



## 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 six years and three months and is set to expire on 30 November 2017. This application was made pursuant to section 38ZO of the *Rail Management Act 1996* (Vic) (RMA).

Metro's proposed variation is to extend the operation of the current access arrangement by seven months until 30 June 2018. Metro 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 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 exception of the extension to the expiry date and a few minor amendments, Metro'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 amendments are not material. 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 November 2017).

**DATED:** 29 November 2017