



Our Ref: Paul Bilyk
Direct Line: (07) 3222 0506
File Ref: 355382

5 January 2011

Mr Michael Carter
Executive Vice President and CEO
QR National Network Services
GPO Box 456
Brisbane QLD 4001

Dear Mr Carter

QR National Network's 2011 Draft Amending Access Undertaking and Standard User Funding Agreement

On 24 December 2010, the Queensland Competition Authority (the Authority) received from QR National Network (QRNN) an application to approve a draft amending access undertaking (2011 DAAU) and a standard user funding agreement as provided for in section 7.6(a) of its 2010 access undertaking.

At the same time, QRNN has yet to submit an explanatory note outlining the proposed amendments to its 2010 access undertaking or its proposed standard user funding agreement. QRNN has advised that a detailed note will be submitted by 21 January 2011.

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 if 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

The Authority proposes to conduct an investigation to decide whether to approve, or refuse to approve, QRNN's 2011 DAAU and standard user funding agreement.

In accordance with s138 of the QCA Act, the Authority may approve a DAAU only if, among other things, it has:

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

Submissions

The Authority has published the 2011 DAAU and the proposed standard user funding agreement on its website (www.qca.org.au) and sought submissions from interested parties. The due date for

submissions is 18 February 2011, being four weeks from the date of the expected receipt of the outstanding QRNN information. The Authority will consider any submissions it receives within that time but not those received afterwards. Should QRNN not submit the outstanding information by 21 January 2011, the Authority will consider extending the submission deadline.

The Authority invites a written submission from QRNN. Attached is a submissions page to assist in the preparation and lodgement of a submission. QRNN is welcome to comment on any aspect of the 2011 DAAU and proposed standard user funding agreement.

Any enquiries should be directed to Paul Bilyk on (07) 3222 0506.

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 draft amending access undertaking (2011 DAU) and proposed standard user funding agreement submitted by QR National Network to the Authority on 24 December 2010.

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 18 February 2011.

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.