

Our Ref: 18:D23:27268

Mr Peter Dummett
Chief Executive Officer
Darwin Port Operations Pty Ltd
PO Box 65
BERRIMAH NT 0828

By email

Dear Mr Dummett

RE: APPROVAL OF ACCESS POLICY FOR PORT OF DARWIN

The Commission confirms receipt of your letter of 12 October 2023 providing a new draft access policy for the Port of Darwin for approval in accordance with the *Ports Management Act 2015* (PM Act). The draft access policy comprises of three documents:

- Access Policy of Darwin Port Operations Pty Ltd (ACN 603 472 788)
- Port of Darwin Standard Services Terms and Conditions
- Darwin Port Payment Terms and Conditions.

The Commission notes that the content of the Access Policy has not been amended and is the same as that approved by the Commission on 12 April 2022, but Darwin Port Operations Pty Ltd has amended the Port of Darwin Standard Services and Darwin Port Payment Terms and Conditions to ensure alignment with requirements under the *Competition and Consumer Act 2010* (Cth).

The Commission is satisfied that the amended draft access policy meets the requirements prescribed under the PM Act and Ports Management Regulations 2015 and, in accordance with section 127(4) of the PM Act, approves the draft access policy.

The approved access policy and a Statement of Reasons explaining the Commission's decision are enclosed. A copy of this letter (as the approval instrument) and the enclosed documents will also be published on the Commission's website.

The Commission notes that the approved access policy has immediate effect and will nominally expire 5 years from the date of its approval.

In accordance with regulation 13(3) of the Ports Management Regulations 2015, Darwin Port Operations Pty Ltd is required to publish the approved access policy on its website within 5 days of approval, that is, by 7 November 2023.

Should you have any questions regarding this letter or the approval process, please contact the Commission office on 8999 5480 or utilities.commission@nt.gov.au.

Yours sincerely

Lyndon Rowe
Utilities Commissioner

2 November 2023

Enclosed: Approved Access Policy – 2023 (comprising 3 documents)
Statement of Reasons