



Our ref: AA1000425
Contact officer: Jacob Campbell
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Vishal Ahuja	Ms Jessica Waters
Partner	Senior Associate
King & Wood Mallesons	King & Wood Mallesons

By email: vishal.ahuja@au.kwm.com
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Dear Mr Ahuja and Ms Waters

NSW track access collective bargaining application for authorisation A1000425 - interim authorisation decision

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

Interim authorisation is granted to enable the Applicants to collectively negotiate with Transport for NSW (TfNSW) in relation to the non-price terms and conditions on which they acquire below rail access to parts of TfNSW's Sydney Metropolitan Passenger Network and Country Regional Network. A copy of the ACCC's decision is attached.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application.

Next steps

For your information, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will give both the Applicants and interested parties the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

As noted in the attached decision, the ACCC may review its decision on interim authorisation at any time. In this regard the ACCC will reconsider this decision at the time of issuing its draft determination. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

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 Jacob Campbell on (02) 6243 1109.

Yours sincerely

David Hatfield
Director
Adjudication Branch