

# Queensland Competition Authority

File Ref: 571479

5 July 2013

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

Dear Ms Scott

## **Inquiry into the National Access Regime**

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

As indicated in the Authority's first submission, the Authority is concerned that the National Access Regime, as embodied in Part IIIA of the *Competition and Consumer Act 2010* (CCA), may not adequately address the exercise of market power by monopoly infrastructure owners.. This may especially be the case for infrastructure assets characterised by constrained capacity, such as the coal rail infrastructure of central Queensland.

In the attached submission, the Authority:

- (a) welcomes the Productivity Commission's recommendation to return criterion (b) in the declaration criteria of Part IIIA to a 'natural monopoly test'; and
- (b) proposes legislative changes to the CCA to enable effective regulator-directed extensions and expansions of declared facilities. The Authority proposes that the Part IIIA restrictions on the regulator's power to direct an extension or expansion should be amended to be consistent with the restrictions in the Competition Principles Agreement.

The Authority's further submission is attached.

If you wish to discuss the Authority's submissions, 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