



Our ref: 63159
Contact officer: Natalie Plumridge
Contact phone: (03) 9658 6523

3 July 2018

Dear Stakeholder

Re: Consultation on proposed extension and variation to the Australian Rail Track Corporation Limited 2008 Interstate Access Undertaking

The ACCC is seeking submissions on the Australian Rail Track Corporation Limited's (**ARTC**) application to extend and vary its 2008 Interstate Access Undertaking (**the 2008 IAU**) (**the Application**). The Application was submitted on 28 June 2018.

The Application is available on the ACCC's website at:

<https://www.accc.gov.au/regulated-infrastructure/rail/artc-interstate-rail-access-undertaking/extension-of-the-2008-interstate-access-undertaking-to-december-2018>

Alternatively, you may go to the ACCC's homepage, www.accc.gov.au, and follow the links to 'Regulated Infrastructure', 'Rail', to the 'Extension of the 2008 Interstate Access Undertaking (to December 2018)'.

Background

The ACCC accepted the 2008 IAU in July 2008. The 2008 IAU sets out the terms and conditions of access for parties seeking to run trains on ARTC's Interstate Rail Network. The 2008 IAU is due to expire on 21 August 2018.

On 6 March 2018, ARTC submitted the proposed 2018 Interstate Access Undertaking (**the 2018 IAU**) to the ACCC for assessment under Part IIIA of the *Competition and Consumer Act 2010 (Cth)* (**the Act**). This undertaking is intended to replace the 2008 IAU.

The ACCC published the proposed 2018 IAU on 7 March 2018 and released a consultation paper on 26 March 2018. Documents relating to the proposed 2018 IAU are also available on the ACCC's website.

The Application submitted by ARTC is seeking to extend the 2008 IAU while the assessment process for the proposed 2018 IAU is finalised.

Proposed effect of the extension and variation

The Application proposes to vary clause 2.3(a) of the 2008 IAU to extend the term of the 2008 IAU by four months to 21 December 2018. The Application does not propose to make any other amendments to the 2008 IAU.

Submissions

The ACCC encourages parties seeking to make a submission on the Application to do so as soon as possible and at the latest by **5:00pm on Tuesday, 17 July 2018**. It is in your interest that the submission be lodged by this date, as section 44ZZBD of the Act allows the ACCC to disregard any submissions made after this date.

In deciding whether to consent to a variation of an access undertaking under section 44ZZA(7) of the Act, the ACCC considers the matters set out in section 44ZZA(3) of the Act. Essentially, the ACCC may accept the Application if it thinks it appropriate to do so, having regard to the various matters set out in the Act.

In making a submission, parties are encouraged to address the matters listed in section 44ZZA(3) of the Act.

Submissions should be addressed to:

Mr Matthew Schroder
General Manager
Infrastructure & Transport – Access & Pricing Branch
ACCC
GPO Box 520
MELBOURNE VIC 3001
Email: transport@acc.gov.au

The ACCC prefers to receive electronic copies of submissions, either in PDF or Microsoft Word format, which allows for the submission text to be searched.

If you have any questions about this consultation letter, please contact Natalie Plumridge on (03) 9658 6523 or at natalie.plumridge@acc.gov.au.

Yours sincerely



Gary Dobinson
A/g General Manager
Infrastructure & Transport – Access & Pricing Branch