

Our Ref: 18:D22:23354

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 2021-22**

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 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, which was approved by the Commission on 12 April 2022; 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 PM Act. The PM 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 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 2021-22.

On 19 January 2022, the Commission issued the 2022-2025 Prescribed Port Services Price Determination Port of Darwin, which took effect on 16 February 2022 and will be in place until 15 February 2025. The Commission is not aware of any material instances of non-compliance by the private port operator with the price determination during 2021-22.

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

6 October 2022