



**Government
of South Australia**

Minister for Transport

Minister for Infrastructure

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

Dear Mr Crawford

I refer to the National Competition Council's (NCC) draft recommendations regarding certification of the South Australian rail access regime released on 16 March 2011.

I note the NCC's draft recommendation that:

- the Commonwealth Minister certify the South Australian rail access regime as effective for a period of five years, rather than the 10 years requested by the South Australian Government; and
- should the South Australian Government formalise arrangements for periodic reviews of the services covered by the regime the NCC would likely recommend certification for 10 years.

I agree with NCC's assessment that the Competition Principles Agreement requirements would be satisfied if the access regime were subject to mandatory periodic review.

Accordingly, I intend to amend the *Rail (Operations and Access) Act 1997* to formalise a requirement for ESCOSA to periodically review the railway services covered by the regime on a five yearly basis, similar to the requirements of the South Australian port access regime.

The amendment to the Act will be subject to the South Australian Parliamentary process and I will keep the NCC informed of any progress.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Conlon'.

**HON PATRICK CONLON MP
MINISTER FOR TRANSPORT**

17 April 2011