



THE ESSENTIAL SERVICES COMMISSION

PACIFIC NATIONAL PROPOSED ACCESS ARRANGEMENT VARIATION: DECISION

Application

The commission has received an application from Pacific National for the variation of its access arrangement applying to the South Dynon Terminal. The access arrangement currently in place has a term of three years however was extended twice and is set to expire on 1 July 2018. This application was made pursuant to section 38ZO of the Rail Management Act 1996 (Vic).

Pacific National's proposed variation is to extend the operation of the current access arrangement by one year until 1 July 2019. Pacific National has not sought to vary any other provision in its access arrangement other than updating employee contact details.

Process

The commission may vary a binding access arrangement on the application of an access provider under section 38ZO of the Rail Management Act. The Rail Management Act 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 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 exceptions of the extension to the expiry date and updating employee contact details, Pacific National's existing access arrangement will continue unchanged.

The commission is not required to undertake a public consultation process because the amendments are minor and administrative in nature.

Commission's decision

The commission considers that the proposed variation is consistent with the requirements set out in section 38ZO(3) of the Rail Management Act and that the proposed variation is not material. The commission agrees to the proposed variation of Pacific National's access arrangement and has approved the changes to the binding access arrangement indicated in Annexure 1 pursuant to section 38ZO of the Rail Management Act.

This decision takes effect on and from the date of this decision (27 June 2018).

DATED: 27 June 2018