



9 June 2017

by email: ben\_strate@ipart.nsw.gov.au

Mr Hugo Harmstorf  
Chief Executive Officer  
Independent Pricing and Regulatory Tribunal  
New South Wales  
Level 15  
2-24 Rawson Place  
SYDNEY NSW 2000

Attn: Mr Ben Strate, Director, Legal

Dear Mr Harmstorf

**Proposed Regulation under the Independent Pricing and Regulatory Tribunal Act 1992**

I refer to your letter dated 16 May 2017 to the Secretary about the automatic repeal of the Independent Pricing and Regulatory Tribunal Regulation 2012 and the proposal that it be remade. I also thank you for your invitation for submissions on the Regulatory Impact Statement. The Secretary has asked me to respond directly to your letter.

I note that the regulation modifies the default arbitration rules to recognize the ways in which arbitrations under the *Independent Pricing and Regulatory Tribunal Act 1992* differ from commercial arbitrations. The regulation is therefore relevant to arbitration of rail access agreements to which Transport Cluster agencies are party.

I also note that it is proposed that the regulation be remade without amendment.

The Transport Cluster supports the proposed remaking of the regulation without amendment.

Should you require any further information the Transport for NSW point of contact is Warren Wilson, Senior Legal Counsel, whose contact details are (telephone) [REDACTED] and (email) [REDACTED].

Yours sincerely

Clair Hodge  
General Counsel – Group Legal Services & Governance