



MEDIA RELEASE

9 August 2018

ACCC to consult on Transurban data offer

The ACCC has today commenced consultation on a proposed undertaking offered by Transurban Limited (ASX: TCL), the lead member of the Sydney Transport Partners consortium proposing to acquire the majority interest in the WestConnex motorway.

In the proposed undertaking, Transurban agrees to publish detailed toll traffic data for all toll roads in New South Wales in which it holds an interest. This data is more detailed and accurate than data that is currently available or has been shared with the bidders for WestConnex.

The ACCC [released a statement of issues in May](#) that raised preliminary competition concerns. One related to Transurban potentially having an advantage in obtaining future toll road concessions because it has access to detailed traffic data from existing toll roads.

“Some of the feedback from the industry has indicated that Transurban’s rivals may have trouble competing on an equal footing for future toll road concessions because they do not have the level of data that Transurban has,” ACCC Chair Rod Sims said.

“Given the short timeframe to review the proposed acquisition, the ACCC has decided to release Transurban’s proposed undertaking for consultation before reaching concluded views on these issues.”

Transurban has offered an undertaking to the ACCC that it will publish 15-minute-interval toll gantry data each quarter, which includes vehicle count, vehicle classification (e.g. light vehicle, heavy vehicle) and direction of traffic flow.

The data is proposed to be made available for the following toll roads: M2; Lane Cove Tunnel; Cross City Tunnel; M1; WestConnex itself; and any other toll road in NSW in which Transurban gains an interest.

Transurban will also seek to publish data with the same level of detail for the M5, Westlink M7 and NorthConnex, subject to obtaining consent from its partners on those three roads, but if it is unable to obtain consent, it will publish a more aggregated set of data for those roads.

“The ACCC is still considering whether the undertaking is necessary and adequate to address any competition concerns,” Mr Sims said.

“We have not formed a final view on the competitive impact of the proposed acquisition or whether the undertaking is capable of addressing any potential lessening of competition.”

The ACCC understands that the NSW Government’s sale process for WestConnex is continuing. The ACCC is not involved in that process and notes that the NSW Government has made no announcement about the selection of a preferred bidder.

The ACCC now seeks the view of market participants to assist its consideration of the proposed undertaking and whether it is likely to alleviate potential competition concerns.

Parties wishing to make submissions should do so by 9 am on Wednesday 15 August 2018.

The proposed decision date for the announcement of the ACCC’s final decision is 6 September 2018, but the ACCC will make an earlier decision if it can.

Background:

Transurban is Australia's largest toll road operator. Transurban (or a Transurban-controlled entity) currently holds seven of the nine toll road concessions in NSW, including the M1, M2, M5 and M7 motorways.

WestConnex is a partially completed motorway development in Sydney. It comprises 33kms of interconnected motorways and road upgrades, which will extend the M4 motorway from Parramatta to Sydney Airport and duplicate the M5 East corridor.

On 19 July 2018, the ACCC delayed its decision date from 19 July 2018 to 6 September 2018 to allow the ACCC sufficient time to consider the competition issues relating to the proposed acquisition.

Further information is available from the ACCC's website at [Sydney Transport Partners Consortium \(including Transurban\) - proposed acquisition of WestConnex interest.](#)

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