



PORTS (VARIATION) PRICE DETERMINATION

September 2010

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TABLE OF CONTENTS

1	Ports (Variation) Price Determination	1
1.1	Statement of Reasons	1
1.2	Authority	1
1.3	Commencement	1
1.4	Variation to the <i>2007 Ports Price Determination</i>	2
1.5	Definition and Interpretation	2

1 PORTS (VARIATION) PRICE DETERMINATION

1.1 *Statement of Reasons*

- 1.1.1 On 26 October 2007, the *Commission* made a price determination under Part 3 of the *ESC Act* and Regulation 3 of the *Essential Service Commission Regulations 2004* regulating conditions relating to the prices for essential maritime services. The *2007 Ports Price Determination* establishes price monitoring as the form of regulation to apply to essential maritime services provided by a regulated service operator.
- 1.1.2 In November 2009, amendments to the *MSA Act* were enacted by the South Australian Parliament to implement many of the recommendations put forward in the *Commission's 2007 Ports Pricing and Access Review – Final Report*. One such amendment extended the length of the period for which prices are regulated from three years to five years. Consequently, the current regulatory period - scheduled to end on 30 October 2010 - has been extended to end on 30 October 2012.
- 1.1.3 The Commission has also varied the Price Determination to extend the time period for which a regulated service operator is required to submit its Regulatory Accounts to the Commission from three months to four months, reflecting a separate decision by the Commission in May 2010 to revise the South Australian Ports Industry Guidelines.
- 1.1.4 This Ports (Variation) Price Determination varies the *2007 Ports Price Determination* to ensure consistency with the abovementioned changes to the regulatory framework. It extends the term of the current regulatory period for the ports price regime to 30 October 2012 and the time period for which a regulated service operator is required to submit its Regulatory Accounts to the *Commission*.

1.2 *Authority*

- 1.2.1 This Ports (Variation) Price Determination is made by the *Commission* pursuant to the powers of the *Commission* under section 26(8) of the *ESC Act*, and Part 2 of the *MSA Act*.

1.3 *Commencement*

- 1.3.1 This Ports (Variation) Price Determination has effect on 30 September 2010 and will be taken to vary the *2007 Ports Price Determination* on and from that date.

1.4 Variation to the 2007 Ports Price Determination

1.4.1 Schedule 1 of the *2007 Ports Price Determination* is varied as follows:

- (a) Clause 1.2 – delete “30 October 2010” and replace that period with the period “30 October 2012”;
- (b) Clause 1.3 - delete “30 October 2010” and replace that period with the period “30 October 2012”; and

1.4.2 Schedule 2 of the *2007 Ports Price Determination* is varied as follows:

- (a) Clause 2.7 - delete “three (3) months” and replace that period with the period “four (4) months”.

1.5 Definition and Interpretation

1.5.1 In this Ports (Variation) Price Determination:

- (a) *2007 Ports Price Determination* means the final price determination made by the *Commission* under Part 3 of the ESC Act on 26 October 2007;
- (b) *Commission* means the Essential Services Commission of South Australia established under the ESC Act;
- (c) *ESC Act* means the Essential Services Commission Act 2002;
- (d) *MSA Act* means the Maritime Services (Access) Act 2000.