

5 July 2021

Submissions — South Australian Ports Access Regime
National Competition Council
GPO Box 250
Melbourne VIC 3001

info@ncc.gov.au



SOUTH AUSTRALIAN FREIGHT COUNCIL



296 ST VINCENT STREET
PORT ADELAIDE SOUTH AUSTRALIA 5015
P +61 8 8447 0688 F +61 8 8447 0606
WWW.SAFREIGHTCOUNCIL.COM.AU

Dear Sir / Madam

RE: Recertification – South Australian Ports Access Regime – Draft Report.

On behalf of the South Australian Freight Council's (SAFC) Executive Committee and Membership I thank you for the opportunity to make a submission on the Recertification of the SA Ports Access Regime Draft Report, issued on 2 July 2021.

As you may be aware, SAFC is the State's peak, multi-modal freight and logistics industry group that advises all levels of government on industry related issues. SAFC represents road, rail, sea and air freight modes and operations, freight services users and assists the industry on issues relating to freight logistics across all modes.

SAFC concurs with the NCC's draft position that the 'SA Ports Access Regime meets the requirements for certification and is therefore an effective access regime'. We further concur with the NCC's recommendation that the Minister extends certification for a further 10 years.

This recommendation will have the effect of allowing two important processes to play out uninterrupted – (1) the access dispute between Qube Ports and Flinders Port Holdings to be resolved and (2) the issues raised through the recertification and access dispute proceedings to be examined in the next review of the SA Ports Access Regime.

We note that the Regime will undergo its next regular formal review in 2022; and that the NCC has made a number of non-binding suggestions/recommendations to ESCOSA in this regard.

In light of new information raised in the Qube complaint and in subsequent submissions including the response to the NCC's Notices, SAFC also supports these recommendations to ESCOSA. It is clear that now significant allegations have been raised publicly that this review should be more comprehensive than previous reviews undertaken in a 'no complaints, no issues raised' environment.

We note that the NCC's recommendations to ESCOSA include examination of:

- Additional ring fencing and confidentiality provisions
- Consistency in port coverage by the regime

We also note and support Viterra's request to examine what infrastructure at each port should be covered under the regime (in particular where there is double coverage under the Bulk Wheat Port Code).

SAFC intends to participate in the ESCOSA review, as we have in each review of the scheme since its inception two decades ago.

We note that if the NCC took the option of extending certification for slightly longer than the proposed 10 years – say to 12 years – it would move the future re-certification process to **after** the ESCOSA review process, which may have benefits in judging an up-to-date Regime, rather than one about to undergo review. However, we are uncertain as to whether this option is available to the NCC under the rules governing re-certification.

Should you wish to discuss any element of this submission further, please feel free to contact me on (08) 8447 0664 or via email knapp.evan@safreightcouncil.com.au.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'E. Knapp', with a long, sweeping underline.

Evan Knapp
Executive Officer, SA Freight Council.