



By Email: qldrailnetwork@ncc.gov.au

John Feil
Executive Director
National Competition Council
GPO Box 250
Melbourne VIC 3000

19 July 2010

Dear John

Applications for Declaration and Certification of the Queensland Rail Network

We enclose a submission by Pacific National in connection with the applications for declaration of services provided by the Queensland Coal Rail Network and the application by the Queensland Government for certification of the Queensland rail regime together with a report from Castalia and a completed submission cover sheet.

We note that there are two matters which may require a further submission. First, on 30 June 2010 the Australian Competition Tribunal delivered its decision on four applications related to third party access to Pilbara Railways. Whilst the decisions in those matters have been made, the Tribunal's reasons for the decisions have not yet been made publicly available. To the extent that there is anything contained in the Tribunal's reasons for decision which is relevant to the way in which Pacific National has framed its declaration application, it would seek to make submissions to the Council once the reasons for decision become publicly available.

In addition, the Queensland Treasury has provided Asciano Limited with a proposed further amended Queensland Competition Authority Amendment Regulation 2010. This was received on Friday 16 July 2010. It is presently not clear whether this would be accompanied by further changes to the Queensland Competition Authority Act. We are considering the effect of the proposed amended regulation and it may be that it affects some matters which are currently covered in the submission lodged with this letter. To the extent that is the case, we will address this in a further submission.

We note that the Council has provided a date for further supplementary submissions of 5pm on Monday 16 August 2010. Subject to the date on which the Tribunal's reasons become publicly available, and the date any further changes to the Queensland regime are released by the Queensland Government, we anticipate providing any supplementary submission within that time.

Kind Regards

A handwritten signature in blue ink, reading "Tim Kuypers", with a stylized flourish underneath.

Dr Tim Kuypers
Group General Manager
Safety, Access and Regulation