



## THE ESSENTIAL SERVICES COMMISSION

### **V/LINE PROPOSED ACCESS ARRANGEMENT VARIATION: DECISION**

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#### **Application**

The Commission has received an application from V/Line for the variation of its access arrangement applying to the Victorian country rail network. The access arrangement currently in place has a term of three years, and is set to expire on 29 June 2015. This application was made pursuant to section 38ZO of the *Rail Management Act 1996* (Vic) (**RMA**).

The key amendment of V/Line's proposed variation is to extend the operation of the current access arrangement for a further year until 29 June 2016. V/Line has also made a small number of typographical and administrative amendments (such as amending address details).

Prior to the *Road Safety Amendment Act 2014* (Vic) (**RSAA**), the expiry date of an access arrangement could not be altered through the variation of a binding access arrangement under section 38ZO of the RMA (being expressly prohibited by section 38ZO(2)). However, section 38ZO(2) was repealed by the RSAA, thereby allowing access providers to seek a variation to the date of expiry of a binding access arrangement.

#### **Process**

The Commission may vary a binding access arrangement on the application of an access provider under section 38ZO of the RMA. Section 38ZO(6) requires the Commission to consider whether any proposed access arrangement variation is 'material'. If the Commission considers a variation is 'material', it is required to undertake a public consultation process with respect to the application.

With the exception of the one year extension and a few minor amendments, V/Line's existing access arrangement will continue unchanged.

As the variations are minor and administrative in nature, the Commission is not required to undertake a public consultation process.

#### **Commission's Decision**

The Commission agrees to the proposed variation of V/Line's access arrangement and has approved the changes to the binding access arrangement indicated in Annexure 1 pursuant to section 38ZO of the RMA.

This decision takes effect on and from the date of this decision (22 June 2015).

**DATED:** 22 June 2015