

2 April 2015



Jeremy Threlfall
Economic Regulation Authority of WA
PO Box 8469
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Dear Jeremy

THIRD REVIEW OF THE RAILWAYS (ACCESS) CODE 2000

The Association of Mining and Exploration Companies (AMEC) is the peak national industry representative body for mineral exploration and mining companies within Australia, many of which are small and emerging companies in Western Australia.

AMEC's strategic objective is to secure an environment that fosters mineral exploration and mining in Australia in a commercially, politically, socially and environmentally responsible manner.

It is in this context that AMEC provides the following comments on the Issues Paper – dated February 2015 on the Review of the Railways (Access) Code 2000.

In its previous correspondence to the Authority dated 18th January 2010 and 11th February 2011 AMEC has expressed concern that the main objective of the Railways (Access) Act and the Code does not appear to be being achieved, as the neither the Act or the Code appear to be serving any practical purpose in assisting third party industry participants that are seeking access to private rail networks.

AMEC still remains of that opinion particularly as railway owners are generally unwilling to provide access to third parties.

In it disappointing to note that the ERA Report on the second review of the Code has not been acted upon.

AMEC therefore re-iterates its comments made on the 2010 Review, as follows:

Recommendation 1 - AMEC supports the proposal to publish required information on the railway owner's website.

Recommendation 2 – AMEC supports the additional sub section noting that any capacity information provided by the railway owner must be compiled on a reasonable basis consistent with the railway owner's obligation.

AMEC considers that information regarding capacity of the network, likely access charges and cost allocation methodologies should be publicly available to improve

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transparency and allow business modelling to be undertaken to assess project viability in a more efficient manner.

Recommendation 3 – AMEC supports the widening of the definition of ‘dispute’ to include all information provision and negotiation obligations on railway owners.

Recommendation 4 – AMEC supports:

- Revision of section 42 to only require public consultation for variations to segregation arrangements considered by the Authority to constitute a material change;
- Expansion of Part 5 of the Code relating to the inclusion of costing principles and overpayment rules; and
- Periodic reviews of Part 5 instruments.

Recommendation 5 – AMEC supports removal of irrelevant transitional provisions.

Recommendation 6 – AMEC supports the proposed amendments to Schedule 4 as they are considered reasonable and allow recovery of legitimate upfront capital and operating costs in the acquisition of interests in land and the development of relevant railways.

AMEC looks forward to further consultation and implementation of these amendments.

Yours sincerely

Simon Bennison
Chief Executive Officer