



# Notice

12 November, 2015

## Brookfield Rail Segregation Arrangements

### DRAFT DECISION

In September 2015, Brookfield Rail (**BR**) submitted revised Segregation Arrangements for the Economic Regulation Authority's (ERA) approval. The ERA published BR's proposed [Segregation Arrangements](#) and called for submissions on 18 September 2015. One submission was received, from Co-operative Bulk Handling (CBH).

Brookfield's proposed Segregation Arrangements are similar in structure and form to its current Segregation Arrangements, with the following key areas of amendment:

- the inclusion of an annual audit procedure
- a new dispute resolution process
- the inclusion of more detailed non-discrimination provisions
- the expansion of existing confidentiality obligations
- new provisions addressing the possibility of conflicts of interest

The ERA's Draft Decision is to approve BR's proposed segregation arrangements subject to 12 required amendments. In addition to definitional issues, the ERA requires Brookfield to make the following significant amendments to its Segregation Arrangements:

- remove the proposed dispute resolution process;
- remove the provisions requiring regular annual audit and review; and
- amend the definition of the term "access-related functions" to be consistent with the use of that term in the Railways (Access) Act 1998, that is, functions involved in arranging the provision of access to railway infrastructure under the Code.

Interested parties are invited to make submissions on the draft report by **4.00 pm (WST) on Friday 4 December 2015**.

Submissions should be made via the [portal](#) on the ERA website.

For further information contact:

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