

# 2012 PORTS PRICE DETERMINATION

*FINAL PRICE DETERMINATION*

OCTOBER 2012





### ***Public Information about ESCOSA's activities***

Information about the role and activities of the Commission, including copies of latest reports and submissions, can be found on the ESCOSA website at [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au).

The Commission's role in reviews such as this, and indeed in all of its work, is out and controlled by legislation. This limits the scope of the Commission's work, and the way the Commission conducts that work and the nature of the decisions, recommendations and/or conclusions it may reach.

# TABLE OF CONTENTS

<b>1</b>	General	2
<b>2</b>	Price Determination	3
	Appendix 1 – Definitions	4
	Appendix 2 – Rules of Interpretation	5

# 1 GENERAL

---

## 1.1. Authority

- 1.1.1. This price **determination** is made pursuant to the powers of the **Commission** under Part 3 of the *Essential Services Commission Act 2002* and the *Essential Services Commission Regulations 2004* and authorised by Part 2 of the *Maritime Services (Access) Act 2000*.

## 1.2. Term

- 1.2.1. This **determination** has effect from the date on which notice of its making is published in the South Australian Government Gazette, up to and including 30 October 2017.

## 1.3. Purpose and application

- 1.3.1. This **determination** regulates conditions relating to prices for **essential maritime services** provided by a **regulated service provider** during the period starting on the date on which notice of its making is published in the South Australian Government Gazette, up to and including 30 October 2017.
- 1.3.2. This **determination** binds a **regulated service provider** operating at a proclaimed port.

## 1.4. Revocation of previous price determinations

- 1.4.1. This **determination** revokes and replaces all previous ports pricing determinations made by the Commission pursuant to Part 3 of the *Essential Services Commission Act 2002* and the *Essential Services Commission Regulations 2004*.

## 1.5. Definitions and interpretation

- 1.5.1. Words appearing in bold and italics like **this** are defined in Appendix 1 of this **determination**.
- 1.5.2. This **determination** must be interpreted in accordance with the rules set out in Appendix 2.

## 1.6. Collection and use of information

- 1.6.1. Any information required to be provided by a **regulated service provider** in accordance with this **determination** is required by the **Commission** to be provided pursuant to Part 5 of the *Essential Services Commission Act 2002*.

## 2 PRICE DETERMINATION

---

### 2.1. Published Prices

- 2.1.1. This **determination** requires a **regulated service provider** to set and publish on a readily accessible part of its website a comprehensive list of prices for the provision of **essential maritime services** for the period in which this **determination** has effect.
- 2.1.2. A **regulated service provider** must provide a copy of the list of prices to the **Commission** within 10 **business days** of the list of prices being set and published.
- 2.1.3. A **regulated service provider** and a customer may reach agreement for the provision of **essential maritime services** at a price that differs from the price published in accordance with clause 2.1.1.

### 2.2. Price Monitoring

- 2.2.1. The **Commission** may, during the period of this **determination**:
  - (i) monitor the prices charged for the provision of **essential maritime services** by a **regulated service provider**;
  - (ii) publish reports on prices charged for **essential maritime services** by a **regulated service provider**; and
  - (iii) monitor and publish reports on matters relating to prices charged for **essential maritime services** by a **regulated service provider**.

### 2.3. Reporting Requirements

- 2.1.1 A **regulated service provider** must inform the **Commission** of any changes to its published prices by providing a copy of the changed list of prices to the **Commission** within 10 **business days** of the changed list of prices being set and published.
- 2.1.2 A **regulated service provider** must inform and give relevant details to the **Commission** of any agreements reached under clause 2.1.3 during each financial year of the period in which this **determination** has effect, no later than three months after the end of that financial year.
- 2.1.3 A **regulated service provider** must make available to the **Commission** any information relating to prices that is reasonably requested by the **Commission**.

## APPENDIX 1 – DEFINITIONS

---

**“Commission”** means the Essential Services Commission, a statutory body established under the *Essential Services Commission Act 2002*.

**“business day”** means a day in South Australia, other than a Saturday, Sunday or public holiday.

**“determination”** means this price determination made by the Commission pursuant to Part 3 of the *Essential Services Commission Act 2002* and Regulation 3 of the *Essential Service Commission Regulations 2004*.

**“essential maritime services”** has the same meaning as is given to that term in the *Maritime Services (Access) Act 2000*.

**“proclaimed port”** has the same meaning as is given to that term in the *Maritime Services (Access) Act 2000*.

**“regulated service provider”** means a person who carries on a business of providing *essential maritime services* at a **proclaimed port**.

## APPENDIX 2 – RULES OF INTERPRETATION

---

In this determination, unless the context otherwise requires:

1. Headings and footnotes are for convenience or information only and do not affect the interpretation of this price determination.
2. Words importing the singular include the plural and vice versa.
3. An expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency and vice versa.
4. A reference to a clause or appendix is to a clause or appendix of this price determination.
5. A reference to any statute includes all statutes varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, ordinances, by-laws and determinations issued under that statute.
6. A reference to a document or a provision of a document includes an amendment or supplement to, or replacement of or novation of, that document or that provision of that document.
7. A reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns.



The Essential Services Commission of South Australia

Level 8, 50 Pirie Street Adelaide SA 5000

GPO Box 2605 Adelaide SA 5001

T 08 8463 4444 | F 08 8463 4449

E [escosa@escosa.sa.gov.au](mailto:escosa@escosa.sa.gov.au) | W [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au)

