



# Victoria Government Gazette

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## Essential Services Commission Act 2001 RAIL ACCESS DETERMINATION RA 2/2002

### Notice of Determination

The Essential Services Commission (the Commission) gives notice under section 35(2) of the **Essential Services Commission Act 2001** of the making of a determination under section 34 of that Act.

Part 2A of the **Rail Corporations Act 1996** establishes a third party access regime for declared Victorian intrastate track (the Rail Access Regime). Under the Rail Access Regime, a person can request the Commission to make a determination on access.

The intrastate standard gauge network operated by Freight Victoria Limited (trading as Freight Australia) (the Freight Network) is declared under the Rail Access Regime.

### Determination

On 17 June 2002 GrainCorp Operations Pty Limited (GrainCorp) made an application to the Commission for it to make a determination on certain terms and conditions of access to the Freight Network on the basis that it was unable to reach agreement with Freight Australia Limited (Freight Australia). As part of its application for a determination, GrainCorp provided a draft agreement—the Network Access Agreement—to the Commission.

The Commission has made a determination in respect of the application (the Determination) pursuant to section 34 of the **Essential Services Commission Act 2001** and on the basis set out in the Commission's Statement of Purpose and Reasons. A brief description of the nature and effect of the Determination is set out below.

1. Freight Australia shall offer to provide access to GrainCorp to the Requested Freight Network Services (as described in 2 below) on the terms and conditions set out in the Network Access Agreement as modified by the terms of the Determination.
2. The Requested Freight Network Services are the following lines and sidings:
  - (a) on the Western Victorian standard gauge track network:
    - (i) the Yaapect to Dimboola branch line, including the following sidings on that branch lines (Yaapect Branch Line and Branch Line Sidings):

Antwerp	Rainbow
Jeparit	Yaapect
    - (ii) Hopetoun to Marmalake (Murtoa) branch line, including the following sidings on that branch lines (Hopetoun Branch Line and Branch Line Sidings):

Beulah	Hopetoun
Beulah St	Lah
Brim	Warracknabeal
  - (b) the following silo sidings located on the ARTC Geelong to Serviceton standard gauge rail track (ARTC Sidings):

Berrybank	Kaniva
Dimboola	Lillimur
Dooen	Marmalake (Murtoa)
Gerang Gerung	Nhill
Glenorchy	Serviceton
Horsham	Westmere

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- (c) the Willaura siding located on the Maroona Yard to Portland standard gauge rail track (Willaura Siding);
  - (d) the Geelong Loop Entrance Track, being the dual gauge track from:
    - (i) Thompson Road to Separation Street (known as the Ballarat Dual Gauge Line); and
    - (ii) Separation Street to the eastern boundary of Freight Australia's station grounds.
3. The Determination sets out the basis on which the fees payable for access to the Requested Freight Network Services must be calculated.
  4. Each month, GrainCorp and Freight Australia must undertake an adjustment process in respect of the Yaapect Branch Line and Branch Line Sidings and the Hopetoun Branch Line and Branch Line Sidings using the adjustment model provided by the Commission.

**Other Fees**

5. The Determination specifies certain other fees which may be charged by Freight Australia in relation to access to the Requested Freight Network Services.

**Other Matters**

6. The Determination specifies other terms and conditions of access to the Requested Freight Network Services, including in relation to indemnity and insurance and the resolution of disputes arising from the adjustment process.

The Determination takes effect on the date of Gazettal of this Notice and has effect until 31 January 2005. As soon as practicable after 21 October 2003, a public version of the Determination and the Commission's Statement of Purpose and Reasons (from which confidential information has been removed) will be available for inspection on the Commission's website at [www.esc.vic.gov.au](http://www.esc.vic.gov.au) or at the Commission's offices during business hours by contacting:

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