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PORTS AND MARINE AUTHORITIES
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16 February 2006

Ms Jill Irvine
Heritage Inquiry
Productivity Commission
PO Box 80
BELCONNEN ACT 2616

Dear Ms Irvine,

Productivity Commission's Draft Report on the Conservation of Australia's Historic Heritage Places

The Association of Australian Ports and Marine Authorities (AAPMA) is the peak body representing the interests of Australia's government and privately owned ports. We also represent several state marine regulatory agencies. A list of our members is attached.

We confine our submission to issues surrounding the nomination of the Port of Fremantle's Inner Harbour to the National Heritage List. Members of AAPMA are concerned that, should this nomination be successful, there could be far reaching consequential effects for other ports and therefore upon national, state and regional economies.

Ports are nationally critical infrastructure with over 99% of Australia's import and export trade by volume moving through our ports. Ports are a focal part of international, national and regional transport and logistics chains as the interface between land and sea transport. The report from the Prime Minister's *Task Force on Exports and Infrastructure* (May 2005) identified impediments to efficient investment in infrastructure that could compromise Australia's export potential over the next five to ten years - and we would suggest beyond that. Whilst the focus of the Task Force was on the economic regulatory framework, it is equally important to consider other regulatory frameworks.

Australia's trade is increasing and this requires ongoing improvements in all port facilities so that there can be more intense use of these facilities. There is a worldwide trend towards larger vessels across all trades and this is affecting most ports and their facilities. It is therefore vital that essential ongoing developments are not compromised by regulatory bottlenecks and controls that may even stop such developments.

The Prime Minister's Task Force stated that "the greatest impediment to the development of infrastructure necessary for Australia to realize its export potential is the way in which the current economic framework is structured and administered. It is adversarial, cumbersome, complicated, time consuming, inefficient and subject to gaming by participants. There are too many regulators and regulatory issues are slowing down investment in infrastructure used by export industries".

The Task Force also stated that "the fragmentation of regulation, the extent of the powers vested in regulators and the scope for inconsistency in the exercise of those powers create uncertainty for businesses investing in infrastructure, increasing the level of risk to which otherwise efficient investments are exposed"

"Australia's exporters operate in highly competitive global markets. They are reliant on infrastructure investment that is undertaken in a timely way, not a timeframe dictated by regulatory processes. Waiting two to three years for regulatory decisions is as unacceptable as it is unnecessary".

Ports already have rigorous environmental management plans and comply with national and state environmental regulations. Implementation of environmental plans and responses already involves time and resources. The need to meet statutory requirements and regulations often delays implementation of port requirements and often creates undesirable costs burdens, especially when there is no nationally agreed policy approach.

Nomination of a port, or part of a port, to the National Heritage List would result in yet another level of regulatory requirements for the port. The need to comply with Heritage Listing requirements will inevitably result in delays to, and could even prevent, ongoing maintenance work required for port operational areas such as berths, hard stand areas around berths, the development of covered storage areas, rail and road access points, the development of more capital intensive loading and unloading equipment, sea walls and breakwaters, mooring dolphins, vessel berthing pockets and channels into the port area. All of these facilities require constant maintenance and significant upgrading when productivity increases are necessary, and when trade requirements increase.

Berths are constructed of concrete, steel and/or timber and the water surrounds are also seen as part of the berth. They are continually undergoing a process of rebuilding and upgrading which is necessary in a marine environment and differentiates ports from the lack of change or development associated with land-based structures.

Ports have a significant impact on the national, state and regional economies and, as such, are nationally critical infrastructure and we suggest that the environmental and heritage regulations should reflect this. Our exporters operate in highly competitive global markets. They are reliant on infrastructure investment and development that is undertaken in a timely and efficient manner. The inclusion of a port on the Heritage List could hinder or even prevent new infrastructure development and maintenance.

We also note that the process of nomination to the List is flawed. Nowhere in the legislation is there provision for Fremantle Port Authority to be advised that the port had been nominated. The port discovered the nomination from an advertisement in a local paper.

Nor do we consider it appropriate for the port to have to expend the considerable resources and funds to mount a case against what is arguably a vexatious and frivolous nomination.

Ports have a considerable amount of history associated with them. However, they should not be classified as historical places and treated like museums in which history is captured; they cannot be locked up in some regulatory time capsule. They are vibrant, evolving hubs of transport, import and export activity vital to Australia's prosperity and must be recognised and managed as such.

Yours sincerely,

Executive Director

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Appendix - AAPMA Members

- Albany Port Authority
 - Broome Port Authority
 - Bunbury Port Authority
 - Bundaberg Port Authority
 - Cairns Port Authority
 - Central Queensland Port Authority
 - Dampier Port Authority
 - Darwin Port Corporation
 - SA Department of Transport, Energy and Infrastructure
 - Esperance Port Authority
 - Flinders Ports South Australia
 - Fremantle Port Authority
 - Geraldton Port Authority
 - Mackay Port Authority
 - Maritime Safety Queensland
 - Newcastle Port Corporation
 - NSW Maritime Authority
 - Port Hedland Port Authority
 - Port Kembla Port Corporation
 - Port of Brisbane Corporation
 - Port of Melbourne Corporation
 - Port of Portland Pty Ltd
 - Ports Corporation of Queensland
 - Sydney Ports Corporation
 - Tasmanian Ports Corporation Pty Ltd
 - Toll Ports and Resources - A Division of Toll Logistics
 - Townsville Port Authority
 - Victorian Department of Infrastructure
 - Victorian Regional Channels Authority
 - WA Department for Planning and Infrastructure
- Associate Members*
- Commonwealth Department of Transport and Regional Services (Maritime Division)
 - Royal Australian Navy
 - Royal Australian Navy Hydrographic Service