

Our Ref: 18:D24:26279

The Honourable Bill Yan MLA
Minister for Logistics and Infrastructure
GPO Box 3146
DARWIN NT 0801

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

Dear Minister Yan

**RE: ANNUAL REPORT ON MATERIAL INSTANCES OF NON-COMPLIANCE WITH THE
PORT ACCESS POLICY AND PRICE DETERMINATION FOR 2023-24**

The *Ports Management Act 2015* (the PM 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 PM Act requires the Commission to report to you as the responsible Minister 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, which was approved by the Commission on 2 November 2023; and
- (b) any instances of material non-compliance with a price determination made by the Commission under section 132 of the PM Act.

This letter is the Commission's annual report in accordance with the PM Act. The PM Act also requires that you, as the responsible Minister, table the report in the Legislative Assembly within 7 sitting days after receiving it.

Section 130 of the PM 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 2023-24.

On 19 January 2022, the Commission issued the 2022-2025 Prescribed Port Services Price Determination Port of Darwin, which will be in place until 15 February 2025 (after which it will be replaced by a new price determination). The Commission is not aware of any material instances of non-compliance by the private port operator or the private pilotage provider with the current Price Determination during 2023-24.

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

17 October 2024