

Our Ref: Ravi Prasad
Direct Line: 07 3222 0533
File Ref: 545200

8 May 2013

Mr Jim Benstead
Acting Chief Executive Officer
Queensland Rail Ltd
GPO Box 1429
BRISBANE QLD 4001

Dear Mr Benstead

QUEENSLAND RAIL'S DRAFT AMENDING ACCESS UNDERTAKING

On 8 May 2013, the Authority received from Queensland Rail a draft amending access undertaking (DAAU) to extend the termination date of its 2008 access undertaking until 31 December 2013.

Section 146 of the *Queensland Competition Authority Act 1997* (the QCA Act) requires the Authority to provide the owner or operator of a service with a formal 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 s.146 of the QCA Act, the Authority advises that it proposes to conduct an investigation to decide whether or not to approve Queensland Rail's DAAU. In accordance with s.143 of the QCA Act, the Authority may approve a DAAU only if, *inter alia*, it has:

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

Submissions

The Authority has published Queensland Rail's DAAU on its website (www.qca.org.au) and has sought submissions from interested parties.

The Authority invites a written submission from Queensland Rail. Attached is a 'Submission' page to assist in the preparation and lodgement of that submission. Queensland Rail is welcome to comment on any aspect of the DAAU.

Any inquiries on this matter should be addressed to Ravi Prasad on (07) 3222 0533. The closing date for submissions is Friday 17 May 2013.

Yours sincerely



Paul Bilyk
Director – Rail and Ports

SUBMISSIONS

Public involvement is an important element of the decision-making processes of the Queensland Competition Authority (the Authority). Therefore submissions are invited from interested parties concerning its assessment of Queensland Rail's draft amending access undertaking to extend the termination date of its 2008 undertaking to 31 December 2013. The Authority will take account of all submissions received within the time frame below.

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 17 May 2013.

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 protect material that is claimed as, and is genuinely, confidential as well as exempt information and information disclosure of which would be contrary to the public interest (within the meaning of the *Right to Information Act 2009 (RTI)*), 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 a RTI 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 (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