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29/08/2018

*By email*

Dear Sir/Madam

### **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.

Genesee & Wyoming Australia, Manildra Group, Pacific National, Qube, SCT Logistics, Southern Shorthaul Railroad, Sydney Rail Services, Linx Rail Pty Ltd, and Aurizon wish to collectively negotiate with Transport for NSW (TfNSW) the non-price terms and conditions on which they acquire below rail access to parts of TfNSW's Sydney rail network under Standard Track Access Agreements (STAAs) with TfNSW.

#### **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'.

#### **Making a submission**

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **12 September 2018**. Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "AA1000425 – NSW Track Access Collective Bargaining – submission".

The ACCC will consider any submissions it receives, 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](#).

## Optional pre-decision conference

In some cases the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to the draft determination. If a conference is called in this matter it will be open to the applicant and interested parties to attend and 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**.

## 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 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



David Hatfield  
Director  
Adjudication