

File Ref: 1478389

21 September 2022

Ms Kat Stapleton
Chief Executive Officer
Queensland Rail

By email: ceoqueenslandrail@qr.com.au

Dear Ms Stapleton

Queensland Rail access undertaking timeline

Thank you for your letter of 1 September 2022, in which you said Queensland Rail is committed to operating under an access undertaking for the next regulatory period and to consulting extensively with stakeholders in preparing a draft access undertaking (DAU).

We look forward to working with Queensland Rail and other stakeholders to enable a new access undertaking to be approved when the current undertaking expires on 30 June 2025.

We consider that the timeline for our investigation of the next DAU may be shorter than the timeline for the 2020 DAU. Nevertheless, we still wish to leave sufficient time, particularly after publishing a draft decision (if a draft decision is necessary), for Queensland Rail and other stakeholders to collaborate on any matters that remain outstanding. We also consider it prudent, in light of our experience with the 2020 undertaking process, to leave some contingency in the timeline to properly address any last-minute considerations that may arise.

We are keen to accommodate Queensland Rail's preference to provide a voluntary DAU. However, we ask that you lodge it for approval by no later than 31 October 2023. This will give you more than a year to plan, consult and finalise the submission.

We consider the benefits of having an undertaking in place on time justify using our mandatory powers if necessary, as demonstrated with the successful outcome of the 2020 DAU process. Therefore, we will be minded to move to issue an initial undertaking notice under section 133 of the *Queensland Competition Authority Act 1997* (QCA Act) early in November 2023, if Queensland Rail has not lodged a DAU by 31 October 2023. This is a cautious approach, based on lessons learned in investigating the first access undertaking for Queensland Rail between 2012 and 2016, which began as a voluntary process.

In the interests of transparency and accountability, we intend to publish this letter. We would be grateful if you could provide a letter for publication soon, confirming Queensland Rail's support for this timeline.

I look forward to maintaining the good working relationship between our organisations during the DAU process. Feel free to contact me if you have any questions, or follow up with the project manager, Stephen Wisenthal (tel 07 3222 0507 or email stephen.wisenthal@qca.org.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'C Millstead', written in a cursive style.

Charles Millstead
Chief Executive Officer