



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 had a term of three years however was extended once and is set to expire on 1 July 2017. This application was made pursuant to section 38ZO of the *Rail Management Act 1996 (Vic)* (**RMA**).

Pacific National's proposed variation is to extend the operation of the current access arrangement by one year until 1 July 2018. Pacific National 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 extension to the expiry date, and other than minor administrative amendments, Pacific National'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 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 RMA.

This decision takes effect on and from the date of this decision (10 May 2017).

DATED: 10 May 2017