

23 February 2022

Ms Kimberlee McKay  
Director  
Utilities Commission of the Northern Territory  
GPO Box 915  
Darwin NT 0801

By email: [utilities.commission@nt.gov.au](mailto:utilities.commission@nt.gov.au)

Dear Ms McKay

## **2022 – Access Policy Review**

Darwin Port's current Access Policy is due to expire on 30 June 2022. In accordance with the *Ports Management Act 2015 (PMA)* Darwin Port has prepared a new draft Access Policy (**Draft Access Policy**) to take effect upon expiry of the current Access Policy subject to the Utilities Commission's approval.

Darwin Port has sought to keep changes to a minimum in order to ensure consistency in operating practices for Port Users, amendments primarily relate to two key areas:

1. **Updated legislative requirements** – the PMA was updated in 2020 and these updates involved changes to Part 11 concerning port access and pricing along with amendments to the associated Regulations. The PMA requires Darwin Port's Access Policy to be in accordance with the requirements prescribed by the Regulations, as such the Draft Access Policy includes changes necessary to ensure regulatory compliance; and
2. **Complex Access Applications** – the Draft Access Policy includes a new concept of "Complex Access Applications", this concept has been introduced to provide Darwin Port with sufficient time and additional information necessary to properly consider more complicated access applications e.g., where new infrastructure is required. These changes should enable Darwin Port to better scope potential Feasibility Studies and provide greater certainty for the port user as to cost.

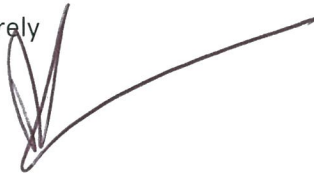
As required under the PMA, Darwin Port went out to Port Users for consultation on 10 December 2021. Feedback on the proposed Access Policy (consisting of the Access Policy, Standard Terms and Conditions and Payment Terms) was requested by 30 January 2022. In total Darwin Port went out to 230 port users. No submissions were received.

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Enclosed with this letter is the following documentation:

- Updated Access Policy – all changes showing in track;
- Updated Standard Terms and Conditions – all changes showing in track;
- Updated Payment Terms – all changes showing in track; and
- Table setting out proposed changes and providing an explanation as to why each change has been made.

Sincerely



DARREN LAMBOURN  
Chief Executive Officer