

Northern Territory of Australia

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# General information

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# Availability

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**Port of Darwin 
Reporting GuidelinesPort of Darwin  
Reporting Guidelines**

**Utilities Commission of The Northern Territory**

**Port of Darwin**

**Reporting Guidelines**

**28 March 2018**

# 1 Introduction

## **1.1 Authority**

### 1.1.1 These *Guidelines* are made by the *Commission* under section 128 of the *Ports Management Act* and regulation 14 of the *Ports Management Regulations.*

### 1.2 Application

### 1.2.1 Darwin Port Operations Pty Ltd (DPO) was declared the operator of the Port of Darwin under the *Ports Management Act* on and from 1 July 2015. On 15 November 2015, ownership of DPO was acquired by Landbridge Infrastructure Australia Pty Ltd (Landbridge) as part of Landbridge’s 99 year lease of the Port of Darwin. This changed the status of DPO to a *private port operator*, to which these *Guidelines* apply.

### 1.2.2 Pursuant to the *Ports Management Act*, the *private port operator* prepared and submitted an *access policy* to the *Commission* for approval, which was approved on 30 June 2017.

## **1.3 Scope**

### 1.3.1 Section 130 of the *Ports Management Act* requires a *private port operator* to make an annual report about any material instance of non-compliance with the *private port operator's* access policy. The report is due to the *Commission* by 30 September each year and is to cover the immediately preceding financial year.

### 1.3.2 These *Guidelines* set out requirements in relation to annual reports by the *private port operator* to the *Commission*.

### 1.3.3 In making these Guidelines, the Commission has sought to promote and achieve the objects of the *Ports Management Act* and the *Utilities Commission Act*. The Commission has also had regard to section 6(2) of the *Utilities Commission Act*, and all matters it is required to consider under the *Ports Management Act* and *Ports Management Regulations*.

## **1.4 Date of commencement**

### 1.4.1 These *Guidelines* take effect on and from the date of publication in the *Gazette*.

## **1.5 Review**

### 1.5.1 A review of these *Guidelines* will be commenced by March 2021.

## **1.6 Interpretation**

### 1.6.1 In these *Guidelines*:

### a reference to a clause is a reference to a clause in these *Guidelines*; and

### words appearing in italics like ‘*this*’are defined in clause 6.

# 2 Subject of annual reports: Material instance of non-compliance

## **2.1 Non-compliance**

### 2.1.1 The *Commission* considers an instance of non-compliance to mean an action taken, or a failure to take action, by a *private port operator* which is not consistent with the *access policy* of the *private port operator*.

## **2.2 Material instance**

### 2.2.1 For an instance of non-compliance to be considered material, it needs to:

### affect a significant number of *port users*; or

### have an adverse financial impact on one or more *port users*; or

### adversely affect access to *prescribed services* by one or more *port users*; or

### significantly compromise, or be likely to significantly compromise, the *private port operator's* ability to provide one or more *prescribed services*.

# 3 Content of annual reports

### 3.1.1 The *annual report* must address all *material instances of non-compliance* that occurred in the immediately preceding financial year.

### 3.1.2 The *annual report* must include the following information for each *material instance of non-compliance*:

### the date the non-compliance occurred, or the dates on which the non‑compliance began and ended;

### the clause of the *access policy* the *private port operator* has contravened;

### a description of the conduct that constitutes the non-compliance;

### a description of the impact of the non-compliance;

### any reasons why the *private port operator* did not comply with the *access policy*;

### details of any *port users* or other parties involved in or affected by the non-compliance;

### any independent reports commissioned by the *private port operator* regarding the *material instance of non-compliance*;

### actions taken or to be taken by the *private port operator* to ensure future compliance; and

### any other information the *private port operator* considers relevant and that will be of assistance to the *Commission*.

### 3.1.3 The *Commission* may seek further information or clarification from the *private port operator* about a *material instance of* *non-compliance* with its *access policy*.

### 3.1.4 It is recommended that the *annual report* incorporate a list of the number of *disputes* that have arisen under the *access policy*, the date notice of the *dispute* was givenand whether it relates to an application for access to standard or non‑standard services.

## **3.2 Format and submission**

### 3.2.1 In the *annual report*, the *private port operator* is required to certify that it has an adequate compliance framework in place that enables it to properly identify, record and rectify any *material instances of non-compliance*.

### 3.2.2 *Annual reports* are to be submitted to the *Commission* electronically in Microsoft Word, Adobe pdf or equivalent format. The report must include any calculations that form the basis for any statement made in the annual report.

# 4 Confidentiality

### 4.1.1 In the interest of transparency, the *Commission* may publish material contained within *annual reports* submitted by the *private port operator*.

### 4.1.2 If the *private port operator* advises the *Commission* in writing that the information could affect the competitive position of the *private port operator,* or is commercially sensitive for some other reason, the obligation to preserve confidentiality under section 26 of the *Utilities Commission Act* will apply.

# 5 Reporting to the Minister

### 5.1.1 Notwithstanding the obligation to preserve confidentiality under section 26 of the *Utilities Commission Act*, section 121 of the *Ports Management Act* requires the *Commission* to report to the *Minister* each year about the contents of the *annual report* of the *private port operator* regarding *material instances of non‑compliance* with its *access policy.* Under section 26(2)(c) of the *Utilities Commission Act*, confidential information may be disclosed if the disclosure is required by any Act or law.

### 5.1.2 Section 121(2) of the *Ports Management Act* stipulates that the *Commission*’s report to the *Minister* is tabled in Parliament within seven sitting days of its receipt.

# 6 Definitions

|  |  |
| --- | --- |
| **access policy** | Has the same meaning as given to that term in the *Ports Management Act.* |
| **annual report** | The report made by the private port operator to the *Commission* in accordance with section 130 of the *Ports Management Act.* |
| **Commission** | The Utilities Commission of the Northern Territory as established by the *Utilities Commission Act*. |
| **dispute** | Means an access dispute as defined in the *Ports Management Regulations.* |
| **Gazette** | The Northern Territory of Australia Government *Gazette.* |
| **Guidelines** | Means this document made pursuant to section 128 of the *Ports Management Act* and regulation 14 of the *Ports Management Regulations.* |
| **material instance of non‑compliance** | Has the same meaning as when used in section 130 of the *Ports Management Act*. |
| **Minister** | The *Minister* to whom the *Ports Management Act* is committed, currently the *Minister* for Infrastructure, Planning and Logistics. |
| **port user** | Has the same meaning as given to that term in the *Ports Management Act.* |
| ***Ports Management Act*** | The *Ports Management Act* (NT). |
| **Ports Management Regulations** | *The Ports Management Regulations* (NT). |
| **prescribed services** | Means the *prescribed services* defined by regulation 12 of the *Ports Management Regulations*. |
| **private port operator** | Has the same meaning as given to that term in the *Ports Management Act.* |
| ***Utilities Commission Act*** | The *Utilities Commission Act* (NT). |

Northern Territory of Australia

*Dangerous Goods Regulations*

Approval of Periods for Purchasing, Possessing and  
Throwing, Igniting or Exploding Shopgoods Fireworks

I, Natasha Kate Fyles, Attorney-General and Minister for Justice:

(a) under regulation 139 of the *Dangerous Goods Regulations*, approve the period of time from 9 am to 9 pm on Sunday 1 July 2018 as a period during which a person may purchase shopgoods fireworks; and

(b) under regulation 140(1) of the Regulations and with reference to regulation 140A(1) of the Regulations:

(i) approve the period of time from 9 am on Sunday 1 July 2018 to 12 noon on Tuesday 3 July 2018 as a period during which a person may possess shopgoods fireworks, subject to the condition that this approval does not apply to the place specified in the Schedule; and

(ii) approve the period of time from 6 pm to 11 pm on Sunday 1 July 2018 as a period during which a person may throw, ignite or explode shopgoods fireworks, subject to the condition that this approval does not apply to the place specified in the Schedule.

Dated 24 April 2018

N. K. Fyles

Attorney-General and Minister for Justice

**Schedule**

All that parcel of land at Mindil Beach in the Town of Darwin, Northern Territory of Australia bounded by lines described as follows:

Commencing at the intersection of the north-westerly prolongation of the north-eastern boundary of Lot 5244 with the Low Water Mark of Fannie Bay; thence south-easterly by the said prolongation and boundary and its south‑easterly prolongation to the north‑easterly prolongation of the north‑western boundary of Lot 5257; thence south‑westerly to the northern corner of the said Lot; thence south-easterly by its north‑eastern boundary to a north-western boundary of Gilruth Avenue; thence generally north‑easterly by the said boundary to intersect parallel of south latitude 12 degrees 26 minutes 33.9 seconds, being a point on the centreline of a stormwater drain exiting under Gilruth Avenue; thence generally north‑westerly by the centreline of the said drain to intersect a south‑western boundary of Lot 5670; thence north west by the said boundary to the Low Water Mark of Fannie Bay; thence generally south-westerly by the said Low Water Mark to the point of commencement, the position of Low Water Mark referred to being as at Lowest Astronomical Tide.

Northern Territory of Australia

*Law Officers Act*

Authorisation

I, Meredith Day, the Acting Chief Executive Officer of the   
Department of the Attorney-General and Justice, in pursuance of section 8(4) of the *Law Officers Act*, authorise Thomas Ciaran Mooney an officer of the Department, being a legal practitioner, to act in the name of the Solicitor for the Northern Territory.

Dated 27 April 2018

M. Day

Acting Chief Executive Officer

*Police Administration Act*

# Sale of Goods

Notice is hereby given that pursuant to Section 166 of the *Police Administration Act*, the following property as shown on the attached schedule has been in the possession of the Officer in Charge, Police Station, Peter McAulay Centre, for a period in excess of 3 months and this property will be sold or otherwise disposed of in a manner as determined by the Commissioner of Police, if after twenty-eight (28) days from the publication of this notice the property remains unclaimed.

John Atkin

A/Superintendent

Operational Support Directorate

27 April 2018

**Seized Items for Disposal/Destruction**

| **Exhibit number** | **Item Description** |
| --- | --- |
| 490117/010/001  490117/010/002  490117/010/002/001 | Gold earrings with rectangular stones  Gold “21” key pendant with small stone inset  5 x gemstones (2 x clear;1 x pink;1 x orange; 1 x red) |
| 484853/001 | Silver ring with one large clear stone and 10 smaller stones mounted 5 on each side |
| 501073/001 | Lady’s gold ring with white stone and 3 lines on each face of ring – initials YT heart WB on it |
| 500570/001 | Lorus gents stainless steel watch with engraving:  “Scott Happy 30th Love Mum & Dad 2010” |
| 499941/005 | Olympus 40-150mm camera lens |
| 499940/001  499940/002 | Gold gents wedding band  Gold lady’s ring with clear stones in flower pattern |
| 499936/001 | Stainless steel Diesel gents watch with blue face |
| 499934/001  499934/002  499934/003  499934/004 | Rose gold thin bracelet  Gold hollow bangle  Silver bracelet  Gold bracelet with panel design |
| 499400/001 | Black Hero Session GoPro in black case |
| 499901/001 | Sprout brand Bluetooth speaker |
| 500466/001 | $2.00 |
| 500132/001 | $5.00 |
| 499931/002 | $10.00 |
| 499928/002 | $158.50 |
| 499854/002 | $12.70 |
| 499614/002 | $1.00 |
| 499388/002 | $16.60 |
| 499369/001/001 | $12.25 |
| 504275/003  504275/004 | 79 x .22 ammunition  20 x 30.06 ammunition |
| 492355/006  492355/007 | Samsung tablet  Samsung tablet |
| 401818/002 | Assorted paperwork |
| 377682/006 | Black Samsung mobile |
| 470661/004 | Samsung mobile |
| 470660/005  470660/012 | Blackberry device  Black Telstra mobile |
| 492355/003  492355/005 | Black Samsung mobile  White iPhone |
| 498850/001 | Grey mobile |
| 470539/001 | iPod |
| 493335/001 | Gold Samsung mobile |
| 501126/001 | Grey Telstra mobile |
| 501081/001  501081/002  501081/003  501081/004 | Black Telstra mobile  Black Motorola mobile  Black Telstra mobile  Black Telstra mobile |
| 501027/001 | Black Samsung mobile |
| 500917/001  500917/002 | Black Telstra mobile  NT MDL |
| 500870/001 | Grey Telstra mobile |
| 5008685/001 | Grey Telstra mobile |
| 500715/001  500715/002 | Black ZTE mobile  White Oppo mobile |
| 500658/001 | Silver Telstra mobile |
| 500376/001  500376/002 | Grey Telstra mobile  Grey Telstra tablet |
| 500361/001 | Black Nokia mobile  Black iPod  White LG mobile  Black LG mobile  White Samsung mobile  6 x black Samsung mobiles  3 x black Huawei mobiles  2 x maroon ZTE mobiles  3 x black ZTE mobile  White ZTE mobile |
| 500305/001 | White ZTE mobile |
| 500076/001 | Black Sony mobile |
| 500075/001 | Blue Samsung mobile |
| 500073/001 | White Samsung mobile |
| 500072/001 | White Vodafone mobile |
| 500071/001 | Grey Telstra mobile |
| 500071/001 | Black Telstra mobile |
| 500067/001 | Red MyPhone |
| 500066/001 | Black Telstra mobile |
| 500065/001 | Red Samsung mobile |
| 500063/001 | Black Xiaoml mobile |
| 499990/001 | Gold Samsung mobile |
| 499941/001  499941/002  499941/003  499941/004  499941/006  499941/007  499941/008 | White iPad  Black iPad  Lenovo ThinkPad laptop  Silver Surface laptop  Garmin GPS  Multi coloured shoulder bag  Black Telstra mobile |
| 499931/001 | Lady’s blue evening bag and contents |
| 499928/001 | Black Louis-Cardy lady’s wallet and contents |
| 499903/001  499903/002 | Beige lace handbag and contents  Black LG mobile |
| 499854/001 | Black Billabong wallet and contents |
| 499838/001  499838/002  499838/003 | Black Oppo mobile  Black Telstra  Black Telstra mobile |
| 499832/001 | TomTom GPS |
| 499636/001 | Portable battery pack |
| 499614/001 | Brown Ripcurl leather wallet and contents |
| 499583/001  499583/002 | Silver Telstra mobile  Grey Telstra mobile |
| 499546/001  499546/002  499546/003 | Black wallet and contents  California MDL  US passport card |
| 499530/001 | Silver iPhone |
| 499388/001 | Multi-coloured Smiggle purse and contents |
| 499369/001 | Brown Louis Vuitton bag and contents |
| 499360/001  499360/002 | Silver iPad  Black Telstra mobile |
| 499462/001 | Black Samsung mobile |
| 499340/001  499340/002  499340/003  499340/004 | Typo brand notebook  Typo brand clear pencil case  Dusk brand reed type air-freshener refills  Dusk brand reed type air-freshener refills |
| 499502/001  499502/002 | Black lady’s shoulder bag and contents  Grey Telstra mobile |
| 499501/001  499501/002  499501/003 | Blue/black camo backpack and contents  White ZTE mobile  White Telstra mobile |
| 499217/001 | Black Samsung tablet |
| 499208/001 | Black Telstra mobile |
| 497620/001 | 3 x bank cards |
| 401783/004  401783/010  401783/011  401783/011/001  401783/018/001  401783/018/002  401783/018/003  401783/018/004  401783/018/005  401783/018/006  401783/018/007 | Black Asus laptop  White iPhone  Toshiba laptop  Black HP laptop  Asus laptop  Black Nokia mobile  Red Nokia mobile  White Sony mobile  White Xpera mobile  iPhone  White iPad |
| 505426/001 | Savage Arms .22 RBA S/N 1866378 |
| 504536/001 | Gecado .177 RAR S/N SAF 7 |
| 504525/001  504525/002 | Husqvarna 6.5x55mm RBA S/N 664974  Mossberg .22mag RBA S/N 1197277 |
| 504275/001  504275/004 | Winchester .22 RBA S/N 255MN00616  Tikka 30.06 RBA S/N A67812 |
| 505452/001  505452/002  505452/003  505452/004 | Rossi .45LC/410g RRV S/N HU5632  Lithgow .22 RBA S/N 38808  Lithgow .22 RBA S/N 143355  Bentley 12g SDB S/N 49298 |
| 473185/004 | Gevarm .22 RSA S/N 28301 |
| 493702/003 | Gamo .177 RAR S/N 597343 |
| 505261/001 | Boito 12G SSB S/N 32981 |
| 505403/001  505403/002  505403/003  505403/004 | BRNO .22 RBA S/N 441451  Stoeger 12G SUO S/N R3184307  Winchester 30/30 RLA S/N 4997156  Winchester 12G SUO S/N PK486955E |
| 500998/001 | Black/green Mambo BMX |
| 500658/001 | Maroon Southern Star MTB |
| 500893/001  500893/002 | Red/silver Giant lady’s MTB  Silver Ricardo MTB |
| 500496/001 | Blue Repco MTB |
| 500542/001 | Blue/black Avanti MTB |
| 500284/001 | White/orange Crest MTB |
| 500276/001 | Black/blue Nitro MTB |
| 502321/001 | White/red Norco road bike (small) |
| 500246/001 | Aqua Tourex MTB |
| 500119/001 | Black/purple Terrain MTB |
| 500068/001 | Red/black Southern Star MTB |
| 499945/001 | Blue/black Southern Star MTB |
| 499835/001 | Grey/green Huffy MTB |
| 499730/001 | Grey/black Raleigh Venture MTB |
| 499713/001 | Black/green Cyclops two. Zero MTB |
| 499599/001 | Grey/orange Avanti Montari MTB |
| 499514/001 | Grey/white Centurion Backfire MTB |
| 499511/001 | Black/orange Ridgeback Totem MTB |
| 499227/001 | black/grey Norco Storm MTB |
| 499143/001 | Black/red Repco MTB |
| 499133/001 | Maroon Repco MTB |
| 499691/001 | Black/green Flight Trail 4 MTB |
| 499521/001 | Blue Tourex X-Train66 MTB |
| 455712/001 | NT CB30RT – green Hyundai Excel |

Northern Territory of Australia

*Public Sector Employment and Management Act*

**Appointment of Acting Chief Executive Officer**

I, Eva Dina Lawler, Minister for Education, acting for the Minister for Tourism and Culture:

(a) under section 21(3A) of the *Public Sector Employment and Management Act*, terminate all appointments of persons to act as Chief Executive Officer (***CEO***) of the Department of Tourism and Culture (the ***Department***) in force immediately before the date of this instrument; and

(b) under section 21(1) of the Act, appoint Andrew Hopper to act as CEO of the Department during all periods when:

(i) the CEO is absent from duty or from the Territory or there a vacancy in the office; and

(ii) no other person has been appointed to act as CEO during the particular period of absence or vacancy; and

(c) under section 21(1) of the Act, appoint Lorraine Ann Corowa to act as CEO of the Department during all periods when:

(i) the CEO is absent from duty or from the Territory or there a vacancy in the office; and

(ii) Andrew Hopper is unable, for any reason, to act as CEO; and

(iii) no other person has been appointed to act as CEO during the particular period of absence or vacancy.

Dated 26 April 2018

E. D. Lawler

Minister for Education

acting for

Minister for Tourism and Culture