



## THE ESSENTIAL SERVICES COMMISSION

### **VICTRACK PROPOSED ACCESS ARRANGEMENT VARIATION: DECISION**

#### **Application**

The Commission has received an application from VicTrack for the variation of its access arrangement applying to its declared rail infrastructure, including the north Dynon Intermodal Terminal and Agents Sidings. The access arrangement currently in place had a term of three years however was extended once and is set to expire on 31 May 2017. This application was made pursuant to section 38ZO of the *Rail Management Act 1996 (Vic)* (**RMA**).

VicTrack's proposed variation is to extend the operation of the current access arrangement by two years until 31 May 2019. VicTrack has not sought to vary any other provision in its access arrangement other than minor administrative changes.

#### **Process**

The Commission may vary a binding access arrangement on the application of an access provider under section 38ZO of the RMA. The RMA requires the proposed variation be consistent with the requirements set out in section 38ZO(3) and 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 two year extension to the expiry date, and minor amendments to reflect this extension, VicTrack's existing access arrangement will continue unchanged.

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

The Commission considers that the proposed variation is consistent with the requirements set out in section 38ZO(3) of the RMA and that the proposed variation is not material. The Commission agrees to the proposed variation of VicTrack'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 (10 May 2017).

**DATED:** 10 May 2017