NATROAD

NATIONAL ROAD TRANSPORT ASSOCIATION

Submission to the Productivity Commission

Australia's Maritime Logistics System

10 February 2022

EXECUTIVE SUMMARY

Boosting the efficiency of freight movement and productivity at Australia’s ports is essential if we are to improve our supply chain’s recovery from the pandemic and compete with the rest of the world.

Long waiting times at port facilities to load and unload containers and cargo are placing massive strain on heavy vehicle operators - particularly owner operators - and are eroding safety, contributing to driver shortages and compounding the impacts of the pandemic.

Fees that punish truck drivers for events like delayed or absent pickups are grossly unfair and should be abolished.

NatRoad also wants a cap applied to the steep rises in landside port charges that its members have experienced over the last five years.

There is no justification for the 325% rise in the average fee for unloading an import container off a ship in Eastern Seaboard ports from mid-2017 to March 2021.

Inefficient, anti-competitive and unethical provisions in Enterprise Agreements governing waterfront industrial relations have a knock-on effect that is felt by not only the road transport sector but the national economy.

More efficient, environmentally-friendly High Productivity Vehicles (HPVs) must be encouraged to be used at ports.

Some stevedores are actively discouraging their use by charging greater fees for deliveries by ‘long vehicles.’ NatRoad does not agree that these fees reflect the true cost of accommodating HPVs.

But the reform process needs to go further than the port gates.

Road access to ports by heavy vehicles needs to be dramatically overhauled.

Priority around-the-clock access on key freight routes needs to be given to A-doubles and other heavy vehicle combinations as a matter of course with pre-approved routes for these vehicles.

The current complex system of permits for High Productivity Vehicles needs to be reviewed and streamlined. There are too many permits and there is too much red tape.

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INTRODUCTION

1. The National Road Transport Association (NatRoad) is pleased to provide a submission in response to the Productivity Commission's (PC) call for submissions[1] on its inquiry into the long-term productivity of Australia's maritime logistics system.[2]

2. NatRoad is Australia's largest national representative road freight transport operators' association. NatRoad represents road freight operators, from subcontractors to large fleet operators, general freight, road trains, livestock, tippers, express, car carriers, as well as tankers and refrigerated freight operators.

3. More than three quarters of non-bulk freight is transported by road. The road freight transport industry continues to play a major role in Australia's economy, with the ability to provide quick and reliable door-to-door delivery nationwide. Impediments to the efficient operation of the road freight industry and connected freight routes (for example port access) are therefore of major concern to NatRoad. These issues are clearly encompassed in the inquiry's terms of reference.[3]

4. NatRoad has a strong commitment to reform of Australia's ports, particularly capping or limiting the largely unconstrained increases in landside port charges that members have experienced over the last five years.

5. The issue of increasing landside charges is not just one of costs. Access constraints and congestion at ports, and on the access roads to ports, causes delays and inefficiencies in the supply chain. For example, long waiting times at port facilities to load and unload containers and cargo more generally place a very real strain on drivers, particularly owner operators. These delays should not be commonplace but are, unfortunately, many members lived experience. Unfavourable working conditions contribute to the ongoing Australian driver shortage.[4] That driver shortage has been exacerbated by the current rapid spread of the Omicron variant of COVID-19[5] with the situation of inadequate staff numbers being classed as generating a crisis for Australian industry.[6]

6. Further, waiting time eats into drivers' earnings and the time available to drive, so an opportunity cost arises. Demurrage[7] is very infrequently paid to heavy vehicle operators. These factors add to the problems that have been generated in the supply chain by the influence of COVID-19.[8] But these influences have in turn underlined existing supply chain problems rather than causing them.[9]

7. This submission is structured so as to first express the NatRoad position on needed reform in delivering to and from ports as part of consideration of heavy vehicle access at a structural level, then we deal with landside port charges and finally touch on waterfront industrial relations issues. We intend to provide further feedback on the PC's Draft Report following its publication. But we cannot emphasise enough that the findings about the dire situation with heavy vehicle

[1] https://www.pc.gov.au/inquiries/current/maritime-logistics/call-for-submissions
[2] https://www.pc.gov.au/inquiries/current/maritime-logistics/terms-of-reference
[3] Id especially item 2
[4] For example see discussion here: https://www.abc.net.au/news/2021-11-12/driver-shortage-hard-for-victorian-trucking-companies/100611784
[5] https://theloadstar.com/omicron-outbreak-in-australia-wreaking-havoc-with-supply-chains/
[6] J Malcolm and M Maddison Crisis talks tackle staff shortages *The Australian* p 1 and p 4 12/1/22
[7] We define demurrage in this submission to mean a charge for detaining a truck beyond an agreed or reasonable time.
[8] See https://fbe.unimelb.edu.au/newsroom/the-covid-19-shock-to-supply-chains for a discussion of the seven types of supply chain risk that are at issue, inclusive of transportation risk.
[9] See for example discussion here: https://www.ey.com/en_au/supply-chain/how-covid-19-impacted-supply-chains-and-what-comes-next

access that we discuss must be addressed in order to lift supply chain productivity, not only in maritime logistics but economy-wide.

REFORM: access a priority

8. One of the structural factors that has placed increased pressure on supply chains was identified as part of the Government's *Inquiry into the National Freight and Supply Chain Priorities*.[10] In one of the research papers commissioned for the Inquiry it was observed:

   Australia relies more than ever on imported goods. Supply chains that were previously domestic now originate offshore, delivering directly to Australian ports. Products then travel less than 100km to the point of consumption. Domestic and international freight flows mix routinely.[11]

9. Pressure on supply chains has also been evident because enterprises are increasingly dependent on just-in-time deliveries and modern logistics systems to ensure the efficient operation of supply chains rather than holding large quantities of inventory.[12] Whilst this position may change over time (and the PC inquiry may consider the rate of change to a differently based system) this factor has contributed to pressure on those who are an integral part of the supply chain, as with NatRoad's members.

10. To cope with these factors and to facilitate supply chain efficiencies, the same research paper provided a proposed pathway for port reform which has not, unfortunately, manifested and which, even at that time, pointed out the problem with empty containers that is now reaching crisis point[13] with many empty container parks having reached operational capacity:

    Planning ahead with ports is vital. We must plan and develop efficient, high-capacity ports that are fit for purpose, rather than just adapting the infrastructure we already have. We must be ready for the economies of sea freight to shift. Initially shipping lines will focus on larger ships to secure economies of scale and profit, but we should be alert to Australia's position in the global shipping market, and be prepared for a shift towards medium-sized vessels visiting more frequently. This could necessitate the need for more, smaller ports, which would in turn have the effect of providing multiple points of entry and serve to provide contingency and resilience. More, smaller ports could also help improve speed to market by reducing the distance between the port and the final delivery point. However, the ocean remains our only cost-effective way of moving heavy commodities, and we must ensure our channels and ports are deep enough and big enough to handle large vessels. Maximising port throughput will be important, and could involve automation, as well as rethinking the design of slips. Port operators need to tackle the imbalance of empty containers.[14]

11. Access to ports by high productivity vehicles is also an essential element of reform to the supply chain. If the scenario of increased smaller numbers of ports reflected in the prior paragraph becomes manifest, access issues cannot be ignored.

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[10] All Committee documents including the main Report are available at this website https://infrastructure.gov.au/transport/freight/freight-supply-chain-priorities/index.aspx

[11] Scenario planning to inform Australia's national inquiry into freight and supply chain priorities, November 2017 PDF: 948 KB at p12

[12] https://www.abc.net.au/news/2020-08-11/supply-chain-just-in-time-theory-coronavirus-may-prompt-rethink/12529506

[13] I https://businessofhome.com/articles/why-there-s-no-fix-to-the-global-container-crisis-anytime-soon

[14] Above note 11 at p39

12. More generally, access is a key driver of productivity, as was made evident in two documents that should guide the PC in the current context: the National Heavy Vehicle Regulator's (NHVR) heavy vehicle productivity plan[15] (Plan) and the PC's own report *National Transport Regulatory Reform*[16] (Transport Report). Following on from the recommendations and intent in those important documents, NatRoad would like to see in place an efficient freight supply chain which is able to operate 24 hours, 7 days a week. Requiring heavy vehicles to travel only during daylight hours or in certain specified time periods over less-than-optimal routes impedes productivity, increases operating costs and adds to road congestion, particularly along major routes to key ports or airports that are shared with light vehicles. Often these increased costs are passed to consumers. But also these are factors which affect the industry's profit margins, with one researcher indicating that the current profit margin of operators is a mere 2.4%.[17] Accordingly, access is the most pressing area for reform.

13. In addition, it is a common misconception that high productivity freight vehicles must be restricted to key freight routes outside of densely populated areas in order to maintain various community amenities. That is not the case. For example, in Darwin road trains are used regularly: there are two focal points for road train traffic within the greater Darwin area, the Darwin Port and the Frances Bay/Winnellie/Berrimah industrial areas. In fact, adequate and timely port access is critical as a means of improving efficiency of heavy vehicle operations and transport linkages between ports and final destinations. High productivity vehicles must feature in that improvement and built-in separation and preferencing along certain routes, as in Darwin, assists with both amenity and efficiency.

14. The prior mentioned National Freight and Supply Chain Inquiry developed a number of priority actions that NatRoad commends to the PC. In relation to the access issue, NatRoad is concerned that two essential areas of reform identified in the Inquiry's main report may not be implemented. These two reforms are:

    4.9 Review the need for the many permit types required for the movement of high-productivity vehicles and over mass over size vehicles, and the cost/benefit of current permit arrangements.
    4.10 Accelerate the delivery of as-of-right access to key freight routes by B-doubles and other combinations unless current physical constraints genuinely impede their use.[18]

15. The National Action Plan [19] associated with the National Freight and Supply Chain Strategy[20] (both of which were prepared following the Inquiry discussed above) contains Action 3.3. That part of the Action Plan speaks to reform of access but falls short of the implementation of the reforms set out in the prior paragraph. Similarly, the Heavy Vehicle National Law (HVNL) review that is currently being undertaken by the National Transport Commission (NTC), is unlikely to deliver the extent of access reform contemplated by the Inquiry.[21]

16. We recommend to the PC that you reinforce the findings of your Transport Report. We especially note the complementarity of Recommendation 7.5 of the Transport Report and critical area 4.10 identified by the Inquiry, set out in paragraph 14 of this submission. Restrictions on access along the supply chain not just at or in journeys to the ports, negatively affect the

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[15] *Heavy Vehicle Productivity Plan 2020-2025* August 2020 https://www.nhvr.gov.au/files/202008-1171-heavy-vehicle-productivity-plan-2020-2025.pdf
[16] https://www.pc.gov.au/inquiries/completed/transport/report
[17] IBIS World *Road Freight Transport in Australia: Industry Report* February 2021
[18] Above note 9 main Report at p 15
[19] Available at this web site https://www.freightaustralia.gov.au/
[20] Also available at the web site set out at note 10
[21] NatRoad has lost confidence in the NTC review process, particularly after poorly thought through reforms to fatigue laws (which are in dire need of reform) were floated but then rejected because of industry feedback https://www.natroad.com.au/natroad-relieved-after-ntc-backs-down-on-hours-cut/news/

industry's productivity. In the Transport Report the PC has already identified the need for access reform and the need for comprehensive change in this area. Those recommendations of the Transport report should be reinforced in the outcome of the current inquiry and contrasted with the less than fulsome reform identified in the National Action Plan.

REFORM: landside port charges

17. The use of high productivity vehicles at ports is not promoted. Instead, NatRoad is concerned that some stevedores are actively discouraging the use of these vehicles by charging greater fees for deliveries by 'long vehicles.' The following unsatisfactory commentary on this subject is contained in the Australian Competition and Consumer Commission's (ACCC) latest container stevedoring monitoring report:[22]

    *Patrick and FACT charge a long vehicle fee when a transport operator picks up or drops off a container using a truck that is longer than a certain length. These stevedores have stated that the number of long vehicles accessing their terminals has increased over time. Long vehicles comprise approximately a tenth of the vehicles that access Patrick and approximately one third of the vehicles that access FACT. **The stevedores have explained that long vehicles have a negative impact on their terminal resources and productivity, so they have introduced the fee to compensate for this.** The ACCC notes that Patrick has only introduced the fee at 2 of its 4 terminals, while DP World and Hutchison have not introduced the fee at their terminals in Brisbane and Port Botany. This suggests that the extent to which long vehicles affect the efficient operation of container terminals may depend, at least in part, on landside configuration of the terminal.*[23]

18. The bolded statement is an assertion the evidence for which is not palpable. The stevedores have obviously not designed terminal facilities sufficiently well. That is the productivity issue rather than particular vehicles being overly "long." Longer vehicles, particularly high productivity freight vehicles, should enhance all chain parties' productivity rather than have an adverse effect. We recommend that the PC looks at the assertions made in the quotation in the prior paragraph, as an example of inadequate economic analysis.

19. On first principles, the productivity and safety of the freight task is enhanced by the use of high productivity vehicles (HPVs). HPVs are in the main approved under a scheme run by the National Heavy Vehicle Regulator known as the as Performance Based Standards (PBS) scheme.[24] PBS vehicles are designed around performance outcomes rather than built to conform to the prescriptive rules which generally constrain heavy vehicle dimensions but which give general access to the road network. The PBS scheme assists to maximise freight productivity while conforming to safety and stability outcomes, with a recent report by the NHVR showing that PBS vehicles have better outcomes as reflected in crash statistics.[25]

20. Most A-doubles (more commonly known as road trains[26]) are PBS approved vehicles. Not only are they designed with the safety considerations that the PBS scheme requires but, as a generalised rule, they have the capacity to carry four containers on two trailers and hence they are also often known as double road trains. This capacity is one container more than is carried by B-Doubles. B doubles operate generally at a length of 19 metres as part of the general access regime. Restricted access B doubles are up to 26 metres. PBS B doubles are generally up to 30

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[22] https://www.accc.gov.au/publications/container-stevedoring-monitoring-report/container-stevedoring-monitoring-report-2020-21

[23] Id at p 52

[24] https://www.nhvr.gov.au/road-access/performance-based-standards

[25] A good summary of this report is available here: https://tigerspider.com.au/archives/75082

[26] A road train is a class 2 heavy vehicle (HVNL s136 (a) (ii) (B)) that consists of a motor vehicle towing two or more trailers (excluding converter dollies supporting a trailer).

metres whereas PBS A-doubles are generally at 30 to 36 metres. In any event, A doubles obviously increase productivity when in use as they typically carry 25% more payload than does a B double and axiomatically reduce the number of vehicles travelling on the road or presenting at a port to complete the same freight task.

21. The ACCC appears to acknowledge the industry's arguments in this context but then dismisses them on what NatRoad believes are spurious grounds thus:

    Cargo owners, transport operators and freight forwarders have stated that long vehicles are more efficient for transport operators and raised concerns that the fee effectively penalises those transport operators that are seeking to increase productivity and reduce their costs. They have also observed that long vehicles reduce carbon emissions and road congestion. While the ACCC understands transport operators' perspective, the ACCC considers that the long vehicle fees are reasonable as long as they reflect the additional costs associated with serving the long vehicles.[27]

22. The obvious question raised by the manner in which the ACCC has dismissed the industry's concerns is: what is the purported additional cost associated with "serving the long vehicles" and how is that reflected in the charges applied? Why is $50 per vehicle or $6.50 per container a "reasonable fee"? These important questions are ignored in the analysis that has been published.[28] We would ask that the PC take this issue further and determine the veracity of the assertion that there is an additional cost in "servicing" long vehicles. Is this just poor terminal design, as we believe is the case?

23. There are also a number of other landside port charges that are discussed in the ACCC's monitoring report. Suffice it to say that the range of so-called 'novel' fees that are set out by the ACCC are punitive for events like delayed or absent pickups, with one jumping by about 50 percent since 2020.[29] These punitive charges add to the pressure on NatRoad's members where time slots are not met, some of which can be extremely tight. Indeed, the Container Transport Alliance Australia, show the average fee for unloading an import container off a ship has surged from an average of $24.52 in mid-2017 to $121.87 in March 2021 in New South Wales. [30] Table 1 shows the extraordinary increase in the cost of fees for unloading an imported container since 2017.

Table 1: Average fee across three States for Unloading An Imported Container

STATE	2017	2021	Rise	Percentage rise
NSW	$24.52	$121.87	$97.35	397%
QLD	$34.63	$118.59	$83.96	242%
VIC	$27.07	$128.51	$94.44	348%
Eastern Seaboard average	$28.74	$122,99	$93.55	325%

Source: Container Transport Alliance Australia

24. We certainly take issue with the statement that 'the ACCC considers that given stevedores provide landside services to transport operators, it is efficient for the stevedores to levy fees and

[27] Above note 22 p 53
[28] See Table 5.4 Id p 52
[29] See table 5.2 Id at p 51 illustrating that so-called "no show" fees have risen by 48.3 on an annual basis at Port Botany
[30] https://www.abc.net.au/news/2021-03-11/ports-transport-consumers-prices-charges-imports-trade/13236784

charges on transport operators for those services providing that they are not excessive."[31] Feedback from NatRoad members and as noted in the monitoring report by the ACCC, is that delays in unloading containers at terminals and delivering empty containers to empty container parks have reached crisis point, as discussed earlier.[32] The risk of delays is not a matter that should be allocated to transport operators. Idle time (demurrage), missed slots and the need to work outside of standard hours all result in penalty fees or increased staffing costs for NatRoad members and place pressure on the already slim industry profit margins, mentioned earlier. The criterion of whether or not the charges are "not excessive" misses the point about the economic damage that these unconstrained fees are causing, particularly with the supply chain failing to meet consumers' current needs.

25. NatRoad's policy is that ever- increasing, opportunistic costs applied by stevedores should be removed from the supply chain. As stated, the test used by the ACCC as to whether or not costs are "excessive" is a poor criterion. The ACCC observed:

(I)n aggregate, the proportion of total revenue that incumbent stevedores' have recovered from landside fees and charges has increased from around 13% in 2010–11 to around 38% in 2020–21. TACs comprise around 20% of total revenue in 2020–21. While stevedores now recover a greater proportion of their total revenue from landside operations than they did a decade ago, the bulk of their revenue still comes from the shipping lines. One stevedore has informed the ACCC that it incurs around 75–80% of its costs on the landside, which means that its current landside fees and charges do not fully recover the costs that the stevedore incurs in providing landside services. The ACCC does not have sufficient data to verify the accuracy of this claim, as it does not have the information on how the stevedore allocates its common costs. The ACCC needs this information to determine what proportion of a stevedore's costs are incurred on quayside compared to landside.[33]

26. The analysis required has not been undertaken. Instead there are a number of propositions that the ACCC uses to indicate that landside charges are "acceptable" including that "the level of profitability of stevedores over the past 5 years does not appear to be indicative of stevedores earning excessive returns".[34] NatRoad baulks at the notion that the only measure of whether the landside fees charges are not appropriate is the criterion of "excessive" returns when looking at stevedore profits. This begs the question of the fact that landside port charges are not constrained and are imposed on a spurious basis. It also ignores the ever-increasing total revenue attributed to landside port charges. The measure should not be one of whether the charges are "excessive" but whether they are proportionate and fair, the latter measured against strengthened unfair contracts legislation. In addition, one member in commenting on an earlier draft of this submission has encapsulated member concerns about the use of the fees:

When the infrastructure and other fees were introduced it was all about updating equipment/facilities, quicker turnaround times and other benefits. But it's odd now the whole approach has changed since the ACCC has investigated; not one improvement can be seen for $$$ in revenue they collect.

27. Landside fees are rising too fast and their growth rate appears unconstrained and not applied to necessary infrastructure upgrades. The voluntary guidelines published by the NTC[35] are likely to be ineffectual, although the need to introduce some price control constraints, albeit voluntary, is supported. We support the voluntary guideline requiring stevedores to give 30 days' notice of

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[31] Above note 22 at p 48
[32] This article discusses factors affecting empty container management costs https://www.reefgroup.net.au/why-import-container-costs-keep-rising/
[33] Above note 22 at p 49
[34] Ibid
[35] https://www.ntc.gov.au/transport-reform/NTC-projects/stevedore-infrastructure-and-access-charges

any increase in landside fee or charge before implementation to become law. Sixty days' notice operates at Port Botany so NatRoad would, at the least, support that criterion to be made mandatory. This should be a short to medium term reform before better price constraint mechanisms are applied by governments.

28. Attachments A and B substantiate the issues of unacceptable increases in landside charges. These materials were sourced from the Container Transport Alliance Australia. Attachment A is a national stevedore infrastructure charges summary (as implemented up to 25 January 2022) – the latest increases in charges by Patrick Terminals are highlighted on the right-hand side which will be implemented on 1 March 2022. We would urge the PC to produce, as part of this reference, a time series of these charges. Attachment B is a spreadsheet with the changes in notification fees at all empty container parks nationally in a time series from late 2016. This also shows the percentage increases over time, some of which are at entirely unacceptable and "excessive" level inclusive of some at over 1,500 percent.

29. In the longer term, the current Heavy Vehicle Road Reform (HVRR)[36] process presents an opportunity to address the weak links between what heavy vehicle users pay and the services they receive, inclusive of the increasing landside port charges.

30. Through hypothecation, the HVRR reforms have the capacity to improve budget predictability for road building and maintenance, improving service outcomes for heavy vehicle road users.

31. To be effective and free of political interference, the process of better regulation of road pricing for heavy vehicles must be guided by an independent regulator. The extent to which heavy vehicle road infrastructure may be converted into a utility like electricity or water supply must be explored having regard to the full range of costs imposed on the heavy vehicle industry, overseen by an independent price regulator. The independent regulator must primarily oversee an independent pricing system which would need to have at least the following two characteristics:

a. Governments would agree on the pricing rules to be used and the overall approach for the regulator to follow.

b. Once the rules were established, the regulator would make and apply its pricing decisions. Its decisions would not be subject to ministerial approval or parliamentary disallowance.

31. The independent price regulator must, vitally, set service levels for the road network. Pricing without appropriate service levels is meaningless. Service levels should be designed to facilitate high productivity vehicle access (including to ports), and facilities for heavy vehicles such as rest stops which are currently manifestly inadequate for facilitating the road transport task.

32. Road expenditure should be sufficient to maintain pre-determined service levels and should be part of detailed asset management plans that cater for heavy vehicle freight movements. The independent price regulator should also regulate and monitor toll fees and landside port charges, given the current lack of transparency and fairness in setting tolls and landside port charges for heavy vehicles and a national lack of uniformity and policy principles associated with the application of toll charges and landside port fees, particularly where the fees discriminate against more efficient heavy vehicles. We recommend that the PC includes policy recommendations along these lines in its final report.

REFORM: industrial relations

33. The ACCC also monitors aspects of work at ports that relate to industrial relations practices.[37] NatRoad notes that the ACCC explains the context of this aspect of its monitoring thus:

[36] https://www.infrastructure.gov.au/infrastructure-transport-vehicles/road-transport-infrastructure/heavy-vehicle-road-reform

[37] Above note 22

Industrial deadlock between the maritime union and stevedores in 1998 led to the Australian Government introducing significant workplace reforms based on specified performance objectives. These objectives included ending certain staffing and restrictive work practices, raising the crane rate, improving reliability, and reducing industrial disputes. The objectives also included *reducing the amount of workplace injuries, assisting to reduce costs in the supply chain, making effective use of technology, and promoting training programs. The Australian Government then directed the ACCC to monitor the container stevedoring industry to ensure the progress towards these objectives.*[38]

34.The ACCC isolates industrial relations as a negative factor in productivity at Australia's ports:

The ACCC considers that industrial relations have played a pivotal role in inhibiting productivity and efficiency gains at Australian ports, exacerbating delays and increasing costs to Australian importers and exporters.[39]

35. NatRoad commends the analysis that lead to this conclusion inclusive of the ACCC review of the most recent Enterprise Agreements (EA) reached between each of the stevedores and the Maritime Union of Australia (MUA). The ACCC found that stevedores' EAs contain numerous provisions that restrict supply and deployment of labour and the ACCC has well summarised these provisions.[40]

36. NatRoad notes that the cultural change that was expected after the events on the waterfront in 1998 has not occurred. NatRoad suggests that constraints on restrictive work practices appearing in waterfront EAs is required. One mechanism used in the building and construction industry is the application of the *Code for the Tendering and Performance of Building Work 2016.*[41]The Code is a code of practice which sets out the Commonwealth Government's expected standards of conduct for all building industry participants that seek to be, or are, involved in Commonwealth funded building work. A similar instrument could be applied to participants at ports, perhaps tied to the provision of services to the Commonwealth or participants being provided with a lease from State Governments i.e. making adherence to a Code a condition of lease. There is evidence that the application of the Building Code and its related implementation guidelines had the requisite effect in the building and construction industry.[42]

37. There must be some form of intervention that stops the use of the unethical provisions isolated by the ACCC that, for example, entrench nepotism as a condition of employment on the waterfront.[43] NatRoad commends the ACCC analysis and that analysis points to the need for systemic change in waterfront industrial relations that specifically outlaws provisions of the kind used by way of example: those that favour the employment of friends and family. That is better achieved than seeking a change to the EA rules in the *Fair Work Act* which seems politically constrained.[44] NatRoad points to the need for fundamental reform of an industrial relations system where the sorts of provisions that appear in the waterfront EAs analysed by the ACCC may no longer be permitted.

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38 Id at p 56
39 Id at p 65
40 Ibid
41 https://www.abcc.gov.au/building-code/what-code
42 See for example Calver, R *Workplace Reform – the Contribution of the National Code of Practice and Implementation Guidelines* ACLN 118 Jan/Feb 2008 p 26
43 See D Alexander *Jobs for the Boys is Just not a good way forward* Daily Telegraph 17/12/21
44 The reference to Australia's industrial relations' "pendulum" swinging towards one political party's policy agenda is recognised in academic analysis: see, for example, S Cliborn *Australian Industrial Relations in 2020: COVID-19, crisis and opportunity https://journals.sagepub.com/doi/full/10.1177/00221856211012813*

Conclusion

38. NatRoad urges the PC to make recommendations that reinforce the need to change the law in relation to access and capping or regulating landside port charges.

39. NatRoad also believes that radical changes must be introduced so that inefficient, anti-competitive and unethical provisions are no longer permitted to be contained in EA provisions that govern the industrial relations of waterfront participants.

INFRASTRUCTURE SURCHARGES - AS AT 25 January 2022
per full container / excluding GST

STEVEDORE	PORT	EXPORT	IMPORT	EFFECTIVE			
Flinders Adelaide Container Terminal	Adelaide	$75.00	$75.00	1-Jul-21	79.50	112.50	1/04/2022
Australian Amalgamated Terminals (AAT)	Brisbane	$78.00	$100.00	1-Jul-21			
DP World Australia	Brisbane	$105.90	$128.90	1-Jan-22			
Hutchison Ports	Brisbane	$133.08	$133.08	1-Mar-21			
Patrick	Brisbane	$84.90	$113.20	1-Mar-21	101.90	135.85	7/03/2022
DP World Australia	Fremantle	$45.00	$45.00	1-Jan-21			
Patrick	Fremantle	$26.92	$53.85	1-Mar-21	28.84	57.69	7/03/2022
DP World Australia	Melbourne	$105.90	$144.70	1-Jan-22			
Patrick	Melbourne	$84.90	$129.50	1-Mar-21	101.90	155.40	7/03/2022
Victoria International Container Terminal (VICT)	Melbourne	$141.80	$141.80	1-Jan-22			
DP World Australia	Sydney	$105.90	$131.60	1-Jan-22			
Hutchison Ports	Sydney	$135.65	$135.65	1-Mar-21			
Patrick	Sydney	$84.90	$117.85	1-Mar-21	101.90	141.45	7/03/2022

Data collated courtesy of the Australian Peak Shippers Association (APSA), Freight & Trade Alliance (FTA) and the Container Transport Alliance Australia CTAA)

ATTACHMENT B

MASTER

	QUBE OH	SA Cont Pk	ACFS e depot	FACT	QUBE 3	TYNE	QUBE BPEI	ACFS e link	ACFS e depot	GATEWAY 102	CHALMERS	SCWA
	ADL	ADL	ADL	ADL	BNE	BNE	BNE	BNE	BNE	BNE	UBE TANK B	FREM
e-gate							YES		YES			
START	5.50	5.50	5.50		5.50	5.50	5.50	5.50	5.50	5.50	5.50	7.50
Oct 19 2016												
Jul 10 2017												
Mar-18												
Mar 28 2018												
Apr 11 2018												
Mar-19												
May-19										20.00		
Jul-19												10.00
Aug-19		15.00										
Oct 8 2019					34.50	32.60		33.00	33.00			
Jan 1 2020												
Jan 10 2020												
Jan 13 2020												
Feb-20												
Feb 17 2020			24.00									
Feb 19 2020												
Mar 2 2020	22.00											
Mar 3 2020												
Mar 23 2020												
Apr 1 2020												
Jul 1 2020				20.00								
Aug 1 2020												
Aug 17 2020							51.50				51.50	
Sept 1 2020						49.70						
Sept 7 2020			32.00					53.00	53.00			
Sept 14 2020										29.6		
Sept 21 2020	35.00											
Oct 1 2020												15.00
Oct 5 2020												
Nov 1 2020												
Nov 12 2020												
Jan 1 2021												
Mar 31 2021												
May 3 2021												
Jun 1 2021		25.00										
Jun 7 2021							66.75				66.75	
Jun 21 2021						65.10						
June 28 2021										42.60		
Jul 1 2021				32.00								
Jul 12 2021								69.00	69.00			
Jul 16 2021												
Aug 2 2021			47.00									30.00
Aug 9, 2021												
Aug 16, 2021												
Aug 23, 2021												
Aug 30 2021												
Sept 20 2021												
Nov 1 2021												
Nov 15, 2021												
Dec 1, 2021												
Jan 1, 2022										52.60		
Jan 3, 2022												
Feb 1, 2022												
Feb 14, 2022												
Mar 1, 2022												
dollar increase	29.50	19.50	41.50	12.00	29.00	59.60	61.25	63.50	63.50	47.10	CLOSED	22.50
% increase	536.36	354.55	754.55	60.00	527.27	1083.64	1113.64	1154.55	1154.55	856.36	Dec 31 202	300.00

	QUBE Central	TYNE ACFS	QCP	L / MEDLC	RS MEDLC	Qube H&S	Qube ECP	Vic Cont Mgmt	VCM	WESTLINK	ACFS e rail	ACFS e link
	FREM	FREM	FREM	FREM	FREM	MELB	Vic Dock	MELB	Dohertys Rd	MELB	MELB	Port Merlb
e-gate	YES	YES	YES	YES								
START	7.50	7.50	7.50	7.50	7.50	5.50	5.50	5.50		5.50	5.50	
Oct 19 2016												
Jul 10 2017	10.5											
Mar-18					8.00							
Mar 28 2018												
Apr 11 2018												
Mar-19												
May-19												
Jul-19		20.00										
Aug-19	19.50		19.50									
Oct 8 2019												
Jan 1 2020												
Jan 10 2020												
Jan 13 2020							30.00			30.00	33.00	
Feb-20												
Feb 17 2020												
Feb 19 2020												
Mar 2 2020												
Mar 3 2020						30.00						
Mar 23 2020				19.00								
Apr 1 2020												
Jul 1 2020												
Aug 1 2020								38.00				
Aug 17 2020												
Sept 1 2020	29.50		29.50									
Sept 7 2020											44.00	
Sept 14 2020		30.60				40.00	40.00					
Sept 21 2020												
Oct 1 2020				29.00								
Oct 5 2020												44.00
Nov 1 2020										37.00		
Nov 12 2020												
Jan 1 2021												
Mar 31 2021												
May 3 2021												
Jun 1 2021												
Jun 7 2021												
Jun 21 2021		45.10										
June 28 2021												
Jul 1 2021												
Jul 12 2021	47.50		47.50									
Jul 16 2021				45.00								
Aug 2 2021												
Aug 9, 2021					45.00							
Aug 16, 2021											54.00	
Aug 23, 2021												
Aug 30 2021							53.00					
Sept 20 2021									38.00			
Nov 1 2021												
Nov 15, 2021												
Dec 1, 2021										48.00		
Jan 1, 2022									53.00			
Jan 3, 2022												
Feb 1, 2022												
Feb 14, 2022						53.00						
Mar 1, 2022												
dollar increase	40.00	37.60	40.00	37.50	37.50	47.50	47.50	CLOSED	15.00	42.50	48.50	
% increase	533.33	501.33	533.33	500.00	500.00	863.64	863.64	Nov 26, 2021	39.47	772.73	881.82	

	ACFS	ALLIED cont	ALLIED Paramount Rd	CCIS ANL	Container space	LAWSONS	MEDLOG	MCP	OCS Jones Rd	PORT MELB	DPW Logistics	MT Movements
	Webb Dock	MELB	MELB	MELB	MELB	Somerton	MELB	MELB	MELB	MELB	MELB	SYD
e-gate				YES	YES			YES		YES		
START	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50		5.50
Oct 19 2016			6.60									
Jul 10 2017												
Mar-18												
Mar 28 2018												
Apr 11 2018									8.60			
Mar-19												
May-19			11.00									
Jul-19												
Aug-19												
Oct 8 2019												36.60
Jan 1 2020		20.00			39.50				22.60			
Jan 10 2020							31.00					
Jan 13 2020	33.00							31.00		36.00		
Feb-20				34.00								
Feb 17 2020												
Feb 19 2020						35.00						
Mar 2 2020												
Mar 3 2020												
Mar 23 2020												
Apr 1 2020												
Jul 1 2020												
Aug 1 2020												
Aug 17 2020												
Sept 1 2020												
Sept 7 2020	44.00											60.60
Sept 14 2020												
Sept 21 2020												
Oct 1 2020												
Oct 5 2020												
Nov 1 2020								39.00	32.6	39.5		
Nov 12 2020									52.16			
Jan 1 2021							39.00					
Mar 31 2021												
May 3 2021												
Jun 1 2021												
Jun 7 2021												
Jun 21 2021												75.1
June 28 2021												
Jul 1 2021												
Jul 12 2021												
Jul 16 2021												
Aug 2 2021											45.00	
Aug 9, 2021												
Aug 16, 2021	54.00											
Aug 23, 2021												
Aug 30 2021												
Sept 20 2021												
Nov 1 2021		32.00	32.00						42.00	53.00		
Nov 15, 2021				49.00								
Dec 1, 2021												
Jan 1, 2022							52.00	52.00			60.15	
Jan 3, 2022												
Feb 1, 2022												90.10
Feb 14, 2022												
Mar 1, 2022									50.00			
dollar increase	48.50	26.50	26.50	43.50	34.00	29.50	46.50	46.50	44.50	47.50	15.15	84.60
% increase	881.82	481.82	481.82	790.91	618.18	536.36	845.45	845.45	809.09	863.64	33.67	1538.18

	MCS	DPW 1	DPW 2	ACFS e depot	ACFS e depot	ACFS e depot 2	ACFS e rail	Qube ECP	TYNE	TYNE	TYNE ACFS
	Cooks Rv	SYD	SYD	LINK SYD	SYD	SYD	ENFIELD	Port Botany	Puncbowl	St Peters	Port Botany
e-gate					YES		YES				
START	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50
Oct 19 2016											
Jul 10 2017											
Mar-18											
Mar 28 2018								8.00			
Apr 11 2018											
Mar-19									20.00		
May-19											
Jul-19											
Aug-19	40.00										
Oct 8 2019				38.00	38.00		38.00			36.60	36.60
Jan 1 2020		33.50	33.50								
Jan 10 2020											
Jan 13 2020											
Feb-20											
Feb 17 2020											
Feb 19 2020											
Mar 2 2020											
Mar 3 2020											
Mar 23 2020											
Apr 1 2020											
Jul 1 2020											
Aug 1 2020											
Aug 17 2020											
Sept 1 2020	55.00										
Sept 7 2020				58.00	58.00	58.00	58.00		56.60		
Sept 14 2020		62.15	62.15								56.60
Sept 21 2020											
Oct 1 2020											
Oct 5 2020											
Nov 1 2020											
Nov 12 2020											
Jan 1 2021											
Mar 31 2021											
May 3 2021											
Jun 1 2021											
Jun 7 2021	75.00										
Jun 21 2021									75.10		75.10
June 28 2021											
Jul 1 2021											
Jul 12 2021				78.00	78.00	78.00	78.00				
Jul 16 2021											
Aug 2 2021											
Aug 9, 2021											
Aug 16, 2021		79.15	79.15								
Aug 23, 2021											
Aug 30 2021											
Sept 20 2021											
Nov 1 2021											
Nov 15, 2021											
Dec 1, 2021											
Jan 1, 2022											
Jan 3, 2022		90.77	90.77								
Feb 1, 2022									90.10		90.10
Feb 14, 2022											
Mar 1, 2022											
dollar increase	69.50	85.27	85.27	72.50	72.50	72.50	72.50	2.50	84.60	31.10	84.60
% increase	1263.64	1550.36	1550.36	1318.18	1318.18	1318.18	1318.18	45.45	1538.18	565.45	1538.18

NSW

	MT Movements	MCS	DPW 1	DPW 2	ACFS e depot	ACFS e depot	ACFS e depot 2	ACFS e rail	ECS	Qube ECP	TYNE	TYNE	TYNE ACFS
	SYD	Cooks Rv	SYD	SYD	LINK SYD	SYD	SYD	ENFIELD	anksmeado	Port Botany	Puncbowl	St Peters	Port Botany
e-gate						YES		YES					
START	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50		5.50	5.50	5.50	5.50
Oct 19 2016													
Jul 10 2017													
Mar-18													
Mar 28 2018										8.00			
Apr 11 2018													
Mar-19											20.00		
May-19													
Jul-19													
Aug-19		40.00											
Oct 8 2019	36.60				38.00	38.00		38.00				36.60	36.60
Jan 1 2020			33.50	33.50									
Jan 10 2020													
Jan 13 2020													
Feb-20													
Feb 17 2020													
Feb 19 2020													
Mar 2 2020													
Mar 3 2020													
Mar 23 2020													
Apr 1 2020													
Aug 1 2020													
Aug 17 2020													
Sept 1 2020		55.00											
Sept 7 2020	60.60				58.00	58.00	58.00	58.00			56.60		
Sept 14 2020			62.15	62.15									56.60
Sept 21 2020													
Mar 31 2021									58.50				
May 3 2021	`												
June 7 2021		75.00											
June 21 2021	75.10										75.10		75.10
July 12 2021					78.00	78.00	78.00	78.00					
Aug 16, 2021			79.15	79.15									
Aug 23, 2021									74.80				
Jan 3, 2022			90.77	90.77									
Feb 1, 2022	90.10										90.10		90.10
dollar increase	84.60	69.50	85.27	85.27	72.50	72.50	72.50	72.50	16.30	2.50	84.60	31.10	84.60
% increase	1538.18	1263.64	1550.36	1550.36	1318.18	1318.18	1318.18	1318.18	27.86	45.45	1538.18	565.45	1538.18

VIC

	Qube H&S	Qube ECP	Vic Cont Mgmt	VCM	WESTLINK	ACFS e rail	ACFS Port Logistics	ACFS	ALLIED cont	ALLIED Paramount Rd	CCIS ANL	Container space	LAWSONS	MEDLOG	MCP	OCS Jones Rd	PORT MELB
	MELB	Vic Dock	MELB	Dohertys Rd	MELB	leton DockM	e link Swanston Docl	Webb Dock	MELB	MELB	MELB	MELB	Somerton	MELB	MELB	MELB	MELB
e-gate											YES	YES			YES		YES
START	5.50	5.50	5.50		5.50	5.50		5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50
Oct 19 2016										6.60							
Jul 10 2017																	
Mar-18																	
Mar 28 2018																	
Apr 11 2018																8.60	
Mar-19																	
May-19										11.00							
Jul-19																	
Aug-19																	
Oct 8 2019																	
Jan 1 2020									20.00			39.50				22.60	
Jan 10 2020														31.00			
Jan 13 2020		30.00			30.00	33.00		33.00							31.00		36.00
Feb-20											34.00						
Feb 17 2020																	
Feb 19 2020													35.00				
Mar 2 2020																	
Mar 3 2020	30.00																
Mar 23 2020																	
Apr 1 2020																	
Aug 1 2020			38.00														
Aug 17 2020																	
Sept 1 2020																	
Sept 7 2020						44.00		44.00									
Sept 14 2020	40.00	40.00															
Sept 21 2020																	
Oct 5 2020							44.00										
Nov 1 2020					37.00										39.00	32.60	39.50
Jan 1 2021														39.00			
Aug 2 2021																	
Aug 16 2021						54.00		54.00									
Aug 30 2021		53.00															
Sept 20 2021				38.00													
Nov 1 2021									32.00	32.00						42.00	53.00
Nov 15 2021											49.00						
Dec 1 2021					48.00												
Jan 1 2022				53.00										52.00	52.00		
Feb 14 2022	53.00																
Mar 1, 2022																50.00	
dollar increase	47.50	47.50	CLOSED	15.00	42.50	48.50		48.50	26.50	26.50	43.50	34.00	29.50	46.50	46.50	44.50	47.50
% increase	863.64	863.64	Nov 26 2021	39.47	772.73	881.82		881.82	481.82	481.82	790.91	618.18	536.36	845.45	845.45	809.09	863.64

SA, QLD, WA

	QUBE OH	SA Cont Pk	ACFS e depot	Symons & Clark	FACT	SET Transport	QUBE 3	TYNE	QUBE BPEP	ACFS e link	ACFS e depot	GATEWAY 102	CHALMERS	SCWA	QUBE Central	TYNE ACFS	QCP	ICL / MEDLOG	CRS / MEDLOG
	ADL	ADL	ADL	ADL	ADL	ADL	BNE	BNE	BNE	BNE	BNE	BNE	BNE	FREM	FREM	FREM	FREM	FREM	FREM
e-gate									YES		YES		Qube Tank Services		YES	YES	YES	YES	YES
START	5.50	5.50	5.50				5.50	5.50	5.50	5.50	5.50	5.50	5.50	7.50	7.50	7.50	7.50	7.50	7.50
Oct 19 2016																			
Jul 10 2017															10.5				
Mar-18																			8.00
Mar 28 2018																			
Apr 11 2018																			
Mar-19																			
May-19												20.00							
Jul-19														10.00		20.00			
Aug-19		15.00													19.50		19.50		
Oct 8 2019							34.50	32.60		33.00	33.00								
Jan 1 2020																			
Jan 10 2020																			
Jan 13 2020																			
Feb-20																			
Feb 17 2020			24.00																
Feb 19 2020																			
Mar 2 2020	22.00																		
Mar 3 2020																			
Mar 23 2020																		19.00	
Apr 1 2020																			
Jul 1 2020					20.00														
Aug 1 2020																			
Aug 17 2020									51.50				51.50						
Sept 1 2020								49.70							29.50		29.50		
Sept 7 2020			32.00							53.00	53.00								
Sept 14 2020												29.6				30.60			
Sept 21 2020	35.00																		
Oct 1 2020														15.00				29.00	
Jun 1 2021		25.00																	
Jun 7 2021									66.75				66.75						
June 21 2021								65.10								45.10			
June 28 2021												42.6							
Jul 1 2021					32.00														
Jul 12 2021										69.00	69.00				47.5		47.50		
Jul 16 2021																		45.00	
Aug 2 2021			47.00											30.00					
Aug 9, 2021																			45.00
Jan 1, 2022												52.6							
dollar increase	29.50	19.50	41.50		12.00		29.00	59.60	61.25	63.50	63.50	47.10	CLOSED	22.50	40.00	37.60	40.00	37.50	37.50
% increase	536.36	354.55	754.55		60.00		527.27	1083.64	1113.64	1154.55	1154.55	856.36	Dec 31 2021	300.00	533.33	501.33	533.33	500.00	500.00