



Our ref: AA1000644
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Dear Interested Party

Application for revocation of authorisation AA1000425 and substitution of AA1000644 — final determination

The Australian Competition and Consumer Commission (the **ACCC**) has issued a determination in respect of the application for revocation and substitution lodged by One Rail Australia, Manildra Group, Pacific National, Qube, Southern Shorthaul Railroad, Sydney Rail Services, Swift Rail and Aurizon (together, the **Applicants**).

The Applicants sought authorisation to collectively bargain with a number of rail network owners in relation to the non-price terms and conditions on which they acquire track access, as well as the broad pricing principles that will apply to accessing and using the relevant rail network owners' networks, but not the actual prices negotiated between rail network owners and individual Applicants.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation with conditions until 31 October 2033. The ACCC's assessment is set out in Chapter 3 of its determination.

Application for review

Pursuant to section 101 of the *Competition and Consumer Act 2010* (Cth), a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 22 February 2024. If no application to review is lodged by this date, the ACCC's determination will come into force on 23 February 2024.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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 Sophie Magliano on 03 9658 6429.

Yours sincerely

David Hatfield
Director
Competition Exemptions