

25 August 2023

Queensland Competition Authority  
GPO Box 2257  
Brisbane Q 4001

Hello,

**Re: Review of the appointment of the independent expert - Coal Network Capacity Company**

I offer this submission as a citizen and as a resident of Queensland exercising my fiduciary responsibility. As a researcher, writer and activist I have developed extensive knowledge of the Galilee Basin coal complex and the Carmichael Rail Network in order to understand and communicate the means of export for Galilee Basin coal. My interest is in growing a better understanding of the political economy of export coal development in Queensland to expand the public discourse.

My interest with regard to the Coal Network Capacity Company (CNCC) is the exercise of prudential concern and responsibility for the expansion of coal production and transport from the Galilee Basin via the Carmichael Rail Network and the Aurizon-Newlands system.

The Queensland Competition Authority Act constrains the Queensland Competition Authority (QCA) from exercising prudential concern or engaging in oversight for new, significant coal transport infrastructure. The QCA Act does not ensure the QCA receives copies of new access agreements made by/with regulated or unregulated entities. The QCA's limited oversight can result in paucity of information available on the public record. Parties to access agreements can work in secret until a regulatory dispute needs to be resolved. Evidence of foreseeable demand can be constrained making it more difficult for the QCA to make a compelling case to the Queensland Treasurer to provide specific directions.

The CNCC are not constrained in their freedom to consider future demand via the CRN and Aurizon-Newlands system, indeed it is clearly within their purview.

The QCA should consider the employment history of the CNCC leadership team when considering its 'independence' as experts for the purposes of the *Review of the appointment of the independent expert*.

[REDACTED]  
[REDACTED] are both former Aurizon employees. While past employment with Aurizon may not constitute an 'interest or duty' that may conflict with a CNCC expert's functions as an independent expert, it is important to be mindful that former Aurizon employees may possess knowledge that is subject to contractual limits on disclosure, but valuable when an individual is appointed to a particular role.

Michael Swifte

Researcher, writer and activist

We Suspect Silence  
<https://wesuspectsilence.wordpress.com/>  
Wrong Kind of Green  
<https://www.wrongkindofgreen.org/>