

File Ref: 782406

6 November 2014

Ms Helen Gluer
Chief Executive Officer
Queensland Rail Ltd
GPO Box 1429
BRISBANE QLD 4001

Dear Ms Gluer *Helen*

Queensland Rail's Draft Amending Access Undertaking

On 5 November 2014, we received a draft amending access undertaking (DAAU) from Queensland Rail to extend its 2008 access undertaking's termination date to the earlier of:

- 30 June 2015; or
- the date at which we approve a replacement access undertaking.

Section 146 of the *Queensland Competition Authority Act 1997* (the QCA Act) requires us to provide a formal notice to the owner or operator of a service that it proposes to start an investigation, and to invite the owner of the service to make a written submission.

Notice of Investigation

In accordance with section 146 of the QCA Act, we propose to conduct an investigation to decide whether to approve Queensland Rail's DAAU. Section 143 of the QCA Act provides that we may approve a DAAU if, among other things, we have:

- published the DAAU and invited persons to make submissions on it
- considered those submissions.

Submissions

We have published Queensland Rail's DAAU on our website (www.qca.org.au) and have sought submissions from interested parties. We invite a written submission from Queensland Rail and Queensland Rail is welcome to comment on any aspect of the DAAU. Attached is a 'Submission' page to assist in preparing and lodging submissions. Any enquiries should be addressed to Ravi Prasad on (07) 3222 0533. The closing date for submissions is 11 November 2014.

Process

We note that Queensland Rail has also asked about the process for assessing its 2013 draft access undertaking (DAU).

We do not intend to publish a further draft decision. The final decision will reflect our consideration of submissions from Queensland Rail and other stakeholders in response to the draft decision published on 17 October 2014. We do not envisage there will be an opportunity for Queensland Rail or other stakeholders to reply to those submissions, however to some extent it depends on the issues raised by them.

Yours sincerely



Malcolm Roberts
Chairman

SUBMISSIONS

Closing date for submissions: 11 November 2014

Public involvement is an important element of the decision-making processes of the Queensland Competition Authority (QCA). Therefore submissions are invited from interested parties concerning its assessment of Queensland Rail's November 2014 extension draft amending access undertaking. The QCA will take account of all submissions received.

Comments or inquiries regarding this paper should be directed to:

Queensland Competition Authority
GPO Box 2257
Brisbane Q 4001
Tel (07) 3222 0533
Fax (07) 3222 0599
www.qca.org.au

Submissions should be uploaded using the online form at <http://www.qca.org.au/submissions>

Confidentiality

In the interests of transparency and to promote informed discussion, the QCA 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. 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 QCA will endeavour to identify and protect material claimed as 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 s. 187 of the *Queensland Competition Authority Act 1997*, the Authority must take all reasonable steps to ensure the information is not disclosed without the person's consent, provided the Authority believes that disclosure of the information would be likely to damage the person's commercial activities 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, or on the website at www.qca.org.au. If you experience any difficulty gaining access to documents please contact us on (07) 3222 0555.