




Speech By  
**Peter Russo**  
MEMBER FOR TOOHEY

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### QUEENSLAND COMPETITION AUTHORITY AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (11.21 am): I rise in the House in support of the Queensland Competition Authority Amendment Bill 2018. The explanatory notes to the Queensland Competition Authority Amendment Bill 2018 set out the policy objectives and the reasons for these objectives. Queensland's third-party access regime is contained under part 5 of the Queensland Competition Authority Act 1997 and the access regime is administered by the state's independent economic regulator, the Queensland Competition Authority. The regime provides a framework for access regulation of services provided by significant infrastructure facilities where there may be a lack of effective competition.

The following services are declared for the purposes of the regime: the use of coal systems for providing transportation by rail; the use of the intrastate passenger and freight network operated by Queensland Rail Ltd; and the coal-handling services at Dalrymple Bay Coal Terminal. The primary objective of the bill is to amend these access criteria. These are intended to reflect changes being made at the national level to the access principles in the COAG Competition Principles Agreement 1995 and the national access regime established under part IIIA of the Commonwealth Competition and Consumer Act 2010.

The bill brings together the recommendations made by the Productivity Commission that were accepted by the federal government, triggering a process to make changes to the Queensland Competition Authority access principles and the criteria in the national access regime established under part IIIA of the Commonwealth Competition and Consumer Act 2010.

It is acknowledged that the Queensland access regime is separate from the national access regime and the amendments to access criteria in the bill are intended to reflect the revised criteria being introduced at the national level. The changes made to access criteria by the bill will also assist in ensuring Queensland's access regime continues to be easily understood and addresses the economic problem of a natural monopoly in markets for infrastructure services. Regulatory certainty is a key issue in regulated industries. The amended access criteria are intended to be in place for the authority's pre-expiry review of existing declarations under Queensland's access regime.

Other amendments will include changes designed to improve some of the regulatory processes contained in the Queensland Competition Authority Act, particularly in relation to the development of access undertakings. Access undertakings are an important element of Queensland's access regime as they increase up-front certainty for all parties in that they establish the detailed terms and conditions on which an access provider undertakes to provide access to access seekers. The legislation makes some targeted amendments and provides for additional accountability and transparency to assist in streamlining the process undertaken in relation to access undertakings.

The legislation also amends the matters the authority and the minister are to have regard to when the authority and the minister are considering this criteria. The legislation will also assist with the draft access undertaking assessment process by confirming the application of the pricing principles in the Queensland Competition Authority Amendment Bill.

The pricing principles are set out under section 168A of the Queensland Competition Authority Act and relate to the price of access for a service. The pricing principles are included in the list of matters to which the authority must have regard when deciding whether it is appropriate to approve a draft access undertaking under section 138 of the Queensland Competition Authority Act and when making an access determination under section 120 of the Queensland Competition Authority Act. The amendments in the bill to the access criteria will allow the declaration reviews to proceed with certainty about the access criteria. I commend the bill to the House.