



MINUTES OF THE 2nd QUARTER PORT OF DURBAN PORTS CONSULTATIVE COMMITTEE MEETING

Held 09:00 Friday 29 August 2014, TNPA Offices, Ocean Terminal Building, Port of Durban

Members

Mr Chuma Mpahlwa	Department of Transport – Acting Chairperson
Ms Selma Schwartz-Clausen	South African Maritime Safety Authority – PCC Secretariat
Ms Fuzlin Khamissa	South African Maritime Safety Authority – PCC Secretariat Support
Captain Mladen Brkovic	South African Maritime Safety Authority
Mr Thami Ntshingila	Transnet National Ports Authority – Port Manager
Captain Justin Adams	Transnet National Ports Authority - on behalf of the Harbour Master
Mr. Sithembiso Nkatha	Transnet National Ports Authority
Dr Andrew Mather	Local Government: EThekweni Municipality
Mr. Chris Stretch	Provincial Government: KZN
Mr Fanie Pretorius	Port User: Cargo Owners / Freight Forwarders / Road Hauliers / Container Depots/ Etc.
Mr Mervin Webb	Port User: Cargo Owners / Freight Forwarders / Road Hauliers / Container Depots/ Etc.
Ms. Bridget Bishenden	Port User: Terminal Operator / Stevedore / Lessee
Mr. Philip Simpson	Shipping Lines / Agents / Oil & Gas / Ship Repairs / Fishing
Mr. Peter Besnard	Port User: Shipping Lines / Agents / Oil & Gas / Ship Repairs / Fishing

Observer Status

Mr. Mahesh Fakir	PRSA CEO
Ms Jowie Mulaudzi	PRSA

Department of Transport

APOLOGIES:

Members:

Constituency	Members	Q 1	Q2	Q 3	Q 4
TNPA	Harbour Master	Captain Alex Miya		x	
	Deputy Harbour Master	Captain Justin Adams			
	Port Manager	Mr. Thami Ntshingila	x		
	Port Engineer	Mr Sithembiso Nkatha			
Port Users:	Cargo Owners / Freight Forwarders / Road Hauliers / Logistics	Mr. Mervin Webb	x		
		Mr Fanie Pretorius			
	Terminal Operators / Lessees / Stevedores	Mr. Ms Bridget Bishenden			
Shipping Lines, Agents, Ship Repair	Mr. Peter Besnard				
	Mr. Phillip Simpson				
Government	Local	Dr. Andrew Mather			
	Provincial	Mr Chris Stretch			
Labour	UTATU/SARHWU	Mr. Wiseman Phethwa		x	
	SATAWU	Ms Nomsa Cele			
SAMSA	Captain Mladen Brkovic				

Department of Transport Apology

Mr Lisolomzi Fikizolo Department of Transport – Chairperson

Transnet National Ports Authority Apology

Captain Alex Miya Transnet National Ports Authority – Harbour Master
Mr. Wiseman Phethwa Labour: SATAWU

Present

Ports Regulator Office

Ms. Zinhle Mhlongo PRSA Representative

SAMSA

Ms Tshepo Motloutsi

TNPA OFFICIALS

Item per Allocated Time Slots

Mr Khulekani Xaba

ITEM	DISCUSSIONS	RECOMMENDATION(S)/ACTION/S
SECTION 1: PROCEDURAL MATTERS		
1.	<p>WELCOME</p> <p>The Acting Chairperson Mr Chuma Mpahlwa opened the meeting by explaining that the Chairperson Mr Lisolomzi Fikizolo could unfortunately not attend the meeting due to other pressing commitments which required his urgent attention. He extended a warm welcome to all followed by a round of introductions by all.</p> <p>He declared the meeting open and invited everyone to participate in the business of the day.</p>	
1.1	<p>Safety Briefing</p> <p>A safety briefing was done by Mr. Khulekani Xaba of TNPA highlighting that everyone should vacate the building calmly in the event of a continuous alarm sound.</p>	
1.2	<p>APOLOGIES</p> <p>Apologies as noted.</p>	
1.3	<p>QUORUM</p> <p>In determining whether the meeting quorate, member attendance was noted confirming representation in accordance with the Ports Act of 2005 and Regulations of 2007 as follows;</p> <p>1.3.1 Transnet National Ports Authority</p> <p>1.3.1.1 Harbour Master representative: Captain Justin Adams – on behalf of the Harbour Master</p> <p>1.3.1.2 Two Person other than Harbour Master: Mr Thami Ntshingila Mr Khulekani Xaba</p> <p>1.3.2 Port Users</p> <p>Mr Fanie Pretorius - Port User: Cargo Owners / Freight Forwarders / Road Hauliers / Container Depots/ etc.</p> <p>Mr Mervin Webb- Port User: Cargo Owners / Freight Forwarders / Road Hauliers / Container Depots/ etc.</p> <p>Ms. Bridget Bishenden - Port User: Terminal Operator / Stevedore / Lessee</p> <p>Mr. Philip Simpson - Port User: Shipping Lines / Agents / Oil & Gas / Ship Repairs / Fishing</p> <p>Mr. Peter Besnard - Port User: Shipping Lines / Agents / Oil & Gas / Ship Repairs / Fishing</p> <p>1.3.3 Provincial Government: Mr. Chris Stretch</p> <p>1.3.4 Local Government: Dr Andrew Mather</p> <p>1.3.5 Organised Labour</p> <p>1.3.5.1 No representation</p> <p>1.3.6 SAMSA</p> <p>1.3.6.1 Captain Mladen Brkovic</p> <p>1.3.7 Chairperson -</p>	

ITEM	DISCUSSIONS	RECOMMENDATION(S)/ACTION/S
	<p>1.3.7.1 Mr Chuma Mpahlwa</p> <p>Confirmation of attendance confirms that the Port of Durban PCC does not quorate and Decision taken will be circulated.</p> <p>The Secretariat reminded the meeting of the Port of Durban Induction meeting held Thursday 17 July 2014 where Members requested that TPT be formally be invited to be part of the Port of Durban PCC meeting in the category Terminal Operators, Stevedores and Lessees. Ms. Bridget Bishenden was currently the only representative. This request / proposal was emailed to all calling for objections if any. No objections were received. TPT was since invited to be a part of the Port of PCC and will advise representation details accordingly.</p>	
1.4.	<p>ADOPTION OF THE AGENDA OF 29 AUGUST 2014</p> <p>1. Ms Mulaudzi requested that PRSA feedback be moved forward on the agenda and that they be allowed to give feedback directly after Matters Arising.</p> <p>The Agenda of the 29 August 2014 was motioned for adoption by Dr Mather and supported by Mr. Besnard subject to the agreed change.</p> <p>Declaration of Interest</p> <p>The Secretariat advised that the Declaration of Interest forms will be circulated to be completed by all and handed back after the meeting.</p>	
1.4.1.	<p>ADOPTION OF THE MINUTES OF THE MEETING 5 JUNE 2014</p> <p>The following amendments were made:</p> <ol style="list-style-type: none"> 1. Page 1: Should read Mr Mervin Webb and not Web 2. Page 4: item 2.1 number 1: Should read "discussions between TPT and industry" 3. Page 5: item 2.5 number 2: should read "divided into Short/ Medium and Long " <p>The Minutes of the 5 June 2014 was motioned for adoption by Mr. Fanie Pretorius and supported by Dr Andrew Mather subject to the agreed amendments.</p>	
SECTION 2: MATTERS ARISING FROM THE MEETING OF 5 JUNE 2014		
2.1	<p>Update on Navis</p> <ol style="list-style-type: none"> 1. Mr Pretorius informed the meeting that Navis had ongoing challenges directly impacting operations. 2. Mr Pretorius noted that he would speak to Mr Bhikraj to consider including Navis as part of the KPI. 3. The meeting agreed that the matter was ongoing and that an update be tabled at the next PCC meeting. 	<p>Action: 1</p> <p>Navis update on current challenges- Meeting agreed that this issue will remain on the agenda.</p>
2.2	<p>North Quay - berth deepening plans</p> <p>TNPA requested that this matter be discussed at the next meeting where TNPA will discuss CAPEX plans.</p>	<p>Action 2:</p> <p>North Quay - Berth deepening plans. TNPA to provide an update at the next meeting.</p>

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2.3	<p>Customs Clearance - City Deep</p> <ol style="list-style-type: none"> 1. Meeting was previously informed that SARS submitted its Customs Bill to Parliament which directed that clearances be done at the first Port of entry excluding inland ports such as City Deep. Industry raised their concerns in this regard. 2. The Customs and Excise Act of 1964 currently allows container operators to move containers in bond from a Port of entry to an inland container terminal such as City Deep without submitting a customs clearance declaration only using a manifest to move the container/s. 3. Proposed changes submitted to Parliament will cut out inland Depots. 4. It was previously reported that the SA Shippers Council and SAAFF objected to proposed amendments and the implications thereof. 5. Mr. Pretorius reported that they are still awaiting an update in this regard. 	<p>Action 4:</p> <p>Customs Clearance – City Deep. Mr. Pretorius to provide an update at the next meeting.</p>
2.5	<p>Landside issues including Port congestion and a Truck staging area - TNPA</p> <ol style="list-style-type: none"> a. The Port Manager observed that he was not sure what kind of feedback the PCC committee was expecting from TNPA. b. He reflected on a meeting which previously took place between TNPA, the Municipality Manager and the MEC. c. He further noted that it should be a three pronged / trilateral approached between Provincial Government, Local Government and TNPA. d. He informed the meeting that it was agreed that teams be appointed to which the Port Manager submitted names of the TNPA representatives. e. The issue at that time was regards to ownership of the road as the municipality was adamant that the roads belongs to them as well as the infrastructure along the road. f. Legal opinion was sort and report was forwarded to the Municipality who has received the report. g. A traffic impact study to be done as a joint exercise between the Local Municipality and TNPA. h. The Port Manager said that lots has been done behind the scenes and that further feedback be given at the next PCC meeting. <p>Dr Andrew Mather responded as follows:</p> <ol style="list-style-type: none"> i. He noted that it was previously agreed that a task team be formed and who identified key issues - which was done. The next step required that the Port Manager was to convene a meeting with the task team. j. The Task team identified several issues of which 27 had to be address by the Port Manager. k. Responsibility shared between Local, Provincial Government and TNPA. l. The champion of this task team must be part of the PCC. m. The Harbour Master undertook to inform and update the Port Manager as he was not present in the 1st Quarter PCC meeting and acting as a representative for the Port Manager. n. It was noted as a concern that the Port Manager advised that he was not informed of all the issues that was discussed at the last PCC meeting as the Harbour Master did not provide him with detailed feedback. o. Mr Pretorius conceded that even if complete feedback was not given to the Port Manager, the Minutes was available and therefore the Port Manage would've been informed about the decisions agreed at the last PCC meeting. p. Mr Fakir proposed that an action plan be drafted. q. Dr Mather once more proposed that a formal sub-committee meeting be convened by the Port Manager. r. The Secretariat to liaise with Dr Mather and assist with co-ordinating a meeting between the different parties and. s. Mr Pretorius supported that the Port Manager be responsible for the task team. t. The task team will be made up of Dr Andrew Mather, Mr Kevin Martin, Mr Khulekani Xaba and Mr Selwyn Pillay. 	<p>Action 5:</p> <p>Landside Issues including port congestion and a truck staging area: Port Manager to convene a meeting with a. Dr Andrew Mather, Mr Kevin Martin, Mr Khulekani Xaba and Mr Selwyn Pillay.</p>

ITEM	DISCUSSIONS	RECOMMENDATION(S)/ACTION/S
	<ul style="list-style-type: none"> u. Date of meeting to be discussed with the Port Manager. v. The option of having a truck-staging area outside the port was looked at. <ul style="list-style-type: none"> i. Land just outside or close to the port is prime land and can therefore not be used as a truck staging area. ii. Dr Mather said that this matter has been discussed for the past 15 years. iii. Feedback to be given at the next PCC meeting. 	
SECTION 3: STANDING ITEMS		
3.1	<p>3.1.1 TNPA – Port Performance – Presentation attached.</p> <p>3.1.2 PDFP - Progress / Updates</p> <p>3.1.3 Capital Investment Plans CAPEX: Detailed presentation attached.</p> <p>a. Mr Xaba requested that the North Quay Deepening be taken off the “Matters Arising”. Mr Pretorius agreed with this.</p> <p>3.1.4 TOPS</p> <p>a. The Secretariat explained the KPI document and enquired whether there was need to have a second round for KPI discussion.</p> <p>b. Dr Mather’s supported that a second meeting be scheduled and a date of 10th September 2014 was suggested.</p> <p>3.1.5 Aids To Navigation</p> <p>a. Captain Justin Adams advised that there was no feedback.</p> <p>b. The Secretariat advised that the Executive Manager of Lighthouse Services agreed to make a summary document available which will be circulated to all the PCC members.</p>	<p>Action 6: It was agreed that a second KPI discussion be held to allow members to provide further inputs.</p> <p>Action 7: Aids to Navigation – Summary to be circulated to PCC members.</p>
3.2	LABOUR FEEDBACK	
	<p>3.2.1 UTATU / SARHWU</p> <p>a. No labour representatives present. It was proposed that labour representatives be part of subcommittees going forward.</p> <p>b. The meeting was informed that the Labour Guidelines Workshop was scheduled to take place Tuesday 9th September 2014.</p>	<p>Action: 8 PCC Labour Guideline Workshop - date to be communicated.</p>
3.3	Port User Feedback	
	<p>3.3.1 Cargo Owners / FF / Road Hauliers / Container Depots</p> <p>a. Mr. Pretorius briefly reflected on the of steel price increase which was likely to happen in November.</p> <p>b. He further noted the coffee price increase of approximately 20%.</p> <p>c. He advised He advised that the Durban Chamber meetings will be held 6 weeks before the next PCC and he will give feedback at the next PCC meetings.</p>	

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	<p>3.3.2 Shipping Lines / Agents / Oil & Gas / Ship Repair / Fishing</p> <ul style="list-style-type: none"> a. Meeting informed of the increase in the size of ships which would result in draft changes. b. The number of Break-bulk vessels calling Maydon Wharf has increased; Vessels are fuel efficient and are generally faster. c. It was noted that Ship repair was affected by the NUMSA strike. d. Oil & Gas vessels have gone to Saldanha Bay. e. No complaints received from shipping lines. f. Bunkering: sufficient fuel but not enough customers to deliver to. Bunker in Singapore or Mauritius or Walvis Bay due to cost of bunkering in South African ports. g. Port cost, efficiency plays a major roll whether South Africa gets the business. 	
	<p>3.3.3 Terminal Operators / Stevedores / Lessees - Ms Bishenden</p> <ul style="list-style-type: none"> a. She informed the meeting saying that only short term leases were being approved. b. She noted that Port users are concerned about capital investment due to the leases being short-term. c. She further noted that it was difficult to erect permanent infrastructure due to the licences being temporary. d. Ms Bishenden enquired whether there was any issues raised by tenants in the other sectors regarding access to their sites to which there was no response. 	
3.4	Government Feedback	
3.4.1	<p>Local Government - Dr Mather gave feedback.</p> <p>3.4.1.1</p> <ul style="list-style-type: none"> a. Background of weighbridge system from 2001 – 2005 was run by a private company. From 2005 – 2011 after which time the City took responsibility for this function. . about 616 trucks overloaded b. Metro Police not prepared to pay rental to lease premises in the port as the rentals were considered to be too high. c. During the period 2011 to 2013 – lots of negotiations around the lease of the premises. d. Not enough land available for the facility to pull of trucks and additional land was requested and the City will be rolling out project. e. Meeting was informed that there is a budget of R 5.4 million capex to secure the area and paving. Operational cost to run the facility was expected to cost approximately R 4million a year to run. f. He noted that the Terms of Reference was being finalised and that a service provider was to be finalised aligned with Local government processes to run the weigh bridge facility. The planning involved that two full time City Police officers be onsite to manage the facility. g. The facility was expected to be operational by the end of 2014. The lease period will be for 3 years with a possible option for renewal for a further 2 years. <p>Q&A</p> <p>A question was asked whether the City Police withdrew from the harbour area and whether this withdrawal can be reversed.</p> <p>Dr Mather responded that this issue was raised and that it requires agreement between the Authority and City Police. He noted that this was one of the 27 issues that had to be handled by the Port Manager.</p>	<p>Action 5:</p> <p>Weighbridge Update: Local Government to provide an update – This issue is considered to be part of the 27 landside challenges to be handled by the Port Manger.</p>
	<p>3.4.2 Provincial Government</p> <p>No feedback</p>	

ITEM	DISCUSSIONS	RECOMMENDATION(S)/ACTION/S
3.4.3	<p>Department of Transport (DOT)</p> <p>3.4.1 IMDG Training</p> <ol style="list-style-type: none"> The meeting was reminded that a request was sent out to gauge Port user interest across the port system in respect of IMDG training which was responded positively to. A submission was done to IMO. Training will more than likely be held between end of September and end of November. Discussions regards course content. Information provided by SAMSA to be circulated to all. Updates will be forwarded to all interested parties. IMDG Presentation to be made to the Port of Durban PCC <p>3.4.2</p> <ol style="list-style-type: none"> A question was raised regards development in respect of Consignor and Consignee Regulations. It was requested that feedback be given by DOT regarding consignee and consigner regulations. 	<p>Action: 9a</p> <p>IMDG Training – DOT /SAMSA to provide an update ahead of the next meeting. Course content information to be circulated.</p> <p>Action 9b:</p> <p>IMDG Presentation - Department of Transport - IMDG to be requested to make a presentation at the next meeting.</p> <p>Action 10:</p> <p>Consignor / Consignee Regulations – DOT to investigate current developments and provide an update.</p>
3.5	<p>Ports Regulator South Africa</p> <p>Ports Regulator South Africa - Detailed presentation attached - All documents available on the PRSA website</p> <ol style="list-style-type: none"> The Ports Regulators office published the Record of decision on redistribution of 2012/13 rebate which can be accessed on the Ports Regulators website. The proposed 2015 / 2018 multi-year Tariff Application process was underway. The annual submission process was amended to a multi-year process which made allowance for annual amendments subject to volumes changes. The Tariff Methodology was previously published which would guide TNPA's application for Port Tariffs. TNPA submission due date 1 September 2014. Port Users must familiarise themselves with the methodology and comment accordingly. TNPA PRSA Tariff Application roadshows scheduled for September 2014. Venues to be confirmed. Centres as follows: <ol style="list-style-type: none"> 15th September 2014 Durban, 17th September 2014 Cape Town, 19th September 2014 Johannesburg 	<p>Action 11:</p> <p>PRSA TNPA Tariff Application 2015/16 Roadshow dates to be confirmed – PRSA</p> <p>Action 12:</p> <p>TNPA Tariff Application Workshop dates to be confirmed with the PRSA and circulated.</p>

ITEM	DISCUSSIONS	RECOMMENDATION(S)/ACTION/S
	<p>iv. 22nd September 2014 Port Elizabeth</p> <p>Comments to be submitted within 30 days after the TNPA's submission.</p> <ul style="list-style-type: none"> f. Mr Fakir advised that the PRSA is currently embarking on a tariff strategy which will be done by the end of the year. He noted that it will define more cost effective ways of doing business. The process will be done with full consultation with all interested parties. He noted that the strategy would provide accuracy to TNPA's forecast. g. Ms Mulaudzi informed the meeting that a copy of the 3 year TNPA CAPEX plan was forwarded to the Secretariat. h. The Secretariat confirmed that the Annexure A was circulated. i. The Secretariat gave feedback with regards to the Tariff Clarification Workshop will follow the Tariff Application Roadshow. 	
3.6	<p>SAMSA Captain Brkovic – Presentation attached.</p> <p>A presentation was done by Ms Tshepo Motloutsi regarding Ballast water and new filtration system.</p> <p>Mr Pretorius said that TNPA will put up tanks but at the end of the day the Port Users will still have to pay for it.</p> <p>A question was asked whether using chemicals and it being discharged would be environmentally friendly to which the presenter not only chemicals but also filtration system can be used. Filtration system being built into new ships.</p> <p>Presentation is available.</p>	
3.7	<p>PCC ADMINISTRATION</p> <ul style="list-style-type: none"> a. The Secretariat gave feedback that Induction will be done for those who were not present at the Induction session held 17 July 2014. b. Induction will also be done to all Harbour Masters, Port Managers and Port EXCO and PRSA. c. The follow up meeting should follow the KPI meeting proposed to be held 10 September. d. Dates for the Tariff clarification workshops will be circulated once confirmation has been received from the Ports Regulator. e. Nominations and Elections of PCC and NPCC members will be done electronically to fill all the gaps. f. The Labour Guidelines Workshop will take place Tuesday 9 September in the Port of East London and the Secretariat has requested that the Port Manager release Labour to attend. 	
SECTION 4: COOPERATIVE GOVERNANCE		
4.1		
SECTION 5: NPCC		
SECTION 5: NPCC		
	<ul style="list-style-type: none"> a. The minutes of the last NPCC will be circulated. b. The NPCC meeting was going to take place on 5th September but due to Operation Phakisa it will only take place later. Dates to be confirmed. 	<p>Action 13:</p> <p>Minutes of the Previous NPCC Meeting to be</p>

ITEM	DISCUSSIONS	RECOMMENDATION(S)/ACTION/S
		<p>circulated once signed-off.</p> <p>Action 14: Next NPCC Meeting – Date to be confirmed.</p>
SECTION 6: NEW ITEMS		
6.1.	<p>New Items</p> <p>No new items were noted.</p>	
SECTION 7: AGREED RESOLUTIONS & ACTION ITEMS		
7.1	<ul style="list-style-type: none"> a. Navis to remain on the Agenda. b. The North Quay Deepening Plans will be shared at the next meeting. Plans will be monitored. c. Customs clearance – Mr Pretorius will continue to keep the meeting updated with regards to progress. d. Port Congestion, Landside, Truck staging – the 3 issues will be handled together and the Port Manager facilitate the meeting. Dr Mather agreed that he would be party to the process. He agreed to brief the Port Manager on all the other issues. Harbour Carriers and Provincial Government will also be part of the process. e. KPI TOPS workshop will take place on 10 September. All members to please be present. f. Labour Guidelines Workshop will take place on 9 September in the Port of East London. g. IMDG Training – Dates to be communicated. h. Consignee / Consigner regulations – DOT to look into this matter and provide and update. i. Update for weighbridge will be given at the next PCC. It was agreed that this issue will be handled together with the Landside issues. j. Presentation regarding ballast water – still lots of discussion to take place around this matter. Port Users are very keen to provide inputs. k. NPCC Minutes will be circulated once signed-off. l. Local Government presentation will be forwarded to Secretariat to be circulated. <p>Dr Mather what to know what the process was with regards to the Minutes that was adopted and supported subject to amendment seeing that the meeting did not quorate. The Minutes will be circulated to labour to confirm whether all is in agreement with the Minutes.</p>	
SECTION 8: ANNOUNCEMENTS AND CLOSURE		
8.1	<p>DATE AND VENUE FOR NEXT MEETING</p> <p>The next meeting is scheduled to take place at 09:00 Thursday 13th November 2014 at TNPA Offices.</p>	
8.2.	<p>CLOSURE</p> <p>The Chairperson thanked everyone for their contributions and inputs.</p>	

Approved by

PCC Chairperson

Date

PCC Secretariat

Date

LIST OF ACTIONS / RECOMMENDATIONS

1. ACTIONS

1.1 Secretariat

1.1.1

1.2 PRSA

1.2.1

1.2.2

1.3 Members

1.3.1

1.4 Others

1.4.1

1.4.2

2. RECOMMENDATIONS

2.1

2.2