



# Notice

22 December 2015

## Brookfield Rail Proposed Segregation Arrangements

### FINAL DECISION

The Economic Regulation Authority (ERA) has published its final decision on Brookfield Rail's (BR) proposed Segregation Arrangements.

A railway owner's duty to segregate is outlined in sections 28 and 30-34 of the *Railways (Access) Act 1998* (Act). The powers of the regulator in relation to segregation are detailed in section 29 of the Act.

The requirements for public consultation required before the regulator approves proposed segregation arrangements is outlined in section 42 of the *Railways (Access) Code 2000* (Code).

The final decision of the ERA is to approve BR's proposed Segregation Arrangements subject to 12 required amendments. The main required amendments are:

- Defining "access-related functions" in a way consistent with the definition provided in section 24 of the Act
- Requiring a 12 month "stand-down" period for relevant officers redeployed to an associate in a role involving commercial dealings with proponents or operators
- Removal of mandatory audit provisions
- Removal of a proposed dispute resolution procedure related to contracts made outside the Code
- Amendment of the Definitions section of the Segregation Arrangements to ensure conformity with all required amendments

The Segregation Arrangements proposed by BR, all public submissions and the ERA's decision documents are available on the [ERA website](#).

For further information contact:

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