



**The Pilbara Infrastructure Pty Ltd**

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Our Ref: R-LE-0001

Mr Jeremy Threlfall  
Assistant Director Rail  
Economic Regulation Authority  
Level 4, 469 Wellington Street  
**PERTH WA 6000**

By online submission and courier

25 November 2016

Dear Mr Threlfall

**Comment on segregation arrangements and Part 5 Instruments proposed by Roy Hill Infrastructure**

We refer to the Economic Regulatory Authority's (ERA) public consultation on Roy Hill Infrastructure Pty Ltd's proposed Segregation Arrangements, Train Path Policy, Train Management Guidelines, Costing Principles and Over-payment Rules (**Roy Hill Documents**).

We endorse the Roy Hill Documents and recommend that they should be approved by the ERA as they fulfil the objective of the *Railways (Access) Act 1998 (WA) (Act)*. That objective being to create a rail access regime that encourages the efficient use of, and investment in, railway facilities by facilitating a contestable market for all rail operations using a Pilbara heavy haul railway.

The Roy Hill Documents are based upon The Pilbara Infrastructure Pty Ltd's May 2014 approved Part 5 Instruments and Segregation Arrangements with appropriate enhancements.

Accordingly, we must hereby give notice that we intend to apply to the ERA to vary our Part 5 Instruments and Segregation Arrangements to give The Pilbara Infrastructure Pty Ltd the benefit of the same enhancements. This will ensure there is a consistent approach to the regulation of Pilbara heavy haul railways under the Act and eliminate any unnecessary or unfair discrimination which would otherwise distort competition.

Please advise us if you have any queries.

Yours sincerely

The Pilbara Infrastructure Pty Ltd

**PETER HUSTON**

Chief General Counsel

The New Force in Iron Ore