



CONSULTATION

Proposal for Access - The Pilbara Infrastructure PL

REQUEST FOR ERA DECISION PURSUANT TO SECTION 10(1) OF THE RAILWAYS (ACCESS) CODE 2000

The Economic Regulation Authority is seeking written submissions relating to the access proposal made by Brockman Iron PL (Brockman) for access to a part of the railway infrastructure owned by The Pilbara Infrastructure PL (TPI).

TPI has requested the Authority's approval to commence negotiations with Brockman. TPI has advised the Authority of its view that Brockman's proposal for access would involve the provision of access to railway infrastructure to an extent that may in effect preclude other entities from access to that infrastructure.

The route subject to Brockman's proposal is from chainage 219.5 km to chainage 23 km, along the Cloudbreak mine to Port Hedland route, measured from Port Hedland.

Under section 10(1) of the *Railways (Access) Code 2000* (Code), the Authority's approval is required in order for negotiations to proceed if the railway owner considers that an access proposal would involve the provision of access to railway infrastructure to an extent that may in effect preclude other entities from access to that infrastructure.

Submissions relating to the Brockman proposal may be made to the Authority by any person, therefore interested parties are invited to make submissions on Brockman's access proposal by **4:00 pm (WST) on Thursday, 4 July 2013**. Copies of Brockman's access proposal may be obtained from:

Brockman Iron PL
Level 1, 117 Stirling Highway
NEDLANDS WA 6009
Graeme Carlin – General Counsel

Submissions should be marked to the attention of the Assistant Director Rail.

Email address: publicsubmissions@erawa.com.au

Postal address: PO Box 8469, PERTH BC WA 6849

Office address: Level 4, Albert Facey House, 469 Wellington Street, PERTH WA 6000

EXTENSION OF PERIOD FOR APPROVAL OR DETERMINATION OF FLOOR AND CEILING COSTS FOR TPI

On 27 May 2013, the Authority issued a notice inviting public submissions on the determination of floor and ceiling costs for the sections of TPI's network subject to Brockman's proposal. That notice nominated 23 June 2013 as the date by which the Authority must finalise that matter. In accordance with clause 10(3)(d) of schedule 4 of the Code, an effect of this notice is to extend the deadline for provision of a decision or

determination in relation to TPI's floor and ceiling costs to a day not later than the 30th day after the day on which approval subject to this notice is given, if it is given.

MATTERS WHICH MUST BE TAKEN INTO ACCOUNT BY THE AUTHORITY

For the purpose of making a decision under section 10(1) of the Code, the Authority may be informed in such manner as the Authority thinks fit, but must have regard to:

- any submission relevant to the decision that is made in accordance with this notice;
- what the Authority determines to be the public interest; and
- any other matter that the Authority considers relevant.

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 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

4 June 2013