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Our ref: AA1000425
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By email

Dear Sir/Madam

NSW Track Access Collective Bargaining application for authorisation AA1000425— final determination

The Australian Competition and Consumer Commission (the ACCC) has issued a 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.

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 until 13 October 2023.

Application for review

Pursuant to section 101 of the *Competition and Consumer Act 2010*, 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 12 October 2018. If no application to review is lodged by this date, the ACCC's determination will come into force on 13 October 2019.

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 Hannah Ransom on (02) 6243 1255.

Yours sincerely

A handwritten signature in blue ink, appearing to read "D Hatfield", is placed on a light yellow rectangular background.

David Hatfield
Director
Adjudication