



Notice

24 March 2017

Roy Hill Infrastructure proposed Train Management Guidelines, Train Path Policy, Costing Principles, Over-payment Rules

DRAFT DECISIONS

Interested parties are invited to make submissions on the Economic Regulation Authority's (ERA) draft decisions on Train Management Guidelines, Train Path Policy, Costing Principles and Over-payment Rules (collectively referred to as the **Part 5 Instruments**) submitted by Roy Hill Infrastructure (RHI) for approval in October 2016.

The ERA proposes to approve RHI's proposed Part 5 Instruments subject to a number of required amendments as set out in the decision documents that relate to the following general concerns.

- RHI refers to the objectives of its parent company, and of the customers of its own above rail operation (haulage services for Roy Hill operations). However, the Part 5 Instruments should relate only to the responsibilities of the railway owner in respect of the regime, and not to RHI's responsibilities to its own above-rail operation, the customers of its above-rail operation, related entities, or to "shareholder interests".
- RHI inappropriately refers to Roy Hill Holdings' supply chain imperatives whereas the Part 5 Instruments relate only to the use of the railway network and not to the use of related supply chain elements, over which the Code has no jurisdiction.
- RHI has not adequately acknowledged that it is prohibited from unfairly discriminating between one proponent and another, including its own operations, when negotiating access agreements. This general duty extends to the allocation of train paths, management of train control and operating standards.
- RHI has not referred properly to the objectives of each instrument as laid out in the Code:
 - RHI has stated that the Train Path Policy does not apply to the negotiation of agreements, whereas the Code requires that it does.
 - The proposed Train Management Guidelines seek to affect the allocation of train paths, which is not appropriate, as the Train Management Guidelines are required to address only day-to-day management of capacity and scheduling variations.
 - The Costing Principles appropriately refer to the determination of costs, but then inappropriately refer to the means of recovering those costs.

Interested parties are invited to make submissions on the [draft decisions](#) by 4.00 pm (WST) on Friday, 21 April 2017.

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

The ERA previously published RHI's proposed Part 5 instruments and commenced public consultation on 25 October 2016. One submission was received, from The Pilbara Infrastructure.

For further information contact:

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