

6 July 2009

Mr Lance Hockridge
Chairman
QR Network Pty Ltd
GPO Box 1429
Brisbane QLD 4001

Dear Mr Hockridge

**Notice of Investigation
QR's Voluntary Draft Amending Access Undertaking – Vermont Reference Tariff**

On 3 July 2009, the Queensland Competition Authority (the Authority) received an application from QR Network to amend its approved access undertaking to establish a new reference tariff for coal-carrying services operating from the Vermont mine to the port of Gladstone.

The Authority intends to conduct an investigation into the proposed amendments to the undertaking.

Section 146 of the *Queensland Competition Authority Act 1997* (the QCA Act) requires the Authority to formally provide the owner of the service with a notice that it proposes to start an investigation and to invite the owner of the service to make a written submission. This is the purpose of this letter.

Notice of Investigation

In accordance with s146 of the QCA Act, the Authority advises that it proposes to conduct an investigation into QR Network's application for amendments to its approved access undertaking, to decide whether or not to approve the draft amending access undertaking (DAAU).

In accordance with s143 of the QCA Act, the Authority may approve a DAAU only if, inter alia, it has:

- (a) published the undertaking and invited persons to make submissions on it; and
- (b) considered those submissions.

Submissions

The Authority has published QR Network's DAAU on its website (www.qca.org.au) and sought submissions from interested parties. The closing date for all submissions is **3 August 2009**.

The Authority invites a written submission from QR Network. To assist in this regard, attached is a Submissions page to assist in the preparation and lodgement of submissions for the draft amending access undertaking.

Any inquiries should be directed to Paul Bilyk on (07) 3222 0506.

Yours sincerely



EJ Hall
Chief Executive

SUBMISSIONS

Public involvement is an important element of the decision-making processes of the Queensland Competition Authority (the Authority). It therefore invites submissions from interested parties concerning its assessment of QR's voluntary draft amending access undertaking (DAAU) which was submitted by QR Network to the Authority on 3 July 2009. The purpose of QR Network's DAAU is to provide for a new reference tariff for coal-carrying train services operating from the Vermont mine to the port of Gladstone.

Written submissions should be sent to the address below. While the Authority does not necessarily require submissions in any particular format, it would be appreciated if two printed copies are provided together with an electronic version on disk (Microsoft Word format) or by e-mail. Submissions, comments or inquiries regarding this paper should be directed to:

Queensland Competition Authority
GPO Box 2257
Brisbane QLD 4001
Telephone: (07) 3222 0506
Fax: (07) 3222 0599
Email: rail@qca.org.au

The **closing date** for submissions is **3 August 2009**.

Confidentiality

In the interests of transparency and to promote informed discussion, the Authority would prefer submissions to be made publicly available wherever this is reasonable. However, if a person making a submission does not want that submission to be public, that person should claim confidentiality in respect of the document (or any part of the document). Claims for confidentiality should be clearly noted on the front page of the submission and the relevant sections of the submission should be marked as confidential, so that the remainder of the document can be made publicly available. It would also be appreciated if two copies of each version of these submissions (i.e. the complete version and another excising confidential information) could be provided. Again, it would be appreciated if each version could be provided on disk. Where it is unclear why a submission has been marked "confidential", the status of the submission will be discussed with the person making the submission.

While the Authority will endeavour to identify and protect material claimed as confidential as well as exempt documents (within the meaning of the *Freedom of Information (FOI) Act 1989*), it cannot guarantee that submissions will not be made publicly available. As stated in s187 of the *Queensland Competition Authority Act 1997* (the QCA Act), the Authority must take all reasonable steps to ensure the information is not disclosed without the person's consent, provided the Authority is satisfied that the person's belief is justified and that the disclosure of the information would not be in the public interest. Notwithstanding this, there is a possibility that the Authority may be required to reveal confidential information as a result of an FOI request.

Public access to submissions

Subject to any confidentiality constraints, submissions will be available for public inspection at the Brisbane office of the Authority, or on its website at www.qca.org.au. If you experience any difficulty gaining access to documents please contact the office on (07) 3222 0555.

Information about the role and current activities of the Authority, including copies of reports, papers and submissions can also be found on the Authority's website.