



CONSULTATION

The Pilbara Infrastructures Proposed Revised Segregation Arrangements

INVITATION FOR PUBLIC SUBMISSIONS

The Economic Regulation Authority is seeking public comment on revisions proposed by The Pilbara Infrastructure (TPI) to its [Segregation Arrangements](#).

Section 28 of the *Railways (Access) Act 1998* requires that a railway owner must make arrangements to segregate its access-related functions from its other functions, and must have appropriate controls and procedures to ensure that the measures in place operate effectively and are complied with. Section 29 of the Act requires that before a railway owner puts in place or varies any arrangement it must obtain the Authority's approval.

The variations proposed by The Pilbara Infrastructure are to:

1. Remove the requirement for mandatory periodic review of the Segregation Arrangements (section 7).
2. Remove the reference to specific dates for periodic audit of the arrangements (section 7).
3. Amend the wording "the ERA has the power under the Act to amend the Segregation Agreements" to, "the ERA has the power under the Act to require TPI to amend the Segregation Arrangements" (section 7).
4. Remove the duplication of text referring to the ERA's ability to commission special audits at any time (section 7).
5. Amend audit arrangements so that the ERA cannot require TPI to fund an audit more than once every 2 years (section 7).
6. Remove the name from the signature block of TPI General Manager Rail from the Rail Access Segregation Policy Statement (page 42).
7. Remove reference to the specific location of the TPI Commercial Compliance Officer's office (pages 46 and 61).
8. Update contact details for TPI Commercial Compliance Officer (pages 57, 78, and 82).

A marked-up version of the current arrangements is available from the Authority's website (www.erawa.com.au).

Interested parties are invited to make submissions on the variations as proposed by The Pilbara Infrastructure by **4:00pm (WST) on Friday, 10 May 2013**.

Submissions should be marked to the attention of Mr Jeremy Threlfall, Assistant Director – Rail.

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CONFIDENTIALITY

In general, all submissions from interested parties will be treated as being in the public domain and placed on the Authority's website. Where an interested party wishes to make a submission in confidence, it should clearly indicate the parts of the submission for which confidentiality is claimed, and specify in reasonable detail the basis for the claim. Any claim of confidentiality will be considered in accordance with the provisions of Section 50 of the *Railways (Access) Code 2000*.

The publication of a submission on the Authority's website shall not be taken as indicating that the Authority has knowledge either actual or constructive of the contents of a particular submission and, in particular, whether the submission in whole or part contains information of a confidential nature and no duty of confidence will arise for the Authority.

For further information contact:

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LYNDON ROWE
CHAIRMAN

12 April 2013