



Northern Territory of Australia

# Government Gazette

ISSN-0157-8324

---

No. G18

2 May 2018

---

## General information

The Gazette is published by the Office of the Parliamentary Counsel.

The Gazette will be published every **Wednesday**, with the closing date for notices being the previous Friday at 4.00 pm.

Notices not received by the closing time will be held over until the next issue.

Notices will not be published unless a Gazette notice request form together with a copy of the signed notice and a clean copy of the notice in Word or PDF is emailed to [gazettes@nt.gov.au](mailto:gazettes@nt.gov.au)

Notices will be published in the next issue, unless urgent publication is requested.

## Availability

The Gazette will be available online at 12 Noon on the day of publication at <https://nt.gov.au/about-government/gazettes>

Unauthorised versions of Northern Territory Acts and Subordinate legislation are available online at <https://legislation.nt.gov.au/>



## **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) a reference to a clause is a reference to a clause in these *Guidelines*; and
- (b) 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:

- (a) affect a significant number of *port users*; or
- (b) have an adverse financial impact on one or more *port users*; or
- (c) adversely affect access to *prescribed services* by one or more *port users*; or
- (d) 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*:

- (a) the date the non-compliance occurred, or the dates on which the non-compliance began and ended;

- (b) the clause of the *access policy* the *private port operator* has contravened;
- (c) a description of the conduct that constitutes the non-compliance;
- (d) a description of the impact of the non-compliance;
- (e) any reasons why the *private port operator* did not comply with the *access policy*;
- (f) details of any *port users* or other parties involved in or affected by the non-compliance;
- (g) any independent reports commissioned by the *private port operator* regarding the *material instance of non-compliance*;
- (h) actions taken or to be taken by the *private port operator* to ensure future compliance; and
- (i) 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 given and 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

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

<b>Ports Management Regulations</b>	<i>The Ports Management Regulations (NT).</i>
<b>prescribed services</b>	Means the <i>prescribed services</i> defined by regulation 12 of the <i>Ports Management Regulations</i> .
<b>private port operator</b>	Has the same meaning as given to that term in the <i>Ports Management Act</i> .
<b>Utilities Commission Act</b>	The <i>Utilities Commission Act (NT)</i> .

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**

<b>Exhibit number</b>	<b>Item Description</b>
490117/010/001	Gold earrings with rectangular stones
490117/010/002	Gold "21" key pendant with small stone inset
490117/010/002/001	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 30 <sup>th</sup> Love Mum & Dad 2010"
499941/005	Olympus 40-150mm camera lens
499940/001	Gold gents wedding band
499940/002	Gold lady's ring with clear stones in flower pattern
499936/001	Stainless steel Diesel gents watch with blue face
499934/001	Rose gold thin bracelet
499934/002	Gold hollow bangle
499934/003	Silver bracelet
499934/004	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	79 x .22 ammunition
504275/004	20 x 30.06 ammunition
492355/006	Samsung tablet
492355/007	Samsung tablet

<b>Exhibit number</b>	<b>Item Description</b>
401818/002	Assorted paperwork
377682/006	Black Samsung mobile
470661/004	Samsung mobile
470660/005	Blackberry device
470660/012	Black Telstra mobile
492355/003	Black Samsung mobile
492355/005	White iPhone
498850/001	Grey mobile
470539/001	iPod
493335/001	Gold Samsung mobile
501126/001	Grey Telstra mobile
501081/001	Black Telstra mobile
501081/002	Black Motorola mobile
501081/003	Black Telstra mobile
501081/004	Black Telstra mobile
501027/001	Black Samsung mobile
500917/001	Black Telstra mobile
500917/002	NT MDL
500870/001	Grey Telstra mobile
5008685/001	Grey Telstra mobile
500715/001	Black ZTE mobile
500715/002	White Oppo mobile
500658/001	Silver Telstra mobile
500376/001	Grey Telstra mobile
500376/002	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 Xiaomi mobile
499990/001	Gold Samsung mobile
499941/001	White iPad

<b>Exhibit number</b>	<b>Item Description</b>
499941/002	Black iPad
499941/003	Lenovo ThinkPad laptop
499941/004	Silver Surface laptop
499941/006	Garmin GPS
499941/007	Multi coloured shoulder bag
499941/008	Black Telstra mobile
499931/001	Lady's blue evening bag and contents
499928/001	Black Louis-Cardy lady's wallet and contents
499903/001	Beige lace handbag and contents
499903/002	Black LG mobile
499854/001	Black Billabong wallet and contents
499838/001	Black Oppo mobile
499838/002	Black Telstra
499838/003	Black Telstra mobile
499832/001	TomTom GPS
499636/001	Portable battery pack
499614/001	Brown Ripcurl leather wallet and contents
499583/001	Silver Telstra mobile
499583/002	Grey Telstra mobile
499546/001	Black wallet and contents
499546/002	California MDL
499546/003	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	Silver iPad
499360/002	Black Telstra mobile
499462/001	Black Samsung mobile
499340/001	Typo brand notebook
499340/002	Typo brand clear pencil case
499340/003	Dusk brand reed type air-freshener refills
499340/004	Dusk brand reed type air-freshener refills
499502/001	Black lady's shoulder bag and contents
499502/002	Grey Telstra mobile
499501/001	Blue/black camo backpack and contents
499501/002	White ZTE mobile
499501/003	White Telstra mobile
499217/001	Black Samsung tablet
499208/001	Black Telstra mobile
497620/001	3 x bank cards
401783/004	Black Asus laptop
401783/010	White iPhone
401783/011	Toshiba laptop
401783/011/001	Black HP laptop
401783/018/001	Asus laptop
401783/018/002	Black Nokia mobile
401783/018/003	Red Nokia mobile
401783/018/004	White Sony mobile

<b>Exhibit number</b>	<b>Item Description</b>
401783/018/005 401783/018/006 401783/018/007	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