



21 March 2013

Ms Patricia Scott  
Presiding Commissioner  
Inquiry into National Access Regime  
Productivity Commission  
LB2 Collins Street East  
MELBOURNE VIC 8003

Dear Ms Scott *Patricia*

**Inquiry into National Access Regime**

Thank you for providing the Queensland Competition Authority (the Authority) with an opportunity to make a submission to the Productivity Commission's inquiry into the National Access Regime.

The Authority's key concerns with the National Access Regime, as embodied in Part IIIA of the *Competition and Consumer Act (CCA) 2010*, is that it may not adequately address the exercise of market power by monopoly infrastructure owners, leading to adverse impacts on economic efficiency. The Authority's comments are based on its experience with the Queensland Access Regime, as embodied in Part 5 of the *Queensland Competition Authority Act 1997*, which shares many similarities with the National Access Regime.

This submission sets out the Authority's views on:

- (a) the impact of the High Court's decision in the *Pilbara rail decision* on the Queensland Access regime; and
- (b) efficient investment in infrastructure in the Queensland Access Regime.

If you wish to discuss the Authority's submission or any other matter associated with your inquiry, please do not hesitate to contact either myself or Paul Bilyk, Director Ports and Rail,

Yours sincerely

Malcolm Roberts  
Chairman