



Our Ref: Paul Bilyk  
Direct Line: (07) 3222 0506  
File Ref: 285527

15 April 2010

Mr Michael Carter  
Executive General Manager  
QR Network Pty Ltd  
GPO Box 1429  
Brisbane QLD 4001

Dear Mr Carter

**Notice of Investigation: QR Network Pty Ltd's 2010 Draft Access Undertaking (DAU)**

On 15 April 2010, QR Network Pty Ltd (QR Network) withdrew its 2009 DAU and submitted a new DAU (the 2010 DAU). The 2010 DAU was submitted in accordance with section 136 of the *Queensland Competition Authority Act 1997* (the QCA Act).

Section 146 of the QCA Act requires the Authority to provide the owner of the 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 to approve or not to approve QR Network's 2010 DAU.

In accordance with s.138 of the QCA Act, the Authority may approve a DAU 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 2010 DAU on its website ([www.qca.org.au](http://www.qca.org.au)) and is currently seeking submissions from interested parties.

The Authority invites written submissions from QR Network on any aspect of the 2010 DAU. Attached is a 'submissions page' to assist in the preparation and lodgement of submissions.

Any inquiries should be directed to Paul Bilyk on (07) 3222 0506. The closing date for all submissions is 7 May 2010.

Yours sincerely

A black rectangular box redacting the signature of EJ Hall.

EJ Hall  
Chief Executive

## SUBMISSIONS

Public involvement is an important element of the decision-making processes of the Queensland Competition Authority (the Authority). Submissions are therefore invited from interested parties concerning QR Network's 2010 Draft Access Undertaking.

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

The **closing date** for submissions is **5.00pm on 7 May 2010**.

### 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 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](http://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.