



**PARLIAMENTARY
SECRETARY TO THE
TREASURER**



NO. 3

**MANAGER OF GOVERNMENT
BUSINESS IN THE SENATE**

**DECISION ON FREIGHT AUSTRALIA'S APPLICATION FOR DECLARATION OF
RAIL NETWORK SERVICES**

I have decided to accept the National Competition Council's (NCC's) recommendation *not* to declare the rail network services provided by Freight Australia which were the subject of an application for declaration received by the NCC on 1 May, 2001.

The *Trade Practices Act 1974* (section 44H) provides that I (as the designated Minister) may declare a service of an infrastructure facility such as a rail network only if I am satisfied of all six matters specified under subsection 44H(4).

The NCC found that Freight Australia's application fails to satisfy the essential matter specified under subsection 44H(4)(a). I am satisfied that the NCC's conclusions in relation to subsection 44H(4)(a) and their consequent recommendation *not* to declare are soundly based.

My statement of reasons and the NCC's recommendation are available on the NCC's website (www.ncc.gov.au).

1 February 2002

Contact: Georgia-Kate Schubert, Senator Campbell's office, 02 6277 3955 or 0419 265234
www.treasury.gov.au/ParliamentarySecretary
Michelle Groves, NCC, 03 9285 7476
www.ncc.gov.au