

6 May 2024

Matthew Schroder
General Manager Infrastructure & Transport – Access & Pricing Branch
Australian Competition and Consumer Commission
GPO Box 520
MELBOURNE VIC 3001

By email: [REDACTED]

Dear Matthew

**AUSTRALIAN RAIL TRACK CORPORATION LTD (“ARTC”)
RE: 2008 INTERSTATE ACCESS UNDERTAKING (IAU) EXTENSION APPLICATION TO THE
ACCC**

I refer to your letter of 16 April 2024 to our Jonathan Teubner stating the ACCC considers it appropriate for ARTC to propose a further extension of the current IAU to 31 December 2024 to ensure there is no regulatory uncertainty whilst the Australian Competition and Consumer Commission (“ACCC”) considers submissions to its Consultation Paper on our proposed 2024 IAU.

ARTC notes the commitment by the ACCC that the 2024 IAU, if accepted, could still become effective 21 days after it were accepted by the ACCC and before the extended expiry of the existing 2008 IAU. ARTC understands the need for the further consultation on the stakeholder submissions and is working with both the ACCC and stakeholders to facilitate this process. ARTC is therefore prepared to commit to this further, and hopefully final, extension of the 2008 IAU to facilitate this process.

Therefore, consistent with the request in the 16 April 2024 letter and pursuant to section 44ZZBB(1) of the Competition and Consumer Act 2010 (Cth), ARTC applies for an extension of the period for which the IAU is in operation by extending the end date of the period from 30 June 2024 to the earlier of 31 December 2024 or 21 days after the acceptance by the ACCC or ARTC’s proposed 2024 IAU as submitted on 12 December 2023. This constitutes the replacement of the words “30 June 2024” with “the earlier of 31 December 2024 or 21 days after the acceptance by the ACCC or ARTC’s proposed 2024 IAU as submitted on 12 December 2023” in Clause 2.3(a) of the IAU.

ARTC looks forward to working closely with the ACCC and stakeholders to concluding the approval of the 2024 IAU.

If you have any questions in respect of this letter, please do not hesitate to contact [REDACTED]

Yours sincerely

[REDACTED]

Managing Director and Chief Executive Officer