

Our Ref: UTCDOC2017/1217

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

Dear Minister

REPORT ON MATERIAL INSTANCES OF NON-COMPLIANCE WITH THE PORT ACCESS POLICY AND DETERMINATIONS

The *Ports Management Act* (the Act) establishes the Utilities Commission (the 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 the Minister of 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 the private port operator's Access Policy; and
- (b) any instances of material non-compliance with a determination made by the Commission.

Section 121(2) of the Act requires the Minister to table the report in the Legislative Assembly within 7 sitting days after receiving it.

This letter is the Commission's report to the Minister in accordance with section 121(1) of the Act.

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 Commission approved the private port operator's Access Policy on 30 June 2017.

The private port operator reported to the Commission by the due date. The private port operator reported no material instances of non-compliance for 2016-17. The private port operator has met its obligations under section 130 of the Act.

The 2015-2018 *Prescribed Port Services Price Determination for the Port of Darwin* (price determination) was issued on 16 February 2016. The Commission is not aware of any instances of non-compliance with the price determination for 2016-17.

Please feel free to contact me if you would like to discuss further. Any queries can be directed in the first instance to Mr Justin Martyn, Director Utilities Commission on justin.martyn@nt.gov.au or (08) 8999 7980.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P Walsh', with a long horizontal flourish extending to the right.

Dr Patrick Walsh
Utilities Commissioner

25 October 2017