

Our Ref: ORAR/005v6

Mr Tim Ryan  
General Manager  
WestNet Rail  
GPO Box S1422  
PERTH WA 6845

Dear Mr Ryan

**REGULATOR'S APPROVAL FOR THE REVISED OVER-PAYMENT  
RULES SUBMISSION**

Thank you for your revised submission, which seeks to address the requirements of my Determination on the *Over-payment Rules to Apply to WestNet Rail* (27 September 2002).

I understand that prior to the revised submission that discussions had taken place between WestNet Rail (WNR) and my Office staff on the tax-related difficulties associated with using a Trust Account, which was specified in my Determination, for the depositing of any over-payment monies. WestNet Rail's preferred approach was to establish an account in its accounting records, known as the Over-payment Account, with a guarantee to be provided by the parent company on any monies belonging to those Operators whose Access Agreement has been negotiated inside the Railways (Access) Code 2000 ("the Code").

After considering this matter I have agreed to WNR's approach, as set out in the revised submission.

The revised submission, and the Schedule to that submission, meets the requirements of my Determination and the modification to that Determination accepted by me and mentioned above. Therefore, I am pleased to advise that I have approved WNR's revised Over-payment Rules submission, dated 29 April 2003, under Section 47(3)(a) of the Code.

Yours sincerely



Ken Michael  
ACTING RAIL ACCESS REGULATOR

30 April 2003

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