

Hatfield, David

From: de Kock, Kim [kim.dekock@mallesons.com]
Sent: Wednesday, 20 October 2010 5:13 PM
To: Hatfield, David
Cc: Mallesons - vishal.ahuja@mallesons.com
Subject: Authorisation for collective bargaining with QR Network (A91241)

Confidential communication ^{DA}.

Dear David

Clarification regarding the negotiation process with QR Network

I refer to our discussion on 12 October 2010 regarding the negotiation process as outlined in section 2.1 of the ACCC's Draft Determination.

As discussed during our call, the outlined process was indicative of how the Applicants envisaged the negotiation process with QR Network occurring in practice. For the most part, negotiations are likely to follow this process, with the exception of a minor amendment in relation to the confidentiality agreements that have been negotiated and executed between QR Network and Stage One Users.

Bullet point 4 on page 5 proposes that confidentiality agreements will be executed by all personnel of the Users who receive any confidential information. However, when negotiating and executing the relevant confidentiality agreements, QR Network and each User have signed respective agreements (on an individual User basis) which do not require signature and execution by individual personnel who receive the information.

As such, and in order to clarify this point for the purposes of future negotiation stages, the Applicants request that, to the extent that the ACCC includes this section as background to any final authorisation which may be granted, the fourth bullet point be amended to read as follows:

"The confidentiality of the commercially sensitive information obtained from QR Network will be preserved by way of confidentiality agreements negotiated and executed between QR Network and each particular Applicant/User."

As this is a minor amendment for the sake of clarity, we trust that this will not pose any difficulties.

Please feel free to contact me if you would like to discuss this further.

Kind regards
Kim

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