

David Hatfield  
Australian Competition & Consumer Commission  
23 Marcus Clarke Street  
Canberra ACT 2601

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Re: Application for revocation of authorisation AA1000425 and substitution of  
AA1000644 - interested party consultation

14 June 2023

Dear Mr Hatfield,

Thank you for your correspondence regarding the application the Australian Competition & Consumer Commission (**ACCC**) has received for the re-authorisation of One Rail Australia, Manildra Group, Pacific National, Qube, Southern Shorthaul Railroad, Sydney Rail Services, Linx Rail Pty Ltd and Aurizon (together, the **Applicants**), to collectively bargain. This is in respect to:

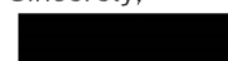
- the non-price terms and conditions on which they will acquire track access;
- the broad pricing principles that will apply for access to, and use of, their respective networks, but not the actual prices that will apply as between Rail Network Owners and individual Applicants; and
- to enter into and give effect to bilateral contracts, arrangements or understandings between the Applicants and Rail Network Operators which contain common terms and conditions relating to the track access arrangements.

The Transport Asset Holding Entity of New South Wales (**TAHE**) (the Rail Network Owner) engages Transport for NSW (**TfNSW**) to administer Access Agreements on the Country Regional Network and Metropolitan Rail Network. These Access Agreements are between TAHE and the third-party rail operator, as required by the NSW Rail Access Undertaking. However, in TfNSW's role as TAHE's agent to negotiate new Access Agreements, TfNSW engages regularly with the current Rail Operator Group (**ROG**) and have found the discussions to date very beneficial.

Furthermore, TfNSW as the state agency responsible for transport in NSW, has no objection to this application. TfNSW concurs with the Applicants that there are advantages to collective bargaining, including cost and time delay savings.

Finally, TfNSW appreciates the consideration shown by the Applicants towards enabling new access seekers to join the revised ROG and would welcome further detail in relation to how new access seekers may become members under the revised authorisation. This information would assist TfNSW in directing any future enquiries that may be received by our organisation from potential access seekers.

Sincerely,



Anna Fletcher  
A/ Director Operations  
Freight Branch | Transport for NSW

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