

File Ref: 570447

3 July 2013

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

Dear Mr Benstead

Notice of Investigation: Queensland Rail's Voluntary June 2013 Draft Access Undertaking

On 30 June 2013, Queensland Rail Ltd submitted reference tariffs for the western system coal services, and proposed consequential amendments to its previously submitted draft access undertaking (the February 2013 DAU).

There is no provision in the *Queensland Competition Authority Act 1997* (the QCA Act) that allows an access provider to amend its voluntary draft access undertaking after it has been submitted for the Authority's approval. Therefore, Queensland Rail's reference tariff proposal is, in effect, a withdrawal of its February 2013 DAU and submission of a new voluntary draft access undertaking with reference tariffs for western system coal services (the June 2013 DAU).

Section 146 of the QCA Act requires the Authority to provide the owner or operator of the service with a formal notice that it proposes to conduct an investigation and to invite the owner of the service to make a written submission to the Authority. This is the purpose of this letter.

Notice of Investigation

In accordance with s.146 of the QCA Act, the Authority proposes to conduct an investigation to decide whether or not to approve Queensland Rail's June 2013 DAU.

In accordance with s.138 of the QCA Act, the Authority may approve a draft access undertaking only if, among other things, it has:

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

Submissions

The Authority has published Queensland Rail's June 2013 DAU on its website (www.qca.org.au) and sought submissions from interested parties. The closing date for all submissions is 15 August 2013.

The Authority invites a written submission from Queensland Rail on any aspect of the June 2013 DAU. Attached is a submissions page to assist in the preparation and lodgement of that submission.

Any inquiries on this matter should be directed to Mr Stephen Wisenthal on (07) 3222 0507.

Yours sincerely



Malcolm Roberts
Chairman

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 Ltd's June 2013 draft access undertaking. The Authority will take account of all submissions received.

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 0507
Fax: (07) 3222 0599
Email: rail@qca.org.au

The closing date for submissions is **15 August 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 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. 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.