

**QUEENSLAND
COMPETITION
AUTHORITY**

File Ref: 7-3-69

9 October 2003

Ms Bronwyn Morris
Chairman of the Board
Queensland Rail
GPO Box 1429
BRISBANE
QLD 4001

Dear Ms Morris

**Notice of Investigation
Queensland Rail (QR) – Draft Amending Access Undertaking**

On 24 September 2003, the Authority received from QR an application to amend its approved access undertaking. The Authority intends to conduct an investigation into the proposed amendments to the undertaking.

Section 146 of the *Queensland Competition Authority Act 1997* (the 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.

Draft Amending Access Undertaking

QR has advised that the purpose of this draft amending access undertaking is to:

- update the line diagrams in Schedule A of the undertaking to reflect changes to rail infrastructure;
- reflect changes to marshalling yard management as a result of the review conducted into yard control services at Jilalan and Callemondah;
- further explain the steps necessary to create a Weekly Train Plan in the central Queensland coal region;
- include a new definition of 'Train Orders'; and
- include a new 'rule 8' to the Traffic Management Decision Making Matrix.

Notice of Investigation

In accordance with s.146 of the Act, the Authority advises that it proposes to conduct an investigation into QR's application for amendments to its approved access undertaking, to decide whether to approve, or refuse to approve, the draft amending access undertaking.

In accordance with s.143 of the Act, the Authority may approve a draft amending access undertaking only if, inter alia, it has:

- published the undertaking and invited persons to make submissions on it; and
- considered these submissions.

Submissions

The Authority invites a written submission from QR. To assist in this regard attached are a number of documents:

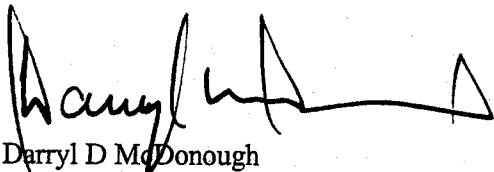
- **Submissions Page** – to assist in the preparation and lodgement of submissions for the draft amending access undertaking;
- **A Request for Comments paper** – a summary of issues upon which the Authority seeks comments from interested parties;
- **QR Submissions** – submissions provided by QR in support of its draft amendments to the approved access undertaking; and
- **Mark Up** – a marked-up version of the relevant sections of the undertaking showing the proposed amendments.

QR is welcome to comment on the separate matters, or on any aspect of the draft amending access undertaking.

Copies of the draft amending access undertaking and the accompanying submissions from QR are available from the Authority and for download from the Authority's web site: www.qca.org.au.

Any inquiries should be directed to Paul Bilyk on (07) 3222 0506. The closing date for all submissions is 7 November 2003.

Yours sincerely,



Darryl D McDonough
Chairman

SUBMISSIONS

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 were 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 0555
Fax: (07) 3222 0599
Email: rail.submissions@qca.org.au

The closing date for submissions is 7 November 2003.

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 (ie 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 (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.