

Monday, 21 May 2018

Dr Ron Ben-David  
Chair  
Essential Services Commission  
Level 37, 2 Lonsdale Street  
Melbourne Victoria 3000

CC by email: [REDACTED]

Dear Dr Ben-David

## **South Dynon Terminal Access Arrangement – Request for Variation**

### **Background**

The South Dynon Terminal is a declared rail transport service under the Victorian Access Regime, which requires Asciano Services (trading as Pacific National) to provide fair access for third parties to the South Dynon Terminal, on terms and conditions approved by the Victorian Essential Services Commission as outlined in the South Dynon Access Arrangement. This Access Arrangement expires on 1 July 2018.

Pacific National notes that the Victorian Rail Management Act 1996 (as amended) allows the extension of the expiry dates of access arrangements such as the Asciano Services South Dynon Terminal Access Arrangement.

In addition, Pacific National notes that the Transport Legislation Amendment (Road Safety, Rail and Other Matters Act) 2017 substantially amends the Victorian rail access regime such that the regulatory framework applying to the South Dynon Terminal is expected to materially change. However, the relevant sections of this legislation which will amend the Victorian Rail Management Act have not yet been proclaimed by the Governor in Council. Given this situation Pacific National believes that it is prudent to seek an extension of the current South Dynon Terminal Access Arrangement in order to ensure ongoing regulatory coverage of the terminal as required by the current Victorian rail access regime.

### **Request for Variation of Access Arrangement**

In order to avoid the unnecessary costs of establishing a new South Dynon Terminal Access Arrangement before the expected changes are made to the Victorian rail access regime governing the terminal, Pacific National seeks to extend the term of the current access arrangement by one year (that is the South Dynon Terminal Access Arrangement will now expire on 1 July 2019).

In addition, Pacific National is making factual changes to employee contact details.

Pacific National is not seeking to change any other conditions in the access arrangement at this time.

There have been no significant changes to market circumstances to suggest the continuation of the existing access agreement for one year is inappropriate. Note that while South Dynon Terminal is a declared service there are currently no existing third-party access users.

Should further information be required please contact me on [REDACTED]

Yours sincerely



Stuart Ronan  
Manger Access and Regulation  
Pacific National

