



## THE ESSENTIAL SERVICES COMMISSION

### METRO TRAINS MELBOURNE PROPOSED ACCESS ARRANGEMENT VARIATION: DECISION

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#### **Application**

The Commission has received an application from Metro Trains Melbourne (Metro) for the variation of its access arrangement applying to the Melbourne metropolitan rail network. The access arrangement currently in place has a term of five years, and is set to expire on 1 July 2016. This application was made pursuant to section 38ZO of the *Rail Management Act 1996* (Vic) (**RMA**).

The key amendment of Metro's proposed variation is to extend the operation of the current access arrangement for a further 17 months until 30 November 2017. Metro has also made a number of administrative amendments (such as updating contact details and wording changes that do not alter the meaning or effect of any clauses).

#### **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 extension to the expiry date and a few minor amendments, Metro'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 Metro'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 (29 June 2016).

**DATED:** 29 June 2016