

OFFICIAL



16 April 2024

Jonathan Teubner
Head of Economic and Regulatory Development
ARTC

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Dear Jonathan

Re: 2024 Interstate Access Undertaking assessment

Thank you for your engagement with our team on ARTC's proposed 2024 Interstate Access Undertaking (Proposed Undertaking) and response to the request for information notice.

As you are aware, for a new undertaking to become operational on 1 July 2024 as proposed, the ACCC would need to publish a final decision no later than 9 June 2024, to allow the 21-day timeframe for any application for the Tribunal review of the decision. This amounts to just under 6 months since lodgement of the proposal.

We are currently considering the submissions of ARTC's stakeholders to our Consultation Paper on the Proposed Undertaking. These submissions cover a range of feedback and proposals to amend the Proposed Undertaking and Indicative Track Access Agreement. These require us to undertake further consultation with stakeholders and for ARTC to assess these proposed changes.

The ACCC considers it appropriate for ARTC to propose an extension of the current IAU until 31 December 2024. This would ensure that there is no uncertainty for users as to whether the statutory assessment processes will be finalised before the existing undertaking expires.

If accepted, the Proposed Undertaking could still become effective 21 days after it were accepted by the ACCC and before the extended expiry of the existing undertaking.

If the ACCC considers any amendments to the Proposed Undertaking are appropriate after consultation, they could be implemented by ARTC withdrawing and resubmitting a revised proposal or by the ACCC issuing a notice to amend the proposal under section 44ZZAAA of the *Competition and Consumer Act 2010*. The latter can facilitate amendments without the need to restart the assessment process.

If you have any questions or would like to discuss further, please contact [REDACTED]

Yours sincerely

[REDACTED]

Matthew Schroder
General Manager
Infrastructure and Transport – Access and Pricing