

Our Ref: 18:D21:26250

The Honourable Eva Lawler MLA
Minister for Infrastructure, Planning and Logistics
GPO Box 3146
DARWIN NT 0801

By email - Minister.Lawler@nt.gov.au

Dear Minister Lawler

**RE: ANNUAL REPORT ON MATERIAL INSTANCES OF NON-COMPLIANCE WITH THE
PORT ACCESS POLICY AND DETERMINATIONS FOR 2020-21**

The *Ports Management Act 2015* (the Act) establishes the Utilities Commission as the economic regulator of the port access and pricing regime for the Port of Darwin. Section 121(1) of the Act requires the Commission to report to you as the Minister for Infrastructure, Planning and Logistics by 1 December each year about:

- (a) any reports received from the private port operator on material instances of non-compliance with its Access Policy (approved by the Commission on 30 June 2017); and
- (b) any instances of material non-compliance with a determination made by the Commission.

This letter is the Commission's annual report in accordance with the Act. The Act also requires that you, as the responsible Minister, table the report in the Legislative Assembly within seven sitting days after receiving it.

Section 130 of the Act requires the private port operator to report to the Commission, by 30 September each year, on any material instances of non-compliance with its Access Policy. The private port operator reported to the Commission by the due date and advised that there were no material instances of non-compliance with the Access Policy during 2020-21.

On 13 February 2019, the Commission issued the 2019-2022 Prescribed Port Services Price Determination Port of Darwin, which will be in effect until 15 February 2022. The Commission is not aware of any material instances of non-compliance by the private port operator with the price determination during 2020-21.

If you have any questions in relation to this letter please contact Ms Kimberlee McKay, Director Utilities Commission on 8999 7476 or kimberlee.mckay@nt.gov.au .

Yours sincerely



Lyndon Rowe
Utilities Commissioner

4 November 2021