



Our ref: AA1000644
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Dear Interested Party

Application for revocation of authorisation AA1000425 and substitution of AA1000644 – interested party consultation

On 16 June 2023, the Australian Competition and Consumer Commission (the **ACCC**) received an application for re-authorisation (revocation and substitution) from One Rail Australia, Manildra Group, Pacific National, Qube, Southern Shorthaul Railroad, Sydney Rail Services, Linx Rail Pty Ltd and Aurizon (together, the **Applicants**). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

The Applicants are seeking authorisation¹ under the *Competition and Consumer Act 2010* (Cth). Authorisation would give the Applicants legal protection from competition laws to collectively bargain with 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.

The Rail Network Operators who the Applicants seek to collectively bargain with are Transport for New South Wales, Arc Infrastructure in WA, VicTrack, Metro Trains Melbourne and V/Line in Victoria, Queensland Rail in Queensland, ARTC in relation to its interstate and inland rail networks and Aurizon in the NT and SA in relation to its Darwin to Tarcoola network.

The Applicants are seeking authorisation for a period of 10 years.

A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Making a submission

The ACCC invites you to make a submission on the application for authorisation. In making your submission, please provide information, evidence and views about the likely public benefits, effects on competition and any other public detriment that you consider will result from the proposed conduct.

If you intend to provide a submission, please do so by **14 July 2023**. If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

¹ For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

Submissions should be lodged via the web form accessible on the public register page for this matter, which can be found on the ACCC's [public register](#). Alternatively, if you would like to provide comments orally, please contact Sophie Magliano via the details at the end of this letter.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register. (see [Guidelines for Excluding Information from the Public Register for more information on how to make a request and how we assess requests](#)).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information, and an up to date version (including any changes) will be posted on the public register.

Indicative date	Stage in assessment process
16 June 2023	Lodgement of application and supporting submission.
23 June 2023	Public consultation process begins.
14 July 2023	Closing date for submissions from interested parties.
July 2023	Applicant responds to issues raised in the public consultation process.
August 2023	Draft determination.
September 2023	Public consultation on draft determination including any conference if called.
October 2023	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Sophie Magliano on 03 9658 6429 or exemptions@acc.gov.au.

Yours sincerely



David Hatfield
Director
Competition Exemptions