



Our ref: AA1000425
Contact officer: Hannah Ranson
Contact phone: 6243 1255

29/08/2018

www.accc.gov.au

Vishal Ahuja Ms Jessica Waters
Partner Senior Associate
King & Wood Mallesons King & Wood Mallesons

By email: vishal.ahuja@au.kwm.com
 Jessica.waters@au.kwm.com

Dear Mr Ahuja and Ms Waters

**NSW Track Access Collective Bargaining - Application for authorisation AA1000425—
draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by a group of nine NSW rail freight operators on 21 June 2018.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for five years.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **12 September 2018**.

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **12 September 2018**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

| Indicative date | Stage in assessment process |
|------------------------|--|
| 21 June 2018 | Lodgement of application and supporting submission. |
| 25 June 2018 | Public consultation process begins. |
| 25 July 2018 | ACCC decision regarding interim authorisation. |
| 29 August 2018 | Draft determination. |
| September 2018 | Public consultation on draft determination including possible pre-decision conference (if called). |
| October 2018 | Final determination. |

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Hannah Ransom on (02) 6243 1255.

Yours sincerely



David Hatfield
Director
Adjudication Branch