



Hon. Mike Rann MP
Premier of South Australia

Mr David Crawford
President
National Competition Council
Level 9
128 Exhibition Street
MELBOURNE VIC 3000


Dear Mr Crawford

I am writing in accordance with section 44M of the *Trade Practices Act 1974* (Cth), to request that the National Competition Council recommend to the Commonwealth Minister that the South Australian rail access regime be certified to be an effective access regime.

This submission is also made in accordance with the Competition and Infrastructure Reform Agreement implementation plan. Following the February 2006 Council of Australian Governments agreement, South Australia commenced the process of amending its legislation to enhance regulatory outcomes for nationally significant ports and rail networks.

The South Australian *Railways (Operations and Access) Act 1997* (the ROA Act) established the price and access regulation of proclaimed railways in this State, with monitoring and control the responsibility of the Essential Services Commission of South Australia (ESCOSA). The Act was enacted to:

- provide access to rail services on fair and commercial terms;
- facilitate competitive markets in the provision of rail services;
- protect the interests of users of essential rail services by ensuring that prices are fair and reasonable for the industry concerned; and
- ensure disputes about access are dealt with efficiently.

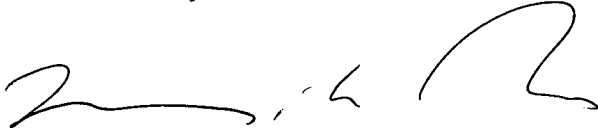
The ROA Act aims to ensure access to regulated services on fair commercial terms through a negotiate-arbitrate access regime. This light-handed form of access regulation is intended to strike the right balance between promoting competition and facilitating timely investment in rail facilities.

Further information about the access regime is set out on the website of the South Australian Department for Transport, Energy and Infrastructure at [www.dtei.sa.gov.au/ data/assets/pdf file/0005/44870/int29D.PDF](http://www.dtei.sa.gov.au/data/assets/pdf_file/0005/44870/int29D.PDF) and on the ESCOSA website at <http://www.escosa.sa.gov.au/sa-rail-overview.aspx>.

To assist in your consideration of this matter, I have enclosed the information required by regulation 6B of the Trade Practices Regulations 1974 (Cth).

Should you have any questions in relation to this request, the contact officer in the Department for Transport, Energy and Infrastructure is Ms Christine Bierbaum who can be contacted on telephone (08) 8463 6239.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mike Rann', with a large, stylized flourish at the end.

MIKE RANN
Premier

24/11/2010

Encl