

# **The Hunter Valley Access Undertaking: elements of a negotiated settlement**

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**Stephen Bordignon and Stephen Littlechild**

## **Abstract**

On 29 June 2011 the Australian Competition and Consumer Commission (ACCC) accepted an access undertaking from Australian Rail Track Corporation (ARTC) in relation to the Hunter Valley rail network. The ACCC encouraged ARTC and its users (principally coal producers) to discuss and negotiate the detail of the undertaking. At the final stage the parties were able to resolve their differences and put an agreed undertaking to the ACCC. Compared to the undertaking that the ACCC would likely otherwise have accepted, this agreement was for a shorter term and embodied other provisions preferred by the users, in return for a higher rate of return requested by ARTC. The paper discusses the nature and lessons of this settlement process.

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Contact  
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slittlechild@tanworth.mercianet.co.uk  
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