



David Hatfield

15 December 2023

Director

Australian Competition and Consumer Commission

Via email: [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au)

Dear Mr Hatfield

**RE: application for revocation of authorisation AA1000425 and substitution of AA 1000644 – draft determination**

The Transport Asset Holding Entity of New South Wales (**TAHE**) welcomes the opportunity to provide comment on the draft decision of the Australian Competition and Consumer Commission (**ACCC**) regarding the 16 June 2023 application for authorisation from One Rail Australia, Manildra Group, Pacific National, Qube, Southern Shorthaul Railroad, Sydney Rail Services, Linx Rail Pty Ltd and Aurizon (the **Applicants**).

TAHE was established on 1 July 2020 and owns railway network assets in NSW. TAHE has interacted with the Applicants since its inception and has found the authorisation enables a valuable forum for engaging with a significant group of access seekers and facilitates cost effective negotiations for all parties. While TAHE recognises the valuable role played by the Applicants, we also recognise they remain a subset of all access seekers for TAHE networks and we need to treat all access seekers fairly and take the views of all access seekers into account.

In July 2023 TAHE made a submission to the ACCC setting out the assets owned by TAHE and supporting the Applicant's authorisation application. TAHE continues to support the ACCC granting an authorisation to the Applicants in relation to the TAHE-owned networks. TAHE seeks that in the final determination the ACCC consider providing additional clarity about the nature of the Sydney Metropolitan Rail Network as set out below.

The previous authorisation (AA1000425), the current application documents<sup>1</sup> and the draft decision all refer to the "the Sydney Metropolitan Passenger Network", and the draft decision also refers to the "Metropolitan Rail Network".

TAHE believes that for clarity the Sydney rail network should be referred to as the Sydney Metropolitan Rail Network (**MRN**). This network is owned by TAHE and operated and managed by Sydney Trains and Transport for NSW. The MRN includes some assets which are primarily or solely used by rail freight

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<sup>1</sup> TAHE recognises that the networks are defined by maps in the application.



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services. The use of the word “passenger” in defining and referring to the network may inadvertently imply these assets are excluded from the authorisation.

TAHE supports the ACCC granting an authorisation to the Applicants in relation to the TAHE-owned networks but seeks that the final determination clarify the matter identified in this response.

TAHE’s contact for this submission is Chris Stewart, Head of Regulatory & Pricing, who is available to discuss further on [REDACTED] or at [REDACTED].

Yours sincerely,

A large black rectangular redaction box covering the signature area.

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**Christopher Stewart**  
**Head of Regulatory & Pricing**  
Transport Asset Holding Entity