

Queensland Rail's 2025 draft access undertaking

23 November 2023

Topics for stakeholder comments

Background

On 13 November 2023, the Queensland Competition Authority (QCA) published Queensland Rail's 2025 draft access undertaking (2025 DAU) and invited interested parties to make submissions by **Friday 2 February 2024**.

QCA staff have developed a list of topics to assist stakeholders in preparing submissions on the 2025 DAU.¹ While this list highlights some matters related to the 2025 DAU, it does not seek to comprehensively cover all the topics raised by the proposal. Therefore, interested parties should rely on their own analysis to determine whether there are additional matters on which they wish to comment.

In assessing the 2025 DAU, the QCA will consider whether it is appropriate to approve the DAU having regard to the criteria in section 138(2) of the *Queensland Competition Authority Act 1997* (QCA Act). Stakeholders may wish to address these criteria in their comments on Queensland Rail's proposal.

Topics for comment

Stakeholders are requested to provide their views, where they consider they have an interest, on the following Queensland Rail proposals within the 2025 DAU (including those which entail the specified changes from the approved provisions in the 2020 undertaking):

1. the negotiation framework and pricing rules, which establish the process and requirements for negotiating prices and other terms to access the declared service (2025 DAU, Parts 2 and 3)
2. changes to the provisions associated with mutually exclusive access applications (the 'queuing mechanism') (2025 DAU, clause 2.92)

¹ This material has been prepared by QCA staff and is not binding on the QCA, nor does it represent the views of the QCA.

3. the reporting regime, having regard to experience with the reporting prescribed in the 2020 undertaking (2025 DAU, Part 5)
4. changes to Queensland Rail's quarterly reporting deadlines and obligations (2025 DAU, clauses 5.1.1-5.1.2)
5. changes to the processes after a dispute on a planned possession or an ad hoc possession proposed by Queensland Rail (2025 DAU, Schedule F, clause 2.4)
6. the West Moreton reference tariff approach, including:
 - a. the proposed capital and maintenance programs and the associated allocation of volume risk to Queensland Rail, access holders and seekers (2025 DAU explanatory document, sections 2.4 and 2.7)
 - b. the proposal for accelerated depreciation and the extent to which the proposed rate of return is commensurate with the regulatory and commercial risks involved in providing the declared service (2025 DAU explanatory document, sections 2.6 and 2.8)
 - c. anticipated operating, maintenance, and capital costs that might result from changes in volumes (2025 DAU explanatory document, sections 2.7, 2.10-2.11).

Submissions

Closing date for submissions: 2 February 2024

Public involvement is an important element of our decision-making processes. Therefore, we invite submissions from interested parties on the 2025 DAU. We will take account of all submissions received within the stated timeframes. Submissions, comments or inquiries regarding this paper should be directed to:

Queensland Competition Authority

GPO Box 2257, Brisbane QLD 4001

Tel (07) 3222 0555

www.qca.org.au/submissions/

Confidentiality

In the interests of transparency, and to promote informed consultation, we intend to make all submissions publicly available. However, if a person making a submission believes that information in it is confidential, they should claim confidentiality over the relevant information (and state the basis for that claim). We will assess confidentiality claims in accordance with the QCA Act. Among other things, we will assess if disclosure of the relevant information is likely to damage a person's commercial activities, and we will consider the public interest.

Claims for confidentiality should be clearly noted on the front page of a submission, and relevant sections of the submission marked as confidential. The submission should also be provided in both redacted and unredacted versions. In the redacted version, all information claimed as confidential should be removed or hidden. In the unredacted version, all information should be exposed and visible. These measures will make it easier for us to make the remainder of the document publicly available. A confidentiality claim template is available at www.qca.org.au/submission-policy/

The template gives guidance on the type of information that may help us to assess a confidentiality claim. We encourage stakeholders to use this template when making confidentiality claims.

Public access to submissions

Subject to any confidentiality constraints, submissions will be available for public inspection at our Brisbane office or on our website at www.qca.org.au/. If you experience any difficulty gaining access to documents, please contact us on **(07) 3222 0555**.