



### Aim

1. The aim of the Port Botany Road Taskforce (PRT) is to provide advice to Transport for NSW (TfNSW) on strategies and actions to optimise the movement of containers by road to and from the container terminals at Port Botany.

### Objectives

2. Objectives of the PRT are to:
  - a. Advise on operating methods, protocols and service levels that can be implemented by participants in the container movement chain to improve:
    - i. the efficiency of container terminal receipt and delivery;
    - ii. the consistency of container terminal receipt and delivery;
    - iii. the transparency of container terminal receipt and delivery;
    - iv. the transition to a 24 hours per day, seven days per week container terminal receipt and delivery operation.
  - b. Advise on performance standards and methods of measure for:
    - i. booking systems and procedures for road services at the stevedoring terminals;
    - ii. minimum number of slots for booking;
    - iii. establishment of gate requirements for truck servicing;
    - iv. cancellation (listing) of bookings by carriers;
    - v. truck arrival times for bookings;
    - vi. non-servicing by stevedores and carriers;
    - vii. truck turnaround times; and
    - viii. invoicing.
  - c. Advise on data exchange, sharing and visibility protocols and communications procedures.
  - d. Identify policy and regulatory impediments that impact on the efficient movement of containers by road to and from Port Botany.
  - e. Identify road and terminal infrastructure enhancement projects, operating methods and procedures that will increase capacity and improve the efficiency of the movement of containers by road to and from the container terminals at Port Botany.

- f. Provide advice to Transport for NSW on recommended enhancements to infrastructure, policy, operating methods and procedures and where possible quantify the benefits of recommended enhancements or changes.

## Sponsor

3. The sponsor of the PRT is the Executive Director Freight Industry, Transport for NSW (TfNSW). The Freight Industry Branch forms part of the Freight, Strategy and Planning (FSP) Division of TfNSW.
4. The Sponsor is responsible for the provision of TfNSW resources for the PRT, oversight of the PRT and the development of TfNSW support to the output of the PRT.
5. The Sponsor represents TfNSW in relation to the Deliverables of the PRT. The Sponsor will provide the Deliverables to the Deputy Secretary Freight, Strategy and Planning.

## Limits of PRT's authority and discussions

6. The PRT has no executive decision making authority.
7. The PRT is an advisory body to Transport for NSW by providing advice on all road freight transport operational issues in the Port Botany precinct.
8. The PRT has no policy determination or operational executive functions.
9. The PRT must not engage in any discussion relating to road services pricing or stevedore services pricing.

## Term

10. The PRT was formally constituted on 13 October 2008.
11. On 30 June 2016 the Term of the PRT is extended for one year from that date.
12. The Sponsor of the PRT may dissolve the PRT at any time if in the opinion of the Sponsor:
  - a. the PRT is not meeting, and is unlikely to meet, the Aim and Objectives within the Term;  
or
  - b. The PRT is no longer required to provide advice to TfNSW.

## Deliverables

13. The PRT will endeavour to:
  - a. Provide expert knowledge and specialist stakeholder views to TfNSW about industry and community interests for efficiency of road freight services to and from Port Botany;
  - b. Share knowledge between Members and with TfNSW related to innovative practices within the road freight transport and logistics industry within Australia and internationally;
  - c. Identify research opportunities that would enhance the TfNSW understanding of industry needs to support road movements at Port Botany; and
  - d. Prepare case studies, based on operational experience that will facilitate the development of strategies to overcome constraints in road operations at Port Botany.

## Chairperson

14. The Sponsor will appoint a senior Manager from the Cargo Movement Coordination Centre as Chairperson of the PRT.
15. The Sponsor may appoint a different Chairperson from time to time.
16. The Chairperson is to possess one or more of the following:
  - a. Experience at a senior level in the private or public sector;
  - b. Detailed knowledge of the interests of the broad range of road and stevedoring industry stakeholders; and
  - c. Expert knowledge and experience in freight transport networks and logistics systems

## Membership

### Appointment of members

17. The members of the PRT are set out at Schedule 1 to these Terms of Reference.
18. The Chairperson, on behalf of the Sponsor, is responsible for any further or replacement appointments to the PRT.
19. The Chairperson will appoint persons as Members who meet the Membership Criteria set out in Paragraphs 23 and 24, and must appoint the following numbers and Stakeholder Group members:
  - a. Two representatives from each of the three Port Botany Container Terminal Stevedores;
  - b. Three representatives from the Industry peak body, Road Freight NSW;
  - c. One representative from each of the transport companies, JJ Robertson & Sons Pty Ltd, ACFS Port Logistics Pty Limited, Qube Logistics (Aust) Pty Ltd, Maritime Container Services Pty Ltd, Cahill Transport Australia Pty Ltd, Price & Speed Containers Pty Ltd, Swift Transport Pty Ltd and Adam Hester Transport Pty Ltd;
  - d. One representative from each of the Freight Forwarding and Customs Brokers peak Industry bodies, Freight & Trade Alliance and Australian Federation of International Forwarders and two representatives from Customs Brokers and Forwarders Council of Australia;
  - e. Two representatives from the Cargo Movement Coordination Centre of TfNSW;
  - f. Two representatives from NSW Ports Pty Limited; and
  - g. One representative from 1-Stop Business Solutions Pty Ltd.
20. Membership is voluntary.
21. A Member may resign their membership at any time by giving notice in writing addressed to the Chairperson on behalf of the Sponsor.
22. The Chairperson, with the assistance of the Secretariat, will keep a Register of Members.

### Membership criteria

23. To be eligible to be a Member, a person must have:

- a. Experience at a senior level in the private or public sector; and
  - b. Authority to express views on behalf of their respective member organisation.
24. The Chairperson will appoint Members to the PRT which, collectively, have:
- a. Knowledge of the interests of the broad range of industry stakeholders; and
  - b. Expert knowledge and experience in one or more fields of container terminal stevedoring, freight road operations, port management, transport networks and logistics systems.

### **Alternate membership**

25. Each appointed Member may nominate one Alternate Member who may attend and vote at meetings in the place of the appointed Member in the case that the appointed Member is unable to attend a meeting.
26. The Alternate Member may be any person who meets the membership criteria specified in Paragraphs 23 and 24, and may be a person who is already a Member in their own right.
27. Appointed Members may nominate their Alternate Member by submitting the name and contact details of their nominated Alternate Member in writing to the Chairperson at least two working days prior to the scheduled meeting.

### **Obligations of members**

28. Members are required to personally attend, or arrange for their Alternate Member to attend, a minimum of one meeting each year.
29. Members must comply with these Terms of Reference.
30. Members must further the Aim of the PRT and support the achievement of the Objectives and Deliverables of the PRT.

### **Removal of members**

31. The Chairperson may remove a Member from the PRT if the Chairperson is satisfied that the Member:
- a. no longer meets the eligibility requirements of Paragraphs 23 and 24;
  - b. has breached these Terms of Reference, including any breach of confidentiality; or
  - c. has an unresolved disagreement with the Aim, Objectives or Deliverables of the PRT that impairs the functioning of the PRT.

### **Term of appointment**

32. An appointed Member shall hold office for the Term as long as the Member is eligible (if otherwise qualified) for re-appointment.

### **Task Groups of the PRT**

33. The PRT may establish Task Groups from time to time to assist it in carrying out its role and reporting back at each PRT meeting regarding the Deliverables.
34. A member of a Task Group is not required to be a member of the PRT.

35. Any member of a Task Group is required to comply with the relevant terms of the Terms of Reference including Paragraphs 53, 54 and 55 regarding confidentiality and information sharing.
36. The procedure for calling meetings of a Task Group and for the conduct of those meetings is to be determined by the Chairperson of the PRT.
37. The PRT or the Chairperson may dis-establish a Task Group if:
  - a. its operation is no longer consistent with the Objective; or
  - b. its purpose has been fulfilled.

## Secretariat

38. The Cargo Movement Coordination Centre will provide the Secretariat support for the PRT.
39. The Secretariat will provide secretariat support services to the PRT and coordinate the resources and services required for the PRT to carry out its work effort.
40. The Secretariat will:
  - a. Coordinate the meeting dates and development of the meeting agenda;
  - b. Coordinate the preparation of meeting papers and circulate the agenda and meeting papers to members;
  - c. Record Minutes of the PRT and Task Group meetings;
  - d. Forward draft minutes of each meeting to members within four weeks after each meeting for endorsement;
  - e. Record the actions arising from a meeting once they have been approved and signed by the Chairperson;
  - f. Monitor actions arising from PRT meetings and report on their progress at following meetings; and
  - g. Coordinate preparation of reports from the PRT to the Sponsor.

## Meetings

### Frequency and form of meetings

41. There will be at least two PRT meetings each calendar year. The Chairperson of the PRT will convene each such meeting.
42. The Chairperson of the PRT may convene such other meetings as the Chairperson, in his or her absolute discretion, considers reasonably necessary or desirable to achieve the Aim and Objectives of the PRT and the Deliverables.
43. A Member may request that the Chairperson convene a meeting of the PRT to consider any specific question, motion or decision proposed by that Member, but the Chairperson will only be required to convene a meeting pursuant to that request if the Chairperson, in his or her absolute discretion considers it reasonably necessary or desirable to achieve the PRT's Aim and Objectives and the Deliverables.
44. Meetings may be held in person, by telephone or by video conference (subject to facilities).

45. The Chairperson must, at least five Business Days (or such reasonable shorter period if urgent) before each PRT meeting, send to each of the Members in writing:
  - a. notice of such meeting;
  - b. an agenda of the business to be transacted at such meeting (together with all papers to be circulated or presented to the meeting); and
  - c. a copy of the draft minutes for the previous meeting for adoption by the meeting and signing by the Chairperson.
46. At a PRT meeting a question, motion or decision may only be decided if the relevant question, motion or decision is specifically referred to in the agenda issued for the meeting, except if all Members present at the meeting agree otherwise.

## Quorum

47. No business may be carried out or actions decided at any meeting of the PRT, except the adjournment of the meeting, unless a quorum of Members is present when the meeting proceeds to business.
48. A quorum consists of at least:
  - a. two transport company PRT members;
  - b. two container terminal stevedoring representative PRT members; and
  - c. the Chairperson.
49. If the quorum is not present within 30 minutes after the time appointed for the meeting of the PRT, the Chair will advise if the meeting will either:
  - a. be adjourned to the same time and place two Business Days later; or
  - b. continue with the planned discussion.
50. If the meeting is adjourned as per 49.a, the quorum at the reconvened meeting is one representative of each Stakeholder Group and the Chairperson.
51. If the quorum is not present within 30 minutes after the time appointed for the reconvened meeting of the PRT, the reconvened meeting stands to be adjourned to the same time and place two Business Days later.
52. At the second reconvened meeting, a quorum is two Members (regardless of which Stakeholder Group they are from) and the Chairperson.

## Communications and information sharing

### Confidentiality

53. No Member shall make public statements purporting to represent the views of the PRT or the views of any other individual Member of the group.
54. Members must not disclose official information or documents acquired as a consequence of membership of the PRT other than is required by law or when the member has been given proper authority to do so or within the organisation the member represents on a confidential basis for the purpose of determining the views of that organisation.

## Protocols for information sharing

55. Members must comply with the information sharing protocol at Schedule 2.

## Definitions

- **Business Day** means a day that is not a Saturday, Sunday, bank holiday or public holiday in NSW, Australia.
- **Chairperson** means the chairperson appointed in accordance Paragraph 14.
- **CCA** means the *Competition and Consumer Act 2010* (Cth).
- **CMCC** means the Transport for NSW Cargo Movement Coordination Centre.
- **Deliverables** means the deliverables set out in Paragraph 13.
- **Executive Director Freight Industry** means the Executive Director Freight Industry within the Freight, Strategy and Planning Division of Transport for NSW.
- **Member(s)** means a member (or members) of the PRT from time to time.
- **Objectives** means the objectives for which the PRT is established as set out in Paragraph 2.
- **PRT** means the Port Botany Road Taskforce.
- **Port Landside Infrastructure Participants** means NSW Ports, Transport for NSW and 1-Stop Business Solutions Pty Ltd.
- **Protocol** means the Information sharing protocol set out in Schedule 2.
- **Stakeholder Group** means each of:
  - Port Botany Container Terminal Stevedores;
  - Transport companies; and
  - the Port Landside Infrastructure Participants.
- **Stevedore** means an operator of container terminal stevedoring facilities at Port Botany.
- **Task Group** means a group established in accordance with Paragraph 33.
- **Term** has the meaning in Paragraphs 10, 11 and 12.
- **Terms of Reference** means this document. This document replaces with effect on 30 June 2016 the original Terms of Reference which commenced on 13 October 2008.



## Schedule 1 – Chairperson and members as at 30 June 2016

Chairperson: Steve Gunn

Member category	Name (name of Alternate)	Position (position of Alternate)	Organisation
Container Terminal Stevedores	Greg Winstanley	National Landside and Operations Efficiency Manager	DP World Australia
	Bill Hanley	Landside Manager	DP World Australia
	Jarrold Graham	Landside Manager	Patrick Terminals
	Subhash Dhir	Asciano IT – Port Services	Asciano
	Greg Baldock	Operations Manager	Sydney International Container Terminal
	Philip Lo	Senior Business Analyst	Hutchison Ports Australia
Road Freight NSW	John Preston	Divisional Container Chairman	Road Freight NSW
	William Lovatt	Executive Member	Road Freight NSW
	Paul Downey	Executive Member	Road Freight NSW
Transport Companies	Barry Robertson	General Manager	J&J Robertson & Sons Transport
	Arthur Tzaneros	Managing Director	ACFS Port Logistics
	Russell Webb	Transport Manager	Qube Logistics
	Allan Flynn	General Manager	Maritime Container Services
	James Doran	Transport Manager	Cahill Transport
	Craig McKay	General Manager	Price & Speed
	Mike Volonakis	International Business Development Manager	Swift Transport
	Adam Hester	Managing Director	Adam Hester Transport

<b>Member category</b>	<b>Name (name of Alternate)</b>	<b>Position (position of Alternate)</b>	<b>Organisation</b>
Freight Forwarding and Customs Brokers Peak Industry Bodies	Paul Zalai	Director	Freight & Trade Alliance
	Stuart MacFarlane	General Manager	Australian Federation of International Forwarders (AFIF)
	Megan White	Regional Manager NSW/QLD	Customs Brokers and Forwarders Council of Australia
	David Scott	Director	Customs Brokers & Forwarders Council of Australia
Transport for NSW	Jonathan Goode	Coordinator CMCC	Transport for NSW
	John Donnell	Senior Manager Road CMCC	Transport for NSW
NSW Ports	Adem Long	Manager - Logistics and Corporate Affairs	NSW Ports
	Jason McGregor	Manager - Marketing & Trade	NSW Ports
1-Stop Business Solutions	Michael Bouari	Chief Executive Officer	1-Stop

## Schedule 2 – Information sharing protocol

### Role of the PRT

The intention of all PRT Members is to act clearly within the requirements of the Terms of Reference and all relevant laws, including the *Competition and Consumer Act 2010* (Cth) (CCA).

### Competition law acknowledgement

A number of Members of the PRT are competitors in the supply of services at the Port of Botany Bay.

Members acknowledge that the CCA prohibits competitors from colluding to:

- a. fix prices (including discounts, rebates or credits) for products or services supplied or acquired in competition with each other;
- b. prevent, restrict or limit the supply of services or the capacity of any of the parties to supply services to any person or class of persons;
- c. share markets or rig bids (eg by territory or deciding who will sell to which customers, or who will sell what products);
- d. collectively boycott suppliers or customers (eg by not dealing with particular suppliers or customers, or dealing with them only under certain terms or conditions); or
- e. enter into anti-competitive agreements that have the purpose, effect or likely effect of substantially lessening competition in a market.

Collusion between competitors does not need to be in writing or explicit. It can be an arrangement or understanding made in informal circumstances. All that is required is a 'meeting of the minds'. This may arise through exchange of information and a hint or a more subtle set of inferences (a 'nod and a wink') during a discussion.

Illegal collusion occurs where competitors communicate in such a way that each forms an expectation of how the other will act (for example, set prices or terms of supply).

### Purposes of discussions

All discussions at PRT meetings are for the purposes set out in the Terms of Reference, will take place according to this Protocol, and will be minuted as set out in paragraph 40 of the Terms of Reference.

Nothing has or will be agreed, arranged or understood between PRT and its members, or between individual PRT members, beyond the scope of the Terms of Reference.

The PRT members understand that ACCC authorisation may be required for certain measures that they recommend to the Sponsor to be implemented in practice.

### Information sharing

In the course of working towards meeting the Aim and Objectives of the PRT, including identifying, developing and assessing the suitability of options, PRT members may share the following information and/or discuss:

- industry wide issues such as those raised in the Terms of Reference;

- information that is in the public domain;
- general industry trends or statistics that are aggregated and anonymous (eg common policy terms);
- potential service standards and KPIs to apply, including for container and truck processing times and slot booking adherence;
- technical, logistical or other limitations, including proposals for road scheduling at certain times where this is required for the efficient operation of the Port Botany Precinct; and
- forward estimates of demand, and assessments of throughput capacity of the road logistics chain.

## **Prohibited conduct**

Communications between PRT members are not of themselves prohibited under the CCA.

However, Members agree to avoid some topics of discussion to avoid any risk of engaging in cartel conduct or establishing an inference of such conduct.

PRT members will not discuss commercially sensitive information including any specific PRT member's current or future pricing intentions, service levels, or other features or terms, remuneration, costs or strategic planning that are not in the public domain.

Given the serious repercussions that engaging in cartel conduct (and indeed the appearance of engaging in that conduct) may have, Members will bear in mind these limitations when attending meetings of the PRT.

**transport.nsw.gov.au**

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