



TF04D00566  
TRS03D2407

Mr Lew Owens  
Chairman  
Essential Services Commission of South Australia  
GPO Box 2605  
ADELAIDE SA 5001

Dear Mr Owens

I refer to your letter dated 15 December 2003 and the interim response dated 15 January 2004 from the then Acting Minister for Energy, Hon Paul Holloway MP. You also sent your letter to the Treasurer, Hon Kevin Foley MP, who has asked me to respond on his behalf and on behalf of the Government.

This letter should be considered as a submission to ESCOSA's review of the South Australian Ports Access Regime on behalf of the South Australian Government.

I note ESCOSA's recommendations from the Ports Price Review – Final Report that regulation of the type provided by the Ports Access Regime is appropriate for cargo services (provision of wharves and marshalling areas) at grain ports and for those Essential Maritime Services that are also Regulated Services.

I note also that Flinders Ports Pty Ltd has indicated that it would support the Government in an application to have the Ports Access Regime certified by the National Competition Council as an effective regime under Part IIIA of the *Trade Practices Act 1974*.

I believe that the Ports Access Regime provides a non-intrusive, low-cost and efficient means of ensuring access to proclaimed port infrastructure and services on reasonable commercial terms. Given the important role played by South Australia's ports in the economic performance of the State, I therefore consider that continuation of the Ports Access Regime is in South Australia's best interests.

I look forward to reviewing ESCOSA's Ports Access Review – Final Report.

Yours sincerely

**HON PATRICK CONLON MP**  
**MINISTER FOR INFRASTRUCTURE**

22 February 2004