



**NATIONAL COMPETITION COUNCIL**

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**MEDIA RELEASE**

## **WA RAIL REFORM ROLLS ON**

On 24 February 1999, the National Competition Council received an application from the Western Australian Government to consider whether the State's regime for access to WA rail services is 'effective'.

The Council is now calling for written submissions from interested parties to assist it in assessing this application.

### **Background**

The Western Australian Rail Access Regime (WA Regime) sets out how a person may seek access to services of the WA rail network and associated infrastructure currently operated by Westrail.<sup>1</sup> It also sets out the rights and responsibilities of access seekers and the infrastructure owner in regard to access matters.

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<sup>1</sup> The Regime does not apply to passenger, freight or maintenance services provided by stations, freight terminals or maintenance facilities.

The WA Government has advised the Council that, if it decides to sell the Westrail freight business and rail line infrastructure, the WA Regime will be amended to ensure that the new railway owner is also bound by the regime.

### **The Certification Process**

As part of National Competition Policy reforms, Part IIIA of the *Trade Practices Act* established a national regime under which access may be sought to certain services of nationally significant infrastructure.

However, a State Government access regime which has been certified as 'effective' will override the national regime. The WA Premier has applied to the Council for certification of its rail access regime. In effect, certification means that an access seeker would not have recourse to other access remedies – such as 'declaration' under Part IIIA.

### **Submissions**

To assist interested parties in preparing submissions on this matter, the Council has prepared an Issues Paper, identifying some of the issues to be considered by the Council.

Both the Issues Paper and the WA Government's application are available on the Council's website – <http://www.ncc.gov.au>. The closing date for submissions is 23 April 1999.

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