

Our ref: 58073
Contact Officer: Hannah Ransom
Contact Phone: (02) 6243 1255



**Australian
Competition &
Consumer
Commission**

13 August 2015

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

By email

Dear Sir or Madam

**Aurizon Operations Limited & SCT Logistics application for authorisation
A91512
- interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from Aurizon Operations Limited (Aurizon) and SCT Logistics (SCT) (together, the Applicants). The ACCC invites you to comment on the application. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

The Applicants are seeking authorisation to:

- collectively discuss and negotiate the terms and conditions of access agreements with Brookfield Rail, including price, related to the use of standard gauge railway infrastructure covered under Schedule 4 of the *Railways (Access) Code 2000* for the purpose of transportation of freight by rail which enters or exits the interstate rail freight network controlled by the Australian Rail Track Corporation
- discuss amongst themselves matters relating to the above discussions and negotiations, and
- enter into and give effect to contracts, arrangements or understandings regarding the agreements with Brookfield Rail containing common terms and conditions, including price, which relate to the use of the above railway infrastructure.

A full copy of the application for authorisation is available on the ACCC's website <www.accc.gov.au/AuthorisationsRegister>.

Interim authorisation

The Applicants have requested interim authorisation to jointly consider the proposed terms and conditions of access offered by Brookfield Rail, and to jointly undertake negotiations with Brookfield Rail on establishing common terms and conditions, including price, for the relevant service(s).

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submission

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements. In particular the ACCC would appreciate your views on the Applicants' request for interim authorisation, as well as its substantive application for authorisation.

If you intend to provide a submission in relation to the Applicants' application for authorisation, please do so by **21 August 2015**. Submissions in relation to interim authorisation should be provided by **4 September 2015**. Submissions should be emailed to adjudication@acc.gov.au with the subject "A91512 – Aurizon Operations & SCT Logistics – submission".

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

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

12 August 2015	Lodgement of application and supporting submission.
13 August 2015	Public consultation process begins.
21 August 2015	Closing date for submissions on interim authorisation.
Aug/Sept 2015	ACCC decision regarding interim authorisation.
4 September 2015	Closing date for submissions from interested parties.

September 2015	Applicant responds to issues raised in the public consultation process.
November 2015	Draft determination.
December 2015	Public consultation on draft determination including any conference if called.
January/February 2016	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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.

Yours sincerely



David Hatfield
 Director
 Adjudication Branch

List of interested parties consulted

Asciano

Australian Rail Track Corporation

Brookfield Rail

Department of Transport (WA)

Economic Regulatory Authority

Genesee and Wyoming

Linfox

Qube Logistics

Toll