service target for truck servicing, with stevedores required to justify the invocation of exceptions through transparent, evidence-based reporting. This preserves operational discipline while accommodating legitimate operational incidents.

5.2 Slot Availability Benchmarks

Slot availability benchmarks underpin equitable access to capacity. The draft Benchmarks introduce greater flexibility for terminal-developed slot strategies and loosen prescriptive time-based controls.

Industry Impact

Reduced slot availability or poorly timed slot releases lead to:

- bottlenecks on peak days
- unpredictable resource management
- increased rebooking fees
- increased road congestion
- compromised exporter and importer planning

FTA/APSA Recommendation

FTA/APSA recommends retaining prescriptive slot-release windows tied to vessel exchange volumes.

Benchmarks should measure:

- consistency
- fairness
- total volume released
- alignment with operational demand patterns

This ensures carriers and their customers maintain predictability in planning.

5.3 Queue Benchmark & Congestion Measures

The proposed queue benchmark appears to adopt more flexible definitions of “queue events” and broaden stevedore discretion in declaring exception circumstances.

Industry Impact

Queue events create cascading delays and significant industry cost without recourse under a weaker benchmark.

FTA/APSA Recommendation

FTA/APSA recommends that queue benchmarks retain objective trigger points (e.g., defined queue lengths and durations). Stevedores should submit independent verification when seeking exemptions. Congestion should not be used as a convenient blanket exclusion from performance obligations.

5.4 VBS System Performance Benchmarks

System reliability benchmarks are crucial. The draft Benchmarks shift toward a softer “best endeavours” approach that risks excusing performance issues.

Industry Impact

VBS outages or slowdowns disrupt all transport operations; even short outages result in widespread operational upheaval.

FTA/APSA Recommendation

FTA/APSA recommends that the VBS benchmark include:

- explicit uptime thresholds

- *mandatory reporting on outages*
- *required root-cause analyses*
- *obligations to waive fees arising from system issues*

Digital infrastructure is too critical to rely on subjective performance language.

5.5 Rail-Related Performance Benchmarks

Despite not being formally included, rail performance is closely tied to stevedore lift rates and window adherence. The draft Benchmarks do not reflect this interdependence.

Industry Impact

Export chains in regional NSW suffer where rail windows are not aligned with yard planning.

FTA/APSA Recommendation

FTA/APSA recommends Transport for NSW incorporate rail performance benchmarks into future reform stages, including metrics such as lift rates, adherence to windows, stack alignment and labour allocation.

5.6 Reporting Benchmarks & Transparency

Reporting and transparency are critical, especially in an environment where TACs and ECP Notification Fees continue to rise sharply. The draft introduces new reporting obligations but lacks detail on how data will be published, standardised, or independently verified.

Industry Impact

Weak reporting frameworks undermine confidence and limit the regulator's ability to enforce compliance.

FTA/APSA Recommendation

FTA/APSA recommends that performance data be:

- *standardised*
- *independently verified*
- *publicly available*
- *published via a PBLIS portal*
- *updated at a minimum monthly frequency*

Transparency is a fundamental pillar of trust.

6. What's Missing from the Proposed Framework

FTA/APSA highlight several omissions that must be resolved for the regulatory framework to be effective and future-ready.

6.1 Empty Container Parks Must Be Incorporated

ECPs are a structural part of the landside interface. They impose significant fees (Notification Fees, booking fees, rebooking charges) and frequently contribute to congestion. Their exclusion from the regulatory framework undermines the integrity of the reform.

FTA/APSA Recommendation

FTA/APSA recommends the explicit inclusion of ECPs within future PBLIS Standards or equivalent regulation.

6.2 Stack Run Management

Stack runs are increasingly used by stevedores to manage high yard density. Poorly timed or communicated stack runs cause major industry disruption. Benchmarks must capture stack-run performance to prevent unnecessary cost shifting to transport operators.

6.3 Rail Interface Standards

Rail performance directly impacts exporters, importers and regional freight efficiency. Excluding rail risks creating a blind spot in a system that claims to modernise landside regulation.

Conclusion

FTA/APSA fully supports the intention of modernising the landside regulatory framework for Port Botany.

The reforms represent an opportunity to reinforce the nationally recognised success of PBLIS and address the new challenges that have emerged since 2017 — including TAC escalation, the rapid proliferation of ECP fees, and increasing complexity across the landside supply chain.

However, several aspects of the proposed reforms risk weakening the safeguards that industry relies upon:

- The removal of pricing powers, the softening of enforceable Standards, and
- the exclusion of ECPs, rail and stack runs together risk undermining the core regulatory intent of PBLIS.

A modernised system must not weaken the foundations that industry depends on.

A modernised system must strengthen accountability, transparency, cost oversight and performance discipline.

FTA/APSA remain committed to working collaboratively with Transport for NSW to ensure Port Botany remains competitive, reliable and efficient for the businesses and communities that depend on it.