

Our Ref: 18:D19:50693

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

Dear Minister Lawler

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

The *Ports Management Act* 2015 (the Act) establishes the Utilities Commission (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; 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 obliges 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's Access Policy was approved by the Commission on 30 June 2017. The private port operator reported to the Commission by the due date and advised that there were no material instances of non-compliance with its Access Policy for 2018-2019.

The 2019-2022 Prescribed Port Services Price Determination for the Port of Darwin (price determination) was issued by the Commission on 13 February 2019. This is the second determination issued by the Commission under the regime to date. The Commission is not aware of any instances of non-compliance by the private port operator with the price determination during 2018-19.

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

A handwritten signature in black ink, appearing to read 'Lyndon Rowe'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lyndon Rowe
Utilities Commissioner

26 November 2019