

Our Ref: Paul Bilyk
Direct Line: (07) 3222 0506
File Ref: 224655

10 September 2008

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

Dear Mr Carter

**Notice of Investigation
QR's Voluntary 2009 Draft Access Undertaking**

On 9 September 2008, the Queensland Competition Authority (the Authority) received from QR Network an application to approve a draft access undertaking (2009 DAU) to replace the existing access undertaking that expires on 30 June 2009. The Authority intends to conduct an investigation into the draft access undertaking.

Section 146 of the *Queensland Competition Authority Act 1997* (the QCA Act) requires the Authority to provide the owner 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. This is the purpose of this letter.

Notice of Investigation

In accordance with s146 of the QCA Act, the Authority advises that it proposes to conduct an investigation to decide whether to approve, or refuse to approve QR Network's DAU.

In accordance with s138 of the QCA Act, the Authority may approve a DAU only if, inter alia, it has:

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

Submissions

The Authority has published QR Network's 2009 DAU on its website (www.qca.org.au) and sought submissions from interested parties.

The Authority invites a written submission from QR Network. Attached is a Submissions page to assist in the preparation and lodgement of that submission. QR Network is welcome to comment on any aspect of the 2009 DAU.

Any inquiries should be directed to Mr Paul Bilyk on (07) 3222 0506. The closing date for all submissions is **22 October 2008**. The Authority will consider any submissions it receives within that time.

Yours sincerely



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 the Authority's assessment of the voluntary draft access undertaking (2009 DAU) submitted by QR Network to the Authority on 09 September 2008. The purpose of QR Network's 2009 DAU is to provide for a new access undertaking to replace the existing undertaking that expires on 30 June 2009.

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 0506
Fax: (07) 3222 0599
Email: rail@qca.org.au

The **closing date** for submissions is 22 October 2008.

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 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 documents (within the meaning of the *Freedom of Information (FOI) Act 1989*), 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 an FOI 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 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.