

File ref: 2036943

15 January 2025

Mr Scott Cornish
Head of Regional
Queensland Rail
Sent via e-mail

Dear Mr Cornish

Queensland Rail's Draft Access Undertaking – Submission period extended to 7 February

I refer to your letter of 13 January requesting two more weeks to comment on the QCA's discussion paper on the 2025 draft access undertaking (DAU), that was published in December.

You focus the extension request on matters related to access for West Moreton coal services. However, Queensland Rail's access undertaking promotes effective negotiation of access terms for services across almost all of Queensland Rail's extensive network. It is not appropriate to jeopardise on-time approval of a new access undertaking to resolve West Moreton matters that could be addressed without delaying the QCA's investigation of the rest of the DAU.

The QCA has already given Queensland Rail substantial time to find areas of agreement with stakeholders. Last year, the period for collaborative submissions was extended by more than 6 weeks. This took the total time provided for consultation and discussion after the draft decision to 5 months.

Nevertheless, consistent with the QCA's emphasis on agreed outcomes, I have decided to give extra time for submissions on the discussion paper, extending the deadline until Friday 7 February 2025. I hope this will enable Queensland Rail and its customers to find more areas of agreement that the QCA can consider while preparing a final decision on the 2025 DAU.

The principal concerns that you have raised in your letter are that Queensland Rail and its customers need time to respond to the potential for the 2025 access undertaking to not include a West Moreton reference tariff, and to address information that may come up in a briefing on West Moreton capacity, scheduled for this Friday, 17 January.

The discussion paper sets out a clear way forward for a reference tariff to be included in the 2025 undertaking: that is, for Queensland Rail and its customers to negotiate an outcome that is satisfactory to all parties.

If there is not sufficient time to settle a reference tariff before the 2025 undertaking takes effect, any agreed position could be implemented through a subsequent draft amending access undertaking. And should Queensland Rail and its customers be unable to agree a reference tariff, there is also the option of using the dispute provisions in the QCA Act to resolve terms of access.

The QCA has provided substantial information to assist with negotiations on West Moreton access terms, including guidance in Appendices A to C of the discussion paper, and the additional report

from Arcadis. I refer you again to the high-level summary of matters to address, which is included in the draft decision, and repeated in Box 1 on p. 8 of the discussion paper.

The capacity briefing is simply an additional part of our efforts to provide information to assist with negotiations. I hope that Queensland Rail and its customers will use the capacity analysis prepared for the QCA as a starting point and further refine it to assist with developing a reasoned and prudent strategy for West Moreton.

I note that our current calculations for the six-month statutory timeframe for our investigation include the days between 14 March 2024, when responsive submissions on the DAU were due, and 6 June 2024, when the draft decision was published. I seek Queensland Rail's confirmation that days during this period when there were outstanding requests for information should not be counted towards the six months.

We will be publishing this letter on our website. If you have any questions, please contact Stephen Wisenthal (project manager for the investigation of the 2025 DAU) on 07 3222 0507.

Yours sincerely



Charles Millsted
Chief Executive Officer

cc: Mr Mike Dodd, Yancoal
Mr Alistair Baben der Erde, New Hope Group