

Segregation Arrangements



November 2001

CONTENTS

1. Introduction	2
1.1 Background	2
1.2 Preparation of Segregation Arrangements.....	2
2. Background to Segregation Arrangements.....	2
2.1 Duty to segregate.....	2
2.1.1 Section 31 Protection of confidential information	3
2.1.2 Section 32 Avoidance of conflict of interest	3
2.1.3 Section 33 Duty of fairness	3
2.1.4 Section 34 Separate accounts and records.....	3
2.2 Other segregation requirements.....	3
2.3 WestNet’s access related functions and other functions	3
3. Corporate Structure of the Australian Railroad Group.	5
4. Confidential Information.....	6
4.1 Correspondence and Electronic Records.....	6
4.2 Costs and Revenue	7
4.3 Information provided in the course of management reporting.....	7
5. Conflicts of Interest	8
5.1 Separation of Functions.....	8
5.2 Role of the Boards of WestNet and ARG	8
6. Duty of Fairness.....	9
7. Separate accounts and records.....	9
8. Other matters.....	10
8.1 Measuring the effectiveness of segregation arrangements.....	10
9. Review and Consultation	10
10. Annexures.....	11
10.1 Executive Committee Structure.....	11
10.2 Segregation of Information Systems	12
10.3 Segregation Arrangements to be adopted.....	15
10.3.1 Legislative context	15
10.3.2 Segregation of Access Functions	15
10.3.3 Confidential Information.....	16
10.3.4 Conflicts of Interest.....	17
10.3.5 Duty of Fairness	17
10.3.6 Separation of Accounts and Records	17
10.3.7 Compliance with these principles	17

1. INTRODUCTION

1.1 Background

WestNet Rail Pty Limited (“WestNet”), a wholly owned subsidiary of the Australian Railroad Group Pty Limited (“ARG”), is the manager of the leases of the freight rail infrastructure network in Western Australia, previously operated by the State Government owned Westrail.

The Railways (Access) Code 2000 (“the Code”) requires certain parts of the rail network managed by WestNet to be made available for access by third party rail operators. Schedule 1 of the Code lists the sections of the WestNet rail network covered by the Code.

With the appointment of an Acting Rail Access Regulator with effect from 1 September 2001 and the proclamation of the Code, the Code is now effective in all respects.

1.2 Preparation of Segregation Arrangements

The Railways (Access) Act 1998 (“Act”) requires that WestNet prepares and submits to the Regulator the Segregation Arrangements it proposes to adopt. The Arrangements will be subject to a period of public consultation, after which the Regulator will approve or determine the Arrangements.

This paper is structured to provide the background and context for the segregation requirements to apply to WestNet and how WestNet proposes to manage the segregation issues. This will provide useful information to access seekers and other stakeholders.

In relation to the Arrangements themselves, WestNet considers that these should be specific and concise and therefore proposes that the Arrangements set out in Section 10.3 will be submitted for the Regulator to approve or determine under the Act. Should amendments be required subsequent to approval or determination, the matters set out in Section 10.3 would be the mechanism to achieve the changes.

2. BACKGROUND TO SEGREGATION ARRANGEMENTS

2.1 Duty to segregate

The privatisation of Westrail Freight required it be sold as a vertically integrated business. The Act was structured to accommodate this requirement and it is WestNet’s view that its group corporate structure specifically recognises segregation of access related functions.

Section 28 of the Act provides that the owner or entity granting access to the railway should separate its access related (below rail) functions from its other functions. Segregation of access related functions are often referred to as “ring-fencing”. Section 30

of the Act requires the owner must ensure compliance with the provisions of Sections 31 to 34.

Each of these sections is summarised below.

2.1.1 Section 31 Protection of confidential information

This section provides for protection of confidential information relating to access seekers from improper use and disclosure to others including the railway owners employees except for a proper purpose.

2.1.2 Section 32 Avoidance of conflict of interest

Arrangements must be made to ensure that a relevant officer does not have a conflict between the performance of access related functions and any other business of the railway owner.

2.1.3 Section 33 Duty of fairness

This section provides relevant officers must not have regard to the interests of the railway owner which is unfair to access seekers.

2.1.4 Section 34 Separate accounts and records

This section requires that accounts and records must separate the access related functions from other functions of the railway owner and, where necessary, costs are to be apportioned in a fair and reasonable manner.

2.2 Other segregation requirements

It is WestNet's view that there are no other requirements for segregation other than those included in the Act. This is considered fundamental in the consideration of the guidelines to be adopted by WestNet.

2.3 WestNet's access related functions and other functions

WestNet is the manager of the Standard and Narrow gauge leases granted by the Corridor Minister. Accordingly it has no other function than the provision of access to the railway infrastructure. This is critical to the assessment of the segregation arrangements as there are no above rail operations carried out by WestNet (other than for infrastructure maintenance). Thus, the issues relating to segregation within WestNet simply do not arise.

WestNet defines the following functions as access related functions;

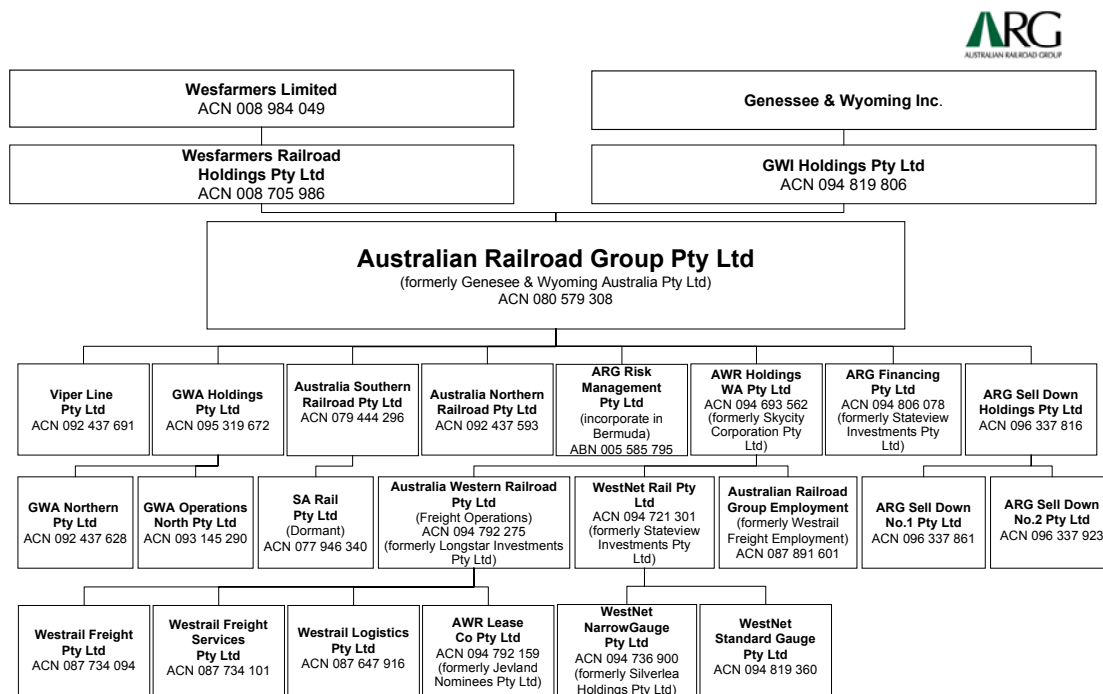
- (i) negotiation of Access Agreements (either under the regime or on a commercial basis) and granting of access rights
 - (ii) management of Access Agreements including performance monitoring and day to day operation issues
 - (iii) the collection; use, and dissemination of train running data including manifest details; and access usage
 - (iv) train scheduling including train path allocation, publication of working timetables, control planning; and the granting of ad-hoc train path entitlements
 - (v) train control which includes provision of appropriate authorities for trains to use scheduled train paths (train orders or signals); real-time management of trains
 - (vi) emergency management on the network including co-ordination of emergency service responses
 - (vii) development, maintenance and monitoring compliance with appropriate safety standards for WestNet staff, its contractors and operators on the Network
 - (viii) development and authorisation of the WestNet's Rules (including the General Appendix and Working Timetables) and the issue of special notices, instructions and warnings related to the rules
 - (ix) the development of train operating standards (to the extent they relate to the infrastructure) such as maximum braking distances, maximum train lengths etc., and also the maintenance standards for the infrastructure itself
 - (x) the maintenance of the track and infrastructure including signalling and communications maintenance
1. Where WestNet engages the services of contractors for the provision of services it retains ultimate control.
 2. Australia Western Railroad Pty Limited ("AWR") provides extremely limited services as follows;
 - a) emergency response services in the event of a derailment by a skilled and equipped recovery team (but the derailment site remains under WestNet's control).
 - b) the operation of signal cabins at West Kalgoorlie and Kwinana, which in part control mainline network operations. The signal cabins operate under the instructions of WestNet's Train Controllers and in the case of Kwinana the cabin will be closed and come back to train control in early 2002.
 - c) train scheduling services on parts of the narrow gauge network.

As all of the functions in 1 and 2 above are performed directly by WestNet (or using contractors or agents under its direct control), the test of separation of functions has been adequately met.

The focal point of this paper and the Segregation Arrangements is therefore related to the issues of the interaction between WestNet and its related entities which conduct above rail operations.

3. CORPORATE STRUCTURE OF THE AUSTRALIAN RAILROAD GROUP.

The Corporate structure of the Australian Railroad Group is as follows;



Important features of the structure are:-

The Australian Railroad Group Pty Limited (“ARG”) is owned as to 50% each by Wesfarmers Limited and Genessee & Wyoming Inc., and is incorporated in South Australia.

AWR conducts the above rail operations in Western Australia and may expand its operations to other states.

WestNet is owned by AWR Holdings WA Pty Limited and thus by ARG. AWR Holdings WA Pty Limited is a holding company only and does not conduct operations of any kind.

WestNet StandardGauge Pty Limited and WestNet NarrowGauge Pty Limited are two subsidiary companies of WestNet and are the lessee’s of the railway infrastructure subject to the Act and Code. WestNet has an agreement with these companies to allow WestNet to manage the railway infrastructure and therefore comply with the requirements of the access regime.

For the purposes of the Act, WestNet should be considered as the railway owner as defined in that legislation.

There are no directors of WestNet that are also directors of AWR.

4. CONFIDENTIAL INFORMATION

WestNet proposes a regime for the protection of confidential information.

Confidential Information is defined in the Code to mean “information” that has not been made public and that;

- a) by its nature is confidential;
- b) was specified to be confidential by the person who supplied it; or
- c) is however deemed by a person using it or disclosing it to be “confidential”.

There will be a limited amount of confidential information as defined. This will relate to specific access applications, negotiations and on-going contract management including billing. In practice, there are two key areas that need to be dealt with;

4.1 Correspondence and Electronic Records

All correspondence between WestNet and Access Seekers/Operators is maintained on WestNet files within WestNet and the files and correspondence are not available to any other party. As noted in Section 5.1, WestNet is located on a separate floor from AWR. As an additional measure to protect confidentiality all records relating directly to access will be maintained in a separate area with restricted entry to WestNet staff.

The principle data that WestNet collects in the course of operation of an access agreement relates to the number and size of trains, and the tonnages of products transported. In some, but not all cases, that data will include details of specific products.

This information is recorded in RAM's (The Rail Access Management System) and access, whilst provided to a large number of users, is password protected in order to ensure an operator or access seeker only accesses their own data.

WestNet may be required to disclose data in relation to the following matters;

- a) the requirements of 7(i) (b) (i) of the Code.
- b) requirements of other legislation such as the Rail Safety Act.
- c) for public processes for example, to support public policy reviews.

That information is only ever presented in a way which protects the confidential basis of the source data.

4.2 Costs and Revenue

The process of accounting requires acceptance of confidential information related to both price and volume.

ARG has a centralised accounting group which will provide services to WestNet. We detail that process in Section 7. Within that group there will be a specialist accountant who will deal with WestNet's revenue and operating budgets.

The accountant dealing with AWR issues will not be involved in WestNet accounting service provision. It should be noted that WestNet accounting staff would not be involved in dealing with access applications or negotiations with access seekers.

Controls associated with separation of information within the financial systems are detailed in Section 10.2.

Where an employee of WestNet has prescribed duties which are managing or conducting access related functions, the following procedure will apply. WestNet will at the time of their permanent or temporary appointment, require the employee to sign a statement that they are aware of their responsibilities and obligations under the Code and specifically as it relates to confidential information as defined in the Code and in these Arrangements. This process will be conducted on an annual basis in conjunction with a compliance audit.

4.3 Information provided in the course of management reporting

The management executive of ARG meets in a pattern so that any confidential WestNet matters are only reported to WestNet Managers and the following staff of ARG:

- a) Chief Executive Officer
- b) Deputy Chief Executive Officer
- c) Chief Financial Officer
- d) General Manager Human Resources
- e) General Manager Compliance

Accordingly, appropriate details of access contracts or negotiations will be provided to the staff noted above. Specifically, details of access contracts or negotiations will not, however, be provided to the management of AWR. In addition, the financial and operating results of a specific company will not be disclosed to other relevant entities in the ARG Group.

Certain functions such as Human Resources and ARG related safety matters will be dealt with at the ARG Executive. This is to ensure that the ARG Executive (as noted above) is appropriately informed in relation to the business affairs of ARG. There is no other practical way to manage ARG and the process clearly segregates confidential information in relation to access related functions from AWR.

Details of the management meeting structure are detailed in 10.1.

5. CONFLICTS OF INTEREST

5.1 Separation of Functions

The principal concern is where train control and scheduling is located. Under the WestNet structure train control and scheduling are WestNet functions and there is therefore no conflict of interest.

WestNet's access related functions are separately staffed by either WestNet employees or by direct contract.

In any event, where such contractual arrangements exist there will be a requirement imposed by WestNet that the contractor be familiar with and comply with the provisions of the Code.

WestNet does not propose to relocate staff between the train operator (AWR) and itself. In the event such a rotation occurred (due to exception circumstances such as widespread illness) WestNet would ensure the personnel;

- a) did not have access to confidential information
- b) were familiar with the requirements of the Code and
- c) were appropriately supervised in the event a conflict of interest were to arise

WestNet operates on a separate floor from AWR and thus there are no common areas.

5.2 Role of the Boards of WestNet and ARG

As indicated in Section 3, WestNet has a separate Board of Directors one of whom is also a director of ARG.

All reports provided to the WestNet Board are confidential to that Board.

It was a requirement of the Government sale process that the business of Westrail Freight be sold to one purchaser, that is, it was sold as a vertically integrated business.

Therefore, in the context of the Act and Code which require that the railway owners access related function be separated from its other functions, WestNet again notes that it has no other function than the provision of access. The company structure of ARG is specifically designed to recognise that in a vertically integrated business there are areas where potential conflicts of interest may arise.

The process that will be adopted is that the WestNet Board will review and recommend to the ARG Board for final approval proposals which involve access related matters. The ARG Board will receive information it considers appropriate to discharge its obligations under the Corporations Act.

It should be noted that there is and will be no directors of AWR who will also be directors of WestNet. There can be no conflict of interest that arises in this situation because the WestNet Board will assess and recommend access related matters in accordance with the Act and Code and as noted, WestNet has no other function that the provision of access. Accordingly, only proposals which comply with all aspects of the Act and Code will be recommended to the ARG Board for approval.

It should be noted that existing or prospective users of the Network can refer matters to the Regulator should they be of the opinion that they have been dealt with other than in accordance with the Act or Code.

6. DUTY OF FAIRNESS

Where WestNet provides access to a related entity, such as AWR, or another operator under commercial access arrangements outside of the Code there is a duty of fairness requirement under the Code.

The Act requires a general duty of fairness.

The Code identifies specifically the issue of price and through Section 21(i) of the Act a proponent may ask the Regulator to form a view on whether the conditions of Section 13(a) of Schedule 4 to the Code has been applied correctly.

This provides for access seekers to be able to determine whether price discrimination occurs. This is likely to be the most contentious issue.

With respect to discrimination in the provision of services the WestNet Standard Access Agreement calls for specific consultation and provision of information between the parties and a dispute resolution mechanism which would allow Operators to deal with issues where they feel they have been discriminated against.

The Costing Principles set out how WestNet will allocate overhead costs to all users in a fair manner.

Section 7 of the Act provides that the provisions of the Code or Act will not affect contracts entered into by WestNet before the commencement of the Code. The practical effect of this is that all pre-existing access agreements prior to proclamation of the Code are “grandfathered”.

7. SEPARATE ACCOUNTS AND RECORDS

It has been noted previously that WestNet has no other functions which are not access related and therefore much of the provisions of Section 34 of the Act have, by definition, already been complied with. Set out below is the process that will be adopted by ARG with respect to certain corporate functions relating to accounting and financial matters.

As noted in Section 3, ARG is the parent company for AWR and WestNet. As part of its corporate structure ARG has a Finance group responsible for the groups' accounting and information systems. The Accounting Services is headed by the Chief Accounting Officer and reports to the Chief Financial Officer, as does the Information Systems Manager.

The role of the finance group is to fundamentally provide information systems support and accounting services to all ARG companies. In particular, at the accounting services level, the consolidation of each business units results for presentation at both ARG executive and board of directors. The Accounting Services employees have been well briefed on the process of segregation and accordingly are not permitted to provide group information back to the business units.

Segregation of computer information systems and the generation of reports between AWR and WestNet is provided through the use of individual computer user IDs and passwords that are allocated to employees (and non-employees). These identify the company and section the computer user belongs to. Further details are set out in Section 10.2.

8. OTHER MATTERS

8.1 Measuring the effectiveness of segregation arrangements.

WestNet will instruct its internal auditors (currently outsourced to Ernst & Young) to conduct a compliance audit in relation to the Segregation Arrangements on an annual basis. This report will be submitted to the Regulator.

WestNet will report any breach of the Segregation Arrangements of which it becomes aware to the Regulator in writing within 5 business days.

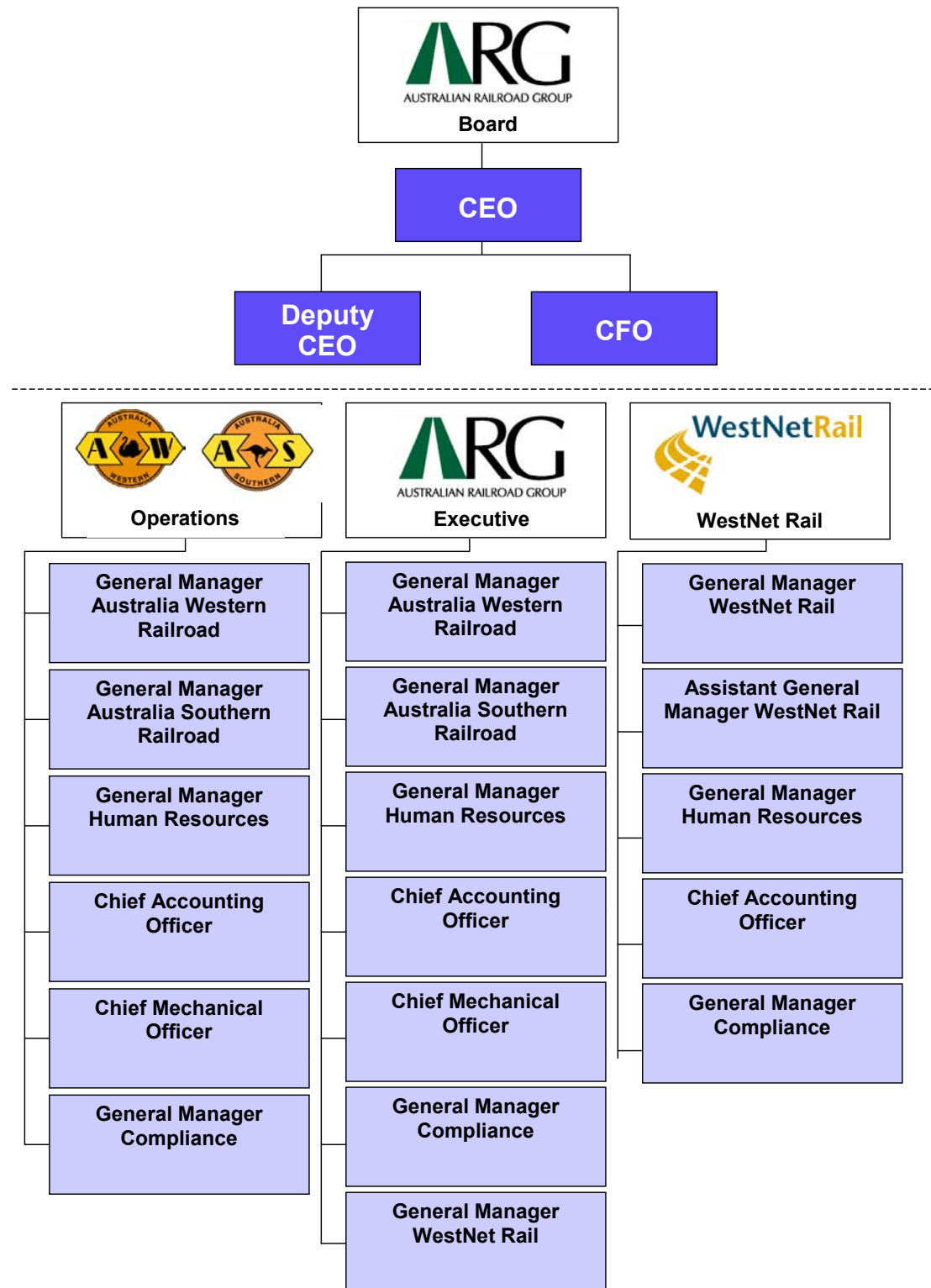
Access seekers or existing users can approach the Regulator at any time they consider a breach may have occurred. The Act and Code provide wide powers for the Regulator to investigate any alleged breaches of the Segregation Arrangements.

9. REVIEW AND CONSULTATION

WestNet will formally consult with the Regulator at the end of the initial two years of operation of the Segregation Arrangements to determine whether any amendments are required.

10. ANNEXURES

10.1 Executive Committee Structure



10.2 Segregation of Information Systems

When a user logs on to the ARG computer network their access to shared files, information systems, e-mail, and the ability to generate reports etc is automatically restricted to their company and section.

AWR and WestNet have physically separate computer file servers.

User IDs and passwords are set up and managed by the Computer Services Section within the Finance Group. Authority to allocate passwords within an entity resides with the General Manager of that entity.

There are further restrictions applying to the following primary stand alone systems:-

Financial and Maintenance Management System (MIMS)
Concept Payroll/Personnel Management
Revenue Accounting System (RAS)
Rail Access Management System (RAMS)

When a user logs on to a specific information system the functions they have and the company related information they can access and report on is restricted according to their user ID.

These restrictions are setup and managed by the information system's administrator.

Details of the restrictions for each stand alone system are as follows.

Financial and Maintenance Management System (MIMS)

Our key financial and maintenance management system is the MIMS system. MIMS allows for separate account structures, calendars and security controls by assigning "district codes" to organisations. Assigning a district Code to an organisation is the equivalent to assigning a different set of accounts to that organisation.

AWR and WestNet have different district codes within MIMS.

Detailed management reports are produced by each company accountant and access for the extraction of this detailed information from various modules within the Mincom system is restricted by the MIMS Security Officer in Accounting Services.

Accounting Services within the Finance Group performs all system security. Security on all financial modules is restricted by firstly the company and then secondly by modules within the same company.

Accounting Services personnel only have total access across all companies.

Each company has their own module:-

- General Ledger
- Supply
- Accounts Payable
- Accounts Receivable
- Fixed Assets
- Maintenance

Details of each module are as follows-

1.1 General Ledger Module

The processing of company journals and the loading of the interface files to Mincom from external subsidiary systems are performed centrally by the Accounting Services.

The external interfaces are from:-

- Payroll/Timekeeping
- John Holland (contractor for narrow gauge WestNet)
- Civil and Mechanical Maintenance (contractor for standard gauge WestNet)
- Clyde Engineering (contractor Australia Western Railroad)

Individual financial statements and reports for each company are produced centrally by the Accounting Services and these reports are distributed to the respective company.

Corporate reports can only be produced by the Finance Group and are issued only to the Chief Executive Officer and the Chief Financial Officer of ARG, who ultimately are responsible to the ARG Board of Directors.

Supply Module

The supply and procurement processes are decentralised within AWR and Westnet. Access to system information is controlled by the MIMS Security Officer. Inventory for both AWR and Westnet is separately located and managed.

Accounts Receivable Module

The Accounts Receivable processes are centralised within Accounting Services. The MIMS Security Officer controls access to system information.

Accounts Payable Module

Accounts Payable is centralised with the exception of data input of invoices by WestNet. MIMS Security Officer controls access to system information.

There are still some shared order numbers used by AWR and WestNet for purchasing a few general products (eg stationary, electricity). Order numbers are used to track and report on particular item purchases from a supplier.

These shared order numbers enable MIMS users with purchasing authority to view both AWR and WestNet Rail purchases. These orders are to closed off and new orders for each district to be issued.

Fixed Assets Module

The asset register is maintained separately for each company by the Accounting Services. The MIMS Security Officer controls access to the system.

Maintenance Module

The maintenance system has financial and non financial information. Data processing of maintenance information is decentralised and segregated between AWR and WestNet. The MIMS Security Officer controls access to this system.

Concept Payroll/Personnel Management

This information is restricted to HR staff within each company or by the Payroll and Personnel section within the Finance Group.

Revenue Accounting System (RAS)

The revenue accounting system is a single stand alone system that accepts and raises freight consignment notes for AWR and rail access charges for WestNet.

This system is only accessible to personnel within Accounting Services.

Various proposals to replace this system are being considered. Ring fencing of information is an essential element of the terms of reference and accordingly will be an important deliverable in the final system.

Rail Access Management System (RAMS)

WestNet's Access Management System (RAMS) is used by WestNet, AWR and other rail operators to record and view train timetables, consist information and driver information.

RAMS provides good security of information through the use of user IDs. However passwords are not mandatory and users could logon as someone else if they know their user ID. Modifications are currently being carried out on RAMS to automatically log users on and remove the option of using someone else's user ID.

10.3 Segregation Arrangements to be adopted

As noted in Section 1.2, set out below are the Segregation Arrangements proposed by WestNet. These will be submitted to the Regulator for approval or determination.

10.3.1 *Legislative context*

WestNet Rail Pty Ltd (“WestNet”) is the “owner” as defined in the Railways (Access) Act 1998 (“Act”) of a rail network in Western Australia which is subject to the provisions of the Act to the extent that the network is defined in Schedule 1 of the Railways (Access) Code 2000 (“Code”) which is established under the Act.

WestNet Rail recognises its obligation to comply the Act and the Code and specifically Sections 28 and Sections 31 to 34 of the Act.

10.3.2 *Segregation of Access Functions*

WestNet defines Access Related Functions as;

- (i) negotiation of Access Agreements (either under the regime or on a commercial basis) and granting of access rights;
- (ii) management of Access Agreements including performance monitoring and day to day operation issues;
- (iii) the collection; use, and dissemination of train running data including manifest details; and access usage.
- (iv) train scheduling train path allocation, publication of working timetables, control planning; and the granting of ad-hoc train path entitlements.
- (v) train control which includes provision of appropriate authorities for trains to use scheduled train paths (train orders or signals); real-time management of trains.
- (vi) emergency management of the network including co-ordination of emergency service responses
- (vii) development, maintenance and monitoring compliance with appropriate safety standards for WestNet staff, its contractors and operators on the Network
- (viii) development and authorisation of the WestNet’s Rules (including the General Appendix and Working Timetables) and the issue of special notices, instructions and warnings related to the rules.
- (ix) the development of train operating standards (to the extent they relate to the infrastructure) such as maximum braking distances, maximum train lengths etc., and also the maintenance standards for the infrastructure itself.
- (x) the maintenance of the track and infrastructure including signalling and communications maintenance.

Where WestNet engages contractors or other parties to provide any part of the access related functions it will;

- (a) retain ultimate control of the function by establishing contractual arrangements; and
- (b) ensure that any contractor is aware and complies with any obligations imposed by the Act or the Code.

10.3.3 *Confidential Information*

WestNet Rail has established a regime of Confidential Information as defined in the Code including;

- (a) a system of written record keeping that only allows appropriate WestNet staff to access the records;
- (b) a security system on electronic records that only allows appropriate WestNet staff to access the records;
- (c) appropriate controls on data, including information in the Rail Access Management System (RAMS) and costing and pricing information to protect confidential information.
- (d) specific provisions in each access agreement providing contractual obligations on WestNet to protect confidential information.

WestNet Rail is required to provide management reports to both its own Board of Directors and to officers and members of the Board of its parent company, the Australian Railroad Group (ARG).

With respect to such management information;

- (i) reports to management of ARG are dealt with only in meetings where WestNet and ARG management are present and no representatives of related entities operating train services, such as AWR, are present.
- (ii) Members of the WestNet Board are not members of the AWR Board;
- (iii) Where confidential information is provided from the WestNet Board to either ARG Management or the ARG Board it will be clearly identified.

WestNet confirms it will keep information it receives in relation to access related matters confidential in accordance with the Arrangements as set out herein.

Where an employee of WestNet has prescribed duties which are managing or conducting access related functions, the following procedure will apply. WestNet will at the time of their permanent or temporary appointment, require the employee to sign a statement that they are aware of their responsibilities and obligations under the Code and specifically as it relates to confidential information as defined in the Code and in these Arrangements. This process will be conducted on an annual basis in conjunction with a compliance audit.

10.3.4 Conflicts of Interest

Because of the separation of access related functions WestNet Rail believes that there are no existing conflicts of interest.

In the event that any staff are rotated within ARG, especially the related entity AWR, to perform Access Related Functions within WestNet, WestNet would ensure the personnel;

- a) did not have access to confidential information;
- b) were familiarised with the requirements of the Code; and
- c) were appropriately supervised in the event a conflict of interest were to arise

10.3.5 Duty of Fairness

WestNet acknowledges and accepts it has a duty of fairness to access seekers relative to its treatment of other access seekers under the Code; and others granted access under other arrangements.

The mechanism for ensuring the duty of fairness is two-fold;

1. access seekers can determine the fairness of prices negotiated under provisions of Clause 21(I) of the Act; and
2. provisions of WestNet's standard access agreement provides for specific consultation mechanisms; the provision of information; and dispute resolution mechanisms which would allow access seekers to test the duty of fairness related to other than price issues in the provision of access.

10.3.6 Separation of Accounts and Records

WestNet will maintain separate accounts and records with the accounting service to be provided by the accounting group within ARG.

The protection of the confidentiality of that information is established by:

1. WestNet having a designated Accountant within ARG who performs no other accounting functions;
2. The provisions of section 4 of these Guidelines.

10.3.7 Compliance with these principles

Compliance with these guidelines will be achieved by;

WestNet will instruct its internal auditors (currently outsourced to Ernst & Young) to conduct a compliance audit in relation to the Segregation Arrangements on an annual basis. This report will be submitted to the Regulator.

WestNet will report any breach of the Segregation Arrangements of which it becomes aware to the Regulator in writing within 5 business days.

Access seekers or existing users can approach the Regulator at any time they consider a breach may have occurred. The Act and Code provide wide powers for the Regulator to investigate any alleged breaches of the Segregation Arrangements.