

Draft Decision

Aurizon 2014 Draft Access Undertaking — Draft Decision VOLUME IV – Definitions, Interpretations, Glossary and Reference List

January 2015

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19 DEFINITIONS AND INTERPRETATIONS

Part 12 of Aurizon Network's 2014 DAU contains the detailed meaning of defined terms used in the undertaking and provides guidance as to interpretation of some terms.

We are proposing a series of amendments to the definitions contained in the 2014 DAU, some of which represent minor points of clarification or improvement in wording, while others represent more substantive changes.

Our Draft Decision is to require Aurizon Network to amend the definitions in its 2014 DAU in accordance with the detailed drafting accompanying the Draft Decision.

19.1 Introduction

Part 12 (Definitions and Interpretation) of Aurizon Network's 2014 DAU contains the detailed descriptions of the defined terms used elsewhere in the undertaking and also provides guidance as to how some terms should be interpreted.

The Definitions and Interpretation part of the 2014 DAU is important as it acts to provide detail about the exact meaning of terms that appear throughout the rest of the undertaking.

19.2 Overview

Aurizon Network's proposal

Aurizon Network's proposal contains definitions for around 300 defined terms. A further set of provisions provide guidance as to the interpretation of terms. In addition, Part 12 of the 2014 DAU also outlines procedures for issuing of various Notices required by the undertaking and includes a set of transitional provisions intended to govern implementation of the undertaking following the Approval Date.

The definitions contained in the 2014 DAU differ in some areas from those in the 2013 DAU. Several new definitions have been added, while a number of others have been removed. In addition, a large number of drafting changes have been made, some minor and some more significant. Only minor changes have been made to the provisions relating to interpretation, issuance of Notices and transitional arrangements. This is with the exception of the addition of a new transitional provision providing that the clause in the 2010 AU regarding customer initiated capacity transfers continues to apply to access agreements entered into prior to the Approval Date.

Stakeholders' position

Only one stakeholder (Asciano) provided a discrete discussion on the definitions and interpretation part of the 2014 DAU in its submission. Asciano's submission raised specific concerns with 11 of the definitions proposed by Aurizon Network.¹⁰⁰²

Other stakeholders provided comments on the appropriateness or otherwise of particular definitions in other areas of their submissions—that is, in the context of discussing the issues to which the particular definitions have primary relevance.

¹⁰⁰² Asciano, 2014 DAU, sub. no. 22: 44-46, 133-137

Stakeholders did not directly comment on the provisions relating to interpretation, issuance of Notices and transitional arrangements.

Legislative framework and QCA assessment approach

Legislative framework

In assessing Part 12 of Aurizon Network's 2014 DAU, we have had regard to all the factors in section 138(2) of the QCA Act, as set out in the 'Role of the QCA' section at the start of this Draft Decision.

In the context of assessing Aurizon Network's proposal, we must have regard to the factors listed in section 138(2) and give them an appropriate level of weighting, as identified in Chapter 2 of this Draft Decision.

As Part 12 of the 2014 DAU contains a large number of definitions and interpretation provisions that impact in different ways on different parts of the 2014 DAU, the weighting we have given to the factors listed in section 138(2) differs depending on the particular definition or provision and its impact and operation.

That said, we consider that, in our assessment of Part 12 of the 2014 DAU:

- the factors of most practical relevance are those listed in sections 138(2)(a), (b), (d), (e), (g) and (h), as identified below
- sections 138(2)(c) and (f) should be given less weight, as they are less practically relevant to our assessment.

QCA assessment approach

Sections 69E and 138(2)(a) of the QCA Act require that we have regard to the object of Part 5 of the QCA Act, namely to promote the economically efficient operation, use of and investment in the CQCN, as the significant infrastructure by which the declared services are provided, with the effect of promoting competition in upstream and downstream markets.

With regard to the definitions and other provisions contained in Part 12 of the 2014 DAU, we consider the object clause requires us to assess whether any of these provisions would be consistent or inconsistent with:

- promoting the economically efficient use of, and investment in, the rail infrastructure
- enhancing effective competition in upstream and downstream markets.

Section 138(2)(b) of the QCA Act requires that we have regard to the legitimate business interests of Aurizon Network, while sections 138(2)(d) and 138(2)(e) require us to have regard to the public interest and the interests of access seekers. We also consider the interests of existing access holders are relevant under section 138(2)(h), to the extent they are not already 'access seekers' under section 138(2)(e).

With regard to the definitions and other provisions contained in Part 12 of the 2014 DAU, we consider these various interests require us to assess whether any of these provisions act to promote or hinder:

- accountability and transparency of the 2014 DAU for Aurizon Network and other stakeholders
- the effectiveness of, and the ability of Aurizon Network and other stakeholders to access, dispute resolution mechanisms

- effective negotiation and engagement between Aurizon Network and its customers.

Sections 138(2)(g) and 168A of the QCA Act require that we have regard to certain pricing principles, including that the price of access to the declared service should:

- generate expected revenue for the service that is at least enough to meet the efficient cost of providing access to the service and include a return on investment commensurate with the regulatory and commercial risks involved (section 168A(a))
- not allow a related access provider to set terms and conditions that discriminate in favour of the downstream operations of the access provider or a related body corporate of the access provider, except to the extent the cost of providing access to other operators is higher (section 168A(c))
- provide incentives to reduce costs or otherwise improve productivity (section 168A(d)).

We consider section 168A(b) is less practically relevant to our assessment of the 2014 DAU.

With regard to the definitions and other provisions contained in Part 12 of the 2014 DAU, we consider the pricing principles require us to assess whether any of these provisions would be consistent or inconsistent with:

- efficient pricing and cash-flow arrangements, in accordance with section 168A(a)
- accountability and transparency, including non-discriminatory treatment of access holders and access seekers
- efficient use of, and investment in, the rail infrastructure, including incentivising cost and productivity improvements.

19.3 Definitions

QCA analysis and Draft Decisions

We are proposing a series of amendments to the definitions contained in the 2014 DAU. All of these amendments are incorporated in the drafting that accompanies this Draft Decision. Some amendments represent relatively minor points of clarification or improvement in wording, while others represent more substantive changes. The most substantive proposed changes are discussed in the Table in Appendix F of this Draft Decision.

Draft Decision

19.1 Our Draft Decision is to refuse to approve Part 12 of Aurizon Network's 2014 DAU. We would approve an amended Part 12, with amendments as set out in the marked changes attached to this Draft Decision.

APPENDIX F: DEFINITIONS - QCA ANALYSIS

Table 104 **Definitions–QCA Analysis**

<i>Definition</i>	<i>Aurizon Network proposal</i>	<i>Stakeholders' position</i>	<i>QCA analysis and Draft Decision</i>
Access Charge	<p>The price paid to Aurizon Network:</p> <p>(a) for Access under an Access Agreement; or</p> <p>(b) by a Train Operator, if any, for the right to operate Trains on the Rail Infrastructure for that Train Operator's End User;</p> <p>and for clarity:</p> <p>(c) includes any Take or Pay charges; and</p> <p>(d) excludes amounts paid to Aurizon Network in accordance with any Commercial Terms, Studies Funding Agreement, User Funding Agreement or Rail Connection Agreement.</p>	<p>Asciano was concerned that the exclusions from this definition (i.e. the amounts referred to in sub-clause (d)) may allow for double-counting of sources of revenue, where these amounts are already included in the cost build-up for Reference Tariffs or are otherwise included in Access Charges for Train Services.¹⁰⁰³</p>	<p>We share Asciano's concern that the exclusions from this definition may allow for double-counting to occur, where there is potential for the amounts designated to be already included in the cost build-up for Reference Tariffs or Access Charges. We consider that the definition of Access Charge should make explicit that amounts in this category will not be excluded.</p> <p>We also consider that other amendments to this definition should be made, consequential on proposed changes to other definitions (see particularly the discussions of Commercial Terms and End User below).</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Access Charge in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Access Charge Rates	<p>Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.</p>	<p>Not applicable.</p>	<p>The Standard Access Agreement included in our marked up changes to Volume 3 of the 2014 DAU, includes reference to the concept of Access Charge Rates. This means it is necessary for a definition of this term to be included in Part 12 of the 2014 DAU.</p>

¹⁰⁰³ Asciano, 2014 DAU, sub. no. 22: 134

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			Our Draft Decision is to require a definition of Access Charge Rates to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Access Conditions	<p>Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.</p> <p>However, the term Commercial Terms (see discussion below) is used in the 2014 DAU in place of the term Access Conditions (which was used in the 2010 AU).</p>	<p>See comments below regarding the definition of Commercial Terms.</p> <p>As noted below, Asciano was specifically concerned that the definition of Commercial Terms specifies that a varied or additional take-or-pay arrangement is allowed for as a commercial term. It said this is concerning as it raises issues surrounding Aurizon Network's intent to differentiate between customers and access holders in regard to take or pay clauses which apply to access holders and / or customers.¹⁰⁰⁴</p>	<p>As discussed in detail in Section 12.3.3 of this Draft Decision, we consider the concept of Commercial Terms should be removed from the 2014 DAU, and a form of Access Conditions reintroduced (with Access Conditions required to be accepted by the QCA). This means it is necessary to include a definition of Access Conditions in the 2014 DAU.</p> <p>We agree with Asciano that this definition should not include scope for varied or additional take or pay arrangements, as such arrangements would be likely to increase differentiation between customers, thereby reducing accountability and transparency and potentially impacting negatively on competition in upstream and downstream markets.</p> <p>Our Draft Decision is to require a definition of Access Conditions to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Access Holder	Unless expressed to the contrary, a person that has been granted Access Rights to operate Train Services on all or	Asciano was concerned that the definition of Access Holder excludes Train Operators. ¹⁰⁰⁵	Our detailed analysis of this proposed definition is contained in Section 2.6 of this Draft Decision. In summary, we

¹⁰⁰⁴ Asciano, 2014 DAU, sub. no. 22: 45

¹⁰⁰⁵ Asciano, 2014 DAU, sub. no. 22: 135

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	part of the Rail Infrastructure excluding a Train Operator.		consider section 138(2)(h) of the QCA Act encompasses the interests of Train Operators as Access Holders. Our Draft Decision is to require Aurizon Network to amend the definition of Access Holder in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
Access Holder Access Agreement	An Access Agreement substantially in the form of the Standard Access Agreement (Access Holder).	Not applicable.	As discussed in detail in Section 8.4 of this Draft Decision, our interim position is to reject the suite of Standard Access Agreements proposed in Aurizon Network's 2014 DAU, and instead move to a simpler approach based on only two Standard Access Agreements. This means the definition of Access Holder Access Agreement is no longer necessary. Our Draft Decision is to require the definition of Access Holder Access Agreement to be deleted from the 2014 DAU.
Access Seeker	Subject to clause 4.8(a) and unless expressed to the contrary, the entity that provides Aurizon Network with a properly completed Access Application excluding a Train Operator.	Asciano was concerned that the definition of Access Seeker excludes Train Operators. It said this means Train Operators cannot request access rights by submission of an Access Application. ¹⁰⁰⁶	Our analysis of this proposed definition is contained in Section 2.6 of this Draft Decision. In summary, we consider section 138(2)(e) of the QCA Act encompasses the interests of Train Operators as Access Seekers. Our Draft Decision is to require Aurizon Network to amend the definition of Access Seeker in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.

¹⁰⁰⁶ Asciano, 2014 DAU, sub. no. 22: 44

<i>Definition</i>	<i>Aurizon Network proposal</i>	<i>Stakeholders' position</i>	<i>QCA analysis and Draft Decision</i>
Access Seeker Nomination	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	As discussed in Section 12.4 of this Draft Decision, the 2014 DAU includes a mechanism enabling a Customer to nominate an Access Seeker to be considered for an opportunity to fund a Feasibility Study. We consider this means it is necessary for the 2014 DAU to include a definition of Access Seeker Nomination. Our Draft Decision is to require a definition of Access Seeker Nomination to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
ACDC	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable	This term is referred to in our amended Part 11 (Disputes) of the 2014 DAU. This means it is necessary for a definition to be included in Part 12. Our Draft Decision is to require a definition of ACDC to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Adjusted Allowable Revenue	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable	This term is referred to in our amended Schedule F of the 2014 DAU. This means it is necessary for a definition to be included in Part 12. Our Draft Decision is to require a definition of Adjusted Allowable Revenue to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Adjustment Charge	The meaning given to that term in clause 5.1(a) of schedule F.	Not applicable.	We consider this definition needs to be amended to be consistent with our proposed changes to Schedule F of the 2014 DAU.

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			Our Draft Decision is to require Aurizon Network to amend the definition of Adjustment Charge in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
Affected Access Holder	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable	As discussed in Section 12.6.3 of this Draft Decision, we are requiring Part 8 of the 2014 DAU to be amended to include appropriate arrangements for dealing with Capacity Shortfalls and the rights of Access Holders in these circumstances. This means it is necessary for the 2014 DAU to include a definition of Affected Access Holder. Our Draft Decision is to require a definition of Affected Access Holder to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Allocated Tariff 1 Charge or ALT1	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	This term is referred to in our amended Schedule F of the 2014 DAU. This means it is necessary for a definition to be included in Part 12. Our Draft Decision is to require a definition of this term to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Allocated Tariff 2 Charge or ALT2	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	This term is referred to in our amended Schedule F of the 2014 DAU. This means it is necessary for a definition to be included in Part 12. Our Draft Decision is to require a definition of this term to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
Ancillary Revenues	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider charges for services that are ancillary to other services supplied under an access agreement (including, for example, charges for storage, repositioning and licence arrangements) should be identified. This means it is necessary to include a definition of Ancillary Revenues in Part 12 of the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of Ancillary Revenues to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Approved WACC	8.18% per annum.	Not applicable.	<p>The issue of the appropriate approved WACC for the 2014 DAU is considered in detail in our Draft Decision on Aurizon Network's Maximum Allowable Revenue (MAR). For the reasons discussed in that Draft Decision, we are proposing that an appropriate post-tax nominal (vanilla) WACC for Aurizon Network for the 2014 DAU is 7.17%.</p> <p>We consider the definition of Approved WACC in the 2014 DAU should be amended to more clearly specify the nature of the WACC determined by the QCA and the time period it applies to.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Approved WACC in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Assessor	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	As discussed in Section 5.3.1 of this Draft Decision, Part 10 of the 2014 DAU provides for a condition based

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>assessment of the CQCN to be conducted once in an undertaking term by an independent assessor. To support this process, we consider it is appropriate to include a definition of Assessor in the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of Assessor to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Asset Replacement and Renewal	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it is necessary for Part 12 of the 2014 DAU to include an appropriate definition of Asset Replacement and Renewal.</p> <p>Our Draft Decision is to require a definition of Asset Replacement and Renewal to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Asset Replacement and Renewal Expenditure	Expenditure on capital projects required to maintain the Existing Capacity of the Rail Infrastructure (for example, the replacement or renewal of life expired or obsolete assets).	Not applicable.	<p>As discussed above, we are requiring a definition of Asset Replacement and Renewal to be included in the 2014 DAU. This requires consequential amendment to the definition of Asset Replacement and Renewal Expenditure.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Asset Replacement and Renewal Expenditure in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Aurizon Associate	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider that, in order to ensure that all associated entities are appropriately captured within the relevant provisions of the 2014 DAU, it is necessary to include a</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>definition of Aurizon Associate in Part 12.</p> <p>Our Draft Decision is to require a definition of Aurizon Associate to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
<p>Aurizon Network Cause</p>	<p>Where Aurizon Network is unable to make Rail Infrastructure available for the operation of Train Services in accordance with any Access Holder's Train Service Entitlement, as a result of:</p> <p>(a) Planned Possessions, Emergency Possessions or Urgent Possessions;</p> <p>(b) a Force Majeure Event affecting Aurizon Network; or</p> <p>(c) any other action by Aurizon Network which directly resulted in the Rail Infrastructure not being so available, where such inability by Aurizon Network is not attributable in any way:</p> <p>(d) to an Access Holder, a Railway Operator or a Railway Operator's customer (including a Customer);</p> <p>(e) to Aurizon Network complying with its Passenger Priority Obligations;</p> <p>(f) to the unavailability of the relevant Access Holder's loading facility;</p> <p>(g) to the failure to load a Train at the relevant Access Holder's loading facility within the maximum time at loading facility (as specified in the relevant Access</p>	<p>Asciano was concerned that the definition of Aurizon Network Cause is significantly different from the definition contained in the 2010 AU, with a number of matters specifically excluded (i.e. items (e) to (h) in the definition).</p> <p>Asciano said the additional exclusions represent matters that are generally out of a Train Operator's control, particularly:</p> <p>(g) failure of a train to load / unload within the times specified in the relevant access agreement</p> <p>(h) cancellation / unavailability of train services on private infrastructure.¹⁰⁰⁷</p>	<p>We consider the additional exclusions included in the definition contained in the 2014 DAU, as compared to the 2010 AU, legitimately describe matters that could not be considered to be Aurizon Network Cause.</p> <p>We consider that, for reasons of accountability and to incentivise efficient infrastructure investment, it is important that the cause of Train Service Entitlements not being made available rests with the party that has responsibility or control over the matter at hand.</p> <p>With regard to the failure of a train to load or unload within the times specified in the relevant access agreement, for example, it is appropriate that the cause rest with the party responsible for operation of the loader or unloader (which will normally not be Aurizon Network).</p> <p>Likewise, cancellation or unavailability of train services on private infrastructure is likely to be the responsibility of the owner or operator of the private infrastructure.</p> <p>While we accept these matters may also be out of the control of Train Operators,</p>

¹⁰⁰⁷ Asciano, 2014 DAU, sub. no. 22: 136

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	<p>Agreement) for that Train Service, or unload a Train at the relevant Access Holder's unloading facility within the maximum time at unloading facility (as specified in the relevant Access Agreement) for that Train Service; or</p> <p>(h) in respect of a Train Service that will operate on Private Infrastructure prior to entering and/or after exiting the Rail Infrastructure as part of its journey, to the unavailability of, or cancellation of train services on, that Private Infrastructure.</p>		<p>we do not consider placing responsibility for their cause on another party in the supply chain that also does not have control (in this case Aurizon Network) would be a satisfactory outcome.</p> <p>However, we are proposing some other amendments to the definition of Aurizon Network Cause consistent with the principle that the cause of Train Service Entitlements not being made available should rest with the party that has responsibility or control over the matter at hand. This includes, for example, making clear that Operational Constraints are considered an Aurizon Network Cause.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Aurizon Network Cause in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
<p>Aurizon Network's Personnel</p>	<p>Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.</p>	<p>Not applicable.</p>	<p>We consider it is necessary for Part 12 of the 2014 DAU to include an appropriate definition of Aurizon Network's Personnel.</p> <p>Our Draft Decision is to require a definition of Aurizon Network's Personnel to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
<p>Australian Taxation Office</p>	<p>Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.</p>	<p>Not applicable.</p>	<p>As advice from the Australian Taxation Office will be required in relation to elements of the expansion process and SUFA, we consider it is necessary for a definition of this term to be included in the 2014 DAU.</p>

<i>Definition</i>	<i>Aurizon Network proposal</i>	<i>Stakeholders' position</i>	<i>QCA analysis and Draft Decision</i>
			Our Draft Decision is to require a definition of Australian Taxation Office to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Available Capacity	Capacity excluding all Committed Capacity other than: (a) in respect of a Renewing Access Seeker, where the circumstances in clause 7.3(d)(iii) or (iv) apply; (b) Capacity that is required to comply with any Passenger Priority Obligation or Preserved Train Path Obligation, subject to the terms of those obligations.	Not applicable.	As discussed in Section 10.4 of this Draft Decision, we consider capacity assessments should outline all capacity related assumptions and outputs. This can be supported by including a clearer definition of Available Capacity in the 2014 DAU. Our Draft Decision is to require Aurizon Network to amend the definition of Available Capacity in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
Baseline Capacity	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	As discussed in detail in Section 10.4.3 of this Draft Decision, we consider the 2014 DAU should include comprehensive and rigorous baseline capacity assessment processes. This means it is necessary for Part 12 of the 2014 DAU to include an appropriate definition of Baseline Capacity. Our Draft Decision is to require a definition of Baseline Capacity to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Baseline Capacity Report	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	As noted above, we consider the 2014 DAU should include comprehensive and rigorous baseline capacity assessment processes. This means it is also necessary for Part 12 of the 2014 DAU to include an appropriate definition of Baseline

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>Capacity Report.</p> <p>Our Draft Decision is to require a definition of Baseline Capacity Report to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
<p>Below Rail Delay</p>	<p>The meaning given to that term in the Standard Access Agreement (Operator).</p>	<p>Not applicable.</p>	<p>For reasons discussed below, we require the definition of Standard Access Agreement (Operator) to be deleted from the 2014 DAU. This means the definition of Below Rail Delay needs to be amended (and more clearly specified in the 2014 DAU itself).</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Below Rail Delay in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
<p>Below Rail Transit Time</p>	<p>The meaning given to that term in the Standard Access Agreement (Operator).</p>	<p>Asciano said the meaning of this term needs to be specified in the undertaking and applied consistently across all Access Holders.¹⁰⁰⁸</p>	<p>We note that, in the 2010 AU, the definition of Below Rail Transit Time was specified in the undertaking itself, not by reference to a Standard Access Agreement.</p> <p>As discussed in Section 8.5 of this Draft Decision, we consider matters should remain in the undertaking where, among other things:</p> <ul style="list-style-type: none"> • it is important that arrangements apply consistently across all Access Seekers or Access Holders • the matter is relevant to the ongoing relationship of all parties and has

¹⁰⁰⁸ Asciano, 2014 DAU, sub. no. 22: 136

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>impacts beyond the interests of parties to the contract.</p> <p>Our view is that the definition of Below Rail Transit Time meets these criteria. We consider the definition should be amended to be consistent with that contained in the 2010 AU.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Below Rail Transit Time in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Below Rail Transit Time Percentage	For a type of Train Service specified in a Train Service Entitlement for a Year means the proportion (expressed as a percentage) which is the sum of the actual Below Rail Transit Times for all Train Services for that type of Train Service operated during that Year divided by the sum of the maximum sectional running times (as set out in the relevant Access Agreement) for all relevant sections (as set out in the relevant Access Agreement) for all of those Train Services during that Year.	Asciano said this should not be defined as an annual calculation (as proposed by Aurizon Network). It considered that the calculation should not be restricted by any period of time. ¹⁰⁰⁹	<p>We share Asciano's concern that the definition of Below Rail Transit Time Percentage should not be restricted to any particular period of time, noting that the definition of this term in the 2010 AU does not include such a restriction.</p> <p>We consider removing the time restriction from the definition will improve accountability and transparency by ensuring this metric can be measured and reported over any time period parties may consider relevant.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Below Rail Transit Time Percentage in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Capacity Analysis	An assessment, based on the relevant Access Seeker's Operating Plan and requested Access Rights, of:	Not applicable.	As discussed in Section 10.4 of this Draft Decision, we consider that Aurizon Network, as the provider of access

¹⁰⁰⁹ Asciano, 2014 DAU, sub. no. 22: 136-137

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	<p>(a) whether there is sufficient Available Capacity to accommodate the requested Access Rights;</p> <p>(b) if there is not sufficient Available Capacity to accommodate the requested Access Rights, the Expansions required to provide the Additional Capacity to accommodate the requested Access Rights (and an indicative estimate of the cost of such works and timing for completion); and</p> <p>(c) the operational impacts of the requested Access Rights on the System Operating Parameters,</p> <p>and which provides a sufficient basis to enable Aurizon Network to finalise the relevant Train Service Entitlement, initial timetable, applicable Access Charges and associated funding arrangements (subject to other variations identified in the negotiation process).</p>		<p>services in the CQCN, must be able to clearly demonstrate that the capacity it sells through long term access agreements is sustainable over the life of all access agreements.</p> <p>In order to do so, the capacity assessment provisions in the 2014 DAU must provide for assessments that incorporate a combination of static and dynamic modelling exercises, taking full account of the Network Management Principles, System Operating Parameters, System Rules and other logistical interfaces. This needs to be supported by an appropriately robust definition of Capacity Analysis.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Capacity Analysis in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Capacity Assessment	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>As discussed in Section 10.4 of this Draft Decision, we consider the 2014 DAU should include processes to allow for at least annual demonstration of whether existing capacity continues to deliver committed capacity. This means it is necessary for Part 12 of the 2014 DAU to include an appropriate definition of Capacity Assessment.</p> <p>Our Draft Decision is to require a definition of Capacity Assessment to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Capacity Assessment Notice	Aurizon Network has not included a	Not applicable.	This term is referred to in our amended

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	definition of this term in Part 12 of the 2014 DAU.		Part 8 of the 2014 DAU. This means it is necessary for a definition to be included in Part 12. Our Draft Decision is to require a definition of Capacity Assessment Notice to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Capacity Assessment Report	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	This term is referred to in our proposed Part 7A of the 2014 DAU. This means it is necessary for a definition to be included in Part 12. Our Draft Decision is to require a definition of Capacity Assessment Report to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Capacity Deficit	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	This term is referred to in our proposed Part 7A of the 2014 DAU. This means it is necessary for a definition to be included in Part 12. Our Draft Decision is to require a definition of Capacity Deficit to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Capacity Notification Register	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	Aurizon Network proposed to remove the Capacity Notification Register that was included in the 2010 AU (a consequential amendment to removal of the queuing mechanism). As discussed in Section 11.3.3 of this Draft Decision, we consider the information intended to be captured by the register would be valuable, not only to Aurizon

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>Network for planning purposes, but to access seekers looking to participate in a future expansion.</p> <p>Our Draft Decision is to require a definition of Capacity Notification Register to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Capacity Review	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it is necessary for Part 12 of the 2014 DAU to include an appropriate definition of Capacity Review.</p> <p>Our Draft Decision is to require a definition of Capacity Review to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Capacity Review Notice	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it is necessary for Part 12 of the 2014 DAU to include an appropriate definition of Capacity Review Notice.</p> <p>Our Draft Decision is to require a definition of Capacity Review Notice to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Capacity Shortfall	A circumstance where the Available Capacity at the time of Aurizon Network is contractually committed to an Expansion plus the Capacity actually created from that Expansion is less than the Capacity that is required to satisfy Access Rights under Access Agreements that were granted on the condition of that Expansion being completed and commissioned.	Not applicable.	<p>As discussed above, we consider it is important that Aurizon Network be able to clearly demonstrate that the capacity it sells through long term access agreements is sustainable over the life of all access agreements.</p> <p>It is equally important that the 2014 DAU includes a clear definition of what constitutes an inability to demonstrate sustainability of capacity sold through access agreements - i.e. a Capacity</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>Shortfall.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Capacity Shortfall in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
CDMP / Coal Dust Management Plan	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>This term is defined in our marked up changes to the 2014 DAU (see new Schedule J). This means it is necessary for the Schedule J definition to be linked to Part 12 (and for the spelled-out definition of Coal Dust Management Plan to be deleted from Part 12).</p> <p>Our Draft Decision is to require a definition of CDMP to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision, and for the definition of Coal Dust Management Plan to be deleted.</p>
Changes in Market Circumstances	Changes in circumstances which have occurred in any market and which have had, or as assessed by Aurizon Network, will have, a material effect on an Access Holder's ability to pay the Access Charges.	Anglo American was concerned that the definition of Changes in Market Circumstances in the 2014 DAU implies a subjective test of whether a change in any market will have a material effect on an Access Holder's ability to pay Access Charges - i.e. it is 'as assessed by Aurizon Network.' It said this contrasts with the definition contained in the 2010 AU, which implied an objective test of whether the relevant circumstances had occurred or not. ¹⁰¹⁰	<p>We consider giving Aurizon Network the ability to determine whether or not a relevant Change in Market Circumstances has occurred, as provided for in the 2014 DAU, would allow Aurizon Network too much discretion to arbitrarily make such judgements.</p> <p>Instead, our view is that the objective test contained in the 2010 AU represents a better balanced outcome. The objective test is supported by the ability of any judgement made by Aurizon Network on this basis to be disputed in accordance</p>

¹⁰¹⁰ Anglo American, 2014 DAU, sub. no. 7: 40

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>with Part 11 of the 2014 DAU.</p> <p>We consider that an objective test, supported by effective dispute resolution, will provide greater accountability and transparency compared to the subjective test proposed by Aurizon Network in the 2014 DAU.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Changes in Market Circumstances in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Claim	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it is necessary for Part 12 of the 2014 DAU to include an appropriate definition of Claim.</p> <p>Our Draft Decision is to require a definition of Claim to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Class	(As used in the definitions of Pre-feasibility Study and Feasibility Study), has the meaning given to that term in 'Cost Estimate Classification System - As applied for the Building and General Construction Industries', AACE International Recommended Practice No. 56R-08, revision of 5 December 2012..	Not applicable.	<p>Given the changes we are proposing to the definitions of Pre-feasibility Study and Feasibility Study, we consider it is no longer necessary to include a definition of the term Class in the 2014 DAU.</p> <p>Our Draft Decision is to require the definition of Class to be deleted from the 2014 DAU.</p>
Coal Loss Mitigation Provisions	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>These provisions are contained in our marked up changes to the 2014 DAU (see new Schedule J). This means it is necessary for the term to be defined in Part 12.</p> <p>Our Draft Decision is to require a definition of Coal Loss Mitigation Provisions to be included in the 2014</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			DAU, to read as per the marked changes attached to this Draft Decision.
Commercial Terms	<p>Conditions additional to those in the relevant Standard Access Agreement, whether the conditions are contained in an Access Agreement or a separate agreement, requiring, without limitation:</p> <ul style="list-style-type: none"> (a) an upfront contribution; (b) a payment of an Access Facilitation Charge; (c) a prepayment of all or part of an Access Facilitation Charge; (d) a varied or an additional take or pay arrangement including, for example, to address 'back-end' payment risk to an appropriate value equivalent to the exposure (for example, for the development of infrastructure for a new coal mine, the undepreciated component of any relevant Infrastructure Enhancements that were constructed solely for the purpose of the mine); (e) a bank guarantee or other security that is unconditional, irrevocable, payable on demand and otherwise in a form acceptable to Aurizon Network, acting reasonably, to support payment of an amount (including, for example, payment of an Access Facilitation Charge or under an additional take or pay arrangement); 	<p>As discussed in more detail in Section 12.3.2 of this Draft Decision, stakeholders considered that the concept of Commercial Terms should be deleted from the 2014 DAU, as it removes any incentive for Aurizon Network to genuinely develop a third party funding framework for all types of expansion projects.¹⁰¹¹</p> <p>Stakeholders considered that Commercial Terms should be replaced by inclusion of an Access Conditions regime similar (but not identical) to that contained in the 2010 AU (including QCA oversight).¹⁰¹²</p> <p>Asciano was specifically concerned that the definition of Commercial Terms specifies that a varied or additional take-or-pay arrangement is allowed for as a commercial term. It said this is concerning as it raises issues surrounding Aurizon Network's intent to differentiate between customers and access holders in regard to take or pay clauses which apply to access holders and / or customers.¹⁰¹³</p>	<p>Our detailed analysis of this proposed definition is contained in Section 12.3.3 of this Draft Decision. In summary, our position is to require removal of the concept of Commercial Terms from the 2014 DAU, and reintroduction of a form of Access Conditions (with QCA oversight).</p> <p>Our Draft Decision is to require the definition of Commercial Terms to be deleted from the 2014 DAU.</p>

¹⁰¹¹ QRC, 2014 DAU, sub. no. 42: 35-36

¹⁰¹² Anglo American, 2014 DAU, sub. no. 7: 57

¹⁰¹³ Asciano, 2014 DAU, sub. no. 22: 45

<i>Definition</i>	<i>Aurizon Network proposal</i>	<i>Stakeholders' position</i>	<i>QCA analysis and Draft Decision</i>
	<p>(f) the forfeiting of any right to relinquish Access Rights that may arise under this Undertaking; or</p> <p>(g) Access Charges being calculated on the basis of a Varied WACC or other risk adjustments to projected cash flows.</p>		
Committed Capacity	<p>That portion of the Capacity that is required:</p> <p>(a) to meet Train Service Entitlements;</p> <p>(b) to satisfy Aurizon Network's obligations under clause 7.3(d) in respect of a Renewing Access Seeker;</p> <p>(c) to comply with any Passenger Priority Obligation or Preserved Train Path Obligation;</p> <p>(d) to provide Access Rights for Funding Users in relation to a User Funded Expansion; and</p> <p>(e) to provide Access Rights for Access Holders where Aurizon Network has, in relation to those Access Rights, contractually committed to construct an Expansion or Customer Specific Branch Line under Commercial Terms.</p>	Not applicable.	<p>We consider this definition needs to be amended, to be consistent with proposed amendments to other definitions related to the expansion process (e.g. deletion of the definitions of Commercial Terms and Funding User).</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Committed Capacity in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Committed Capacity Register	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>Aurizon Network proposed to remove the Committed Capacity Register included in the 2010 AU (a consequential amendment to removal of the queuing mechanism).</p> <p>As discussed in Section 11.3.3 of this Draft Decision, we consider the Committed Capacity Register should be retained until such a time as this register is superseded by a register used with the capacity trading mechanism.</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			Our Draft Decision is to require a definition of Committed Capacity Register to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Common Corridor	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary for Part 12 of the 2014 DAU to include an appropriate definition of Common Corridor. Our Draft Decision is to require a definition of Common Corridor to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Complainant	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	As discussed in detail in Chapter 4 of this Draft Decision, we consider complaint provisions similar to those that applied in the 2010 AU should be included in the 2014 DAU. We also consider that the effectiveness of these provisions will be enhanced by inclusion of a clear definition of Complainant. Our Draft Decision is to require a definition of Complainant to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Completion Date	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	As discussed in Section 12.4.3 of this Draft Decision, we are requiring Part 8 of the 2014 DAU to be amended to include appropriate step-in rights for Studies Funding Agreements where target dates for completion cannot be met. This means it is necessary for the 2014 DAU to include a definition of Completion Date.

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>Our Draft Decision is to require a definition of Completion Date to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
<p>Concept Study</p>	<p>A study that:</p> <ul style="list-style-type: none"> (a) conducts a screening analysis of potential project configuration alternatives for providing the capacity required in respect of a potential Expansion; (b) selects which of those alternatives are worthy of further consideration; and (c) includes a written report on the outcome of the analysis and the reasons for the selection(s) made and the preliminary scope, cost and program details of the selected alternatives. 	<p>See discussion of stakeholders' views regarding studies related to the expansion process, including Concept Studies, in Section 12.4.2 of this Draft Decision.</p>	<p>Our analysis of issues relating to the expansion process and its related studies, including Concept Studies, is contained in Section 12.4.3 of this Draft Decision. In summary, we consider that, if the expansion process is to be effective, it will have to:</p> <ul style="list-style-type: none"> • provide reliable transparent outputs with respect to standard, scope, cost, time to complete and capacity for all projects that go through it • accurately articulate the risks, how these are allocated and the mitigation strategies. <p>We consider the definition of Concept Study in the 2014 DAU needs to be amended to support these objectives.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Concept Study in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
<p>Condition Based Assessment</p>	<p>Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.</p>	<p>Not applicable.</p>	<p>As discussed in Section 5.3.3 of this Draft Decision, we agree with Aurizon Network's proposal of re-including a condition based assessment of assets in its reporting requirements in the 2014 DAU. To support this obligation, we consider it is necessary to include a definition of Condition Based Assessment</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>in Part 12.</p> <p>Our Draft Decision is to require a definition of Condition Based Assessment to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Conditional Access Provisions	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it is necessary for Part 12 of the 2014 DAU to include an appropriate definition of Conditional Access Provisions.</p> <p>Our Draft Decision is to require a definition of Conditional Access Provisions to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Confidential Information	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	The QRC noted that Aurizon Network had replaced the 2010 AU definition of Confidential Information with the concept of Protected Information, and said the definition of Protected Information is too narrow and unless rectified may lead to non-disclosure of information or claiming all information as confidential. ¹⁰¹⁴	<p>We note that a definition of Confidential Information was included in the 2010 AU. For the reasons discussed in detail in Chapter 4 of this Draft Decision, we propose to adopt the definition of Confidential Information used in the 2010 AU (with minor modifications), instead of Aurizon Network's proposed definition of Protected Information.</p> <p>Our Draft Decision is to require a definition of Confidential Information to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Confidential Information Register	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	As discussed in Chapter 4 of this Draft Decision, we propose that the Protected Information Register included in the 2014

¹⁰¹⁴ QRC, 2014 DAU, sub. no. 42: 17

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>DAU be replaced with the Confidential Information Register.</p> <p>Our Draft Decision is to require a definition of Confidential Information Register to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Connecting Infrastructure	<p>The rail transport infrastructure (including track, signalling and overhead electric traction (if applicable) that is managed, controlled or owned by Aurizon Network, which connects the Private Infrastructure to the Rail Infrastructure and that on completion forms part of the Rail Infrastructure.</p>	<p>See discussion of stakeholders' views regarding Connecting Infrastructure in Chapter 9 of this Draft Decision.</p>	<p>Our detailed analysis of issues relating to Connecting Infrastructure is contained in Chapter 9 of this Draft Decision. In summary, we consider the arrangements should be amended to:</p> <ul style="list-style-type: none"> • clarify the process for connecting private infrastructure and improve transparency • address Aurizon Network's ability to unreasonably delay or fail to enter agreements required to connect private infrastructure • clarify arrangements where Aurizon Network is responsible for designing and building the Connecting Infrastructure. <p>We consider the definition of Connecting Infrastructure in the 2014 DAU needs to be amended to support these objectives.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Connecting Infrastructure in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Connection Milestone	<p>Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.</p>	<p>Not applicable.</p>	<p>As discussed in Chapter 9 of this Draft Decision, we are proposing to include wording in the 2014 DAU imposing obligations on Aurizon Network to notify</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>timeframes for entering into a Rail Connection Agreement and achieving other obligations associated with connecting private infrastructure to the QCCN. This means it is necessary to include a definition of Connection Milestone in the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of Connection Milestone to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Constrained Section	<p>As at 1 July 2015, the Rail Infrastructure:</p> <p>(a) for the Blackwater System, between Edungalba and Tunnel; and</p> <p>(b) for the Goonyella System, between Broadlea and Coppabella,</p> <p>and after 1 July 2015, as amended or set out from time to time in the relevant System Operating Parameters.</p>	<p>Asciano said Aurizon Network needs to provide evidence or analysis to prove these are constrained sections of the network. It added that it is unclear what exact purpose this definition serves.¹⁰¹⁵</p>	<p>We share Asciano's concerns that:</p> <ul style="list-style-type: none"> • Aurizon Network has not provided clear evidence to support the automatic designation of the two identified sections as Constrained Sections • it is not clear what purpose the definition of Constrained Section in the 2014 DAU serves. <p>Given this, our Draft Decision is to require the definition of Constrained Section to be deleted from the 2014 DAU.</p> <p>However, we specifically request Aurizon Network to provide detail on its views on the two above points in response to this Draft Decision.</p>
Construction Agreement	<p>Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.</p>	<p>As discussed in Chapter 9 of this Draft Decision, stakeholders were concerned that the 2014 DAU provides for Aurizon Network to design and build Connecting</p>	<p>As discussed in more detail in Chapter 9 of this Draft Decision, we consider the manner in which a Construction Agreement for Connecting Infrastructure</p>

¹⁰¹⁵ Asciano, 2014 DAU, sub. no. 22: 136

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
		Infrastructure under a separate Construction Agreement to be agreed between the parties with limited oversight. ¹⁰¹⁶	is negotiated, and disputes relating to this resolved, falls within the scope of the 2014 DAU. This means it is appropriate that the 2014 DAU include a definition of Construction Agreement applicable to this process. Our Draft Decision is to require a definition of Construction Agreement to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Corresponding Train Service	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Corresponding Train Service in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Corresponding Train Service to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Customer Access Seeker	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	As discussed below, we require a definition of Queue to be included in the 2014 DAU. This also requires some other consequential amendments to definitions, including the inclusion of a definition of Customer Access Seeker. Our Draft Decision is to require a definition of Customer Access Seeker to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Cyclic Traffic	A traffic whose Train Service Entitlements are defined in terms of a number of Train	Not applicable.	We consider the definition of Cyclic Traffic in the 2014 DAU should also refer

¹⁰¹⁶ Anglo American, 2014 DAU, sub. no. 7: 58; Asciano, 2014 DAU, sub. no. 22: 42; QRC, 2014 DAU, sub. no. 42: 50

<i>Definition</i>	<i>Aurizon Network proposal</i>	<i>Stakeholders' position</i>	<i>QCA analysis and Draft Decision</i>
	Services within a particular period of time, for example, a year, month or week. Coal traffic is an example of such traffic.		specifically to Train Services for a time period as short as a day. Our Draft Decision is to require Aurizon Network to amend the definition of Cyclic Traffic in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
Daily Train Plan or DTP	That document detailing the scheduled times for all Train Services and any Planned Possessions, Urgent Possessions and Emergency Possessions for a particular day on a specified part of the Rail Infrastructure.	Not applicable.	We consider it necessary for the definition of Daily Train Plan or DTP to be amended to be consistent with its use in Schedule G of the 2014 DAU (Network Management Principles). Our Draft Decision is to require Aurizon Network to amend the definition of Daily Train Plan or DTP in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
Decision	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We note that clause 11.2 of the 2014 DAU (QCA decision-making) identifies Decision as a defined term. This means it is appropriate to include a definition of this term in Part 12. Our Draft Decision is to require a definition of Decision to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Demand Assessment	An estimation (acting reasonably) of: (a) the demand for Capacity beyond Existing Capacity and committed Expansions; and (b) the estimated time for which the Capacity referred to in paragraph (a) is required, having regard to the relevant information	Not applicable.	We consider it is important that the definition of Demand Assessment in the 2014 DAU be appropriately reflective of the Capacity-related concepts used elsewhere in the undertaking. Our Draft Decision is to require Aurizon Network to amend the definition of Demand Assessment in the 2014 DAU, in accordance with the marked changes

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	in accordance with clause 8.2.3(b) .		attached to this Draft Decision.
Distance Discount	The amount calculated in accordance with clause 6.2.5(b) .	Not applicable.	As discussed in Volume III of this Draft Decision, we do not consider this concept to be acceptable. Our Draft Decision is to require the definition of Distance Discount to be deleted from the 2014 DAU.
Draft System Rules	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	The requirements we are proposing to include in the 2014 DAU regarding the making of system rules mean it is necessary for the 2014 DAU to include a definition of Draft System Rules. Our Draft Decision is to require a definition of Draft System Rules to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Electric Energy Charge or EEC	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	This term is referred to in our amended Schedule F of the 2014 DAU. This means it is necessary for a definition to be included in Part 12. Our Draft Decision is to require a definition of this term to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Electric Tariff Charge or ET	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	This term is referred to in our amended Schedule F of the 2014 DAU. This means it is necessary for a definition to be included in Part 12. Our Draft Decision is to require a definition of this term to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.

<i>Definition</i>	<i>Aurizon Network proposal</i>	<i>Stakeholders' position</i>	<i>QCA analysis and Draft Decision</i>
Eligible Operator	A person referred to as an 'Eligible Operator' under clause 2.4(n) of schedule F .	Not applicable.	As indicated in Volume III of this Draft Decision, we do not consider this definition to be necessary to be included in Part 12 of the 2014 DAU. Our Draft Decision is to require the definition of Eligible Operator to be deleted from the 2014 DAU.
Emergency Response Plan	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	This term is referred to in our proposed Standard Train Operations Deed. This means it is necessary for a definition to be included in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Emergency Response Plan to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
End User	A person other than Aurizon Network who is a party to an End User Access Agreement.	Not applicable.	As discussed below, we consider it is no longer necessary to include a definition of End User Access Agreement in the 2014 DAU. This means the definition of End User is also no longer necessary. Our Draft Decision is to require the definition of End User to be deleted from the 2014 DAU.
End User Access Agreement	An Access Agreement between Aurizon Network and an Access Holder in the form of the Standard Access Agreement (End User) (which has a pro forma Train Operations Agreement as a schedule).	Not applicable.	As discussed in detail in Section 8.4 of this Draft Decision, our interim position is to reject the suite of Standard Access Agreements proposed in Aurizon Network's 2014 DAU, and instead move to a simpler approach based on only two Standard Access Agreements. This means that the definition of End User Access Agreement is no longer necessary. Our Draft Decision is to require the definition of End User Access Agreement

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			to be deleted from the 2014 DAU.
Environmental Authorities	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary for a definition of Environmental Authorities to be included in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of this term to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Environmental Laws	A Law relating to the environment (as defined under the EP Act), including: (a) a Law relating to planning, health, toxic or contaminating materials, dangerous goods, waste disposal or pollution; and (b) environmental protection policies, guidelines, regulations and relevant approved codes of practice, and the conditions of all licences, notices, directions, approvals, consents, permissions or permits, issued under any such Law.	Not applicable.	We consider it is no longer necessary to include a definition of this term in the 2014 DAU. Our Draft Decision is to require the definition of Environmental Laws to be deleted from the 2014 DAU.
Environmental Management Plan	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	This term is referred to in our proposed Standard Train Operations Deed. This means it is necessary for a definition to be included in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Emergency Management Plan to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Existing Capacity	The existing capability of Rail Infrastructure (in the absence of any Expansion that has not been constructed and completed) to accommodate Train	Not applicable.	As discussed elsewhere in this Draft Decision, we are proposing significant changes to the way in which Capacity, and related terms, are defined and measured

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	<p>Services, after taking into account:</p> <p>(a) Aurizon Network's reasonable requirements for the exclusive or partial utilisation of that Rail Infrastructure for the purposes of performing activities associated with maintenance, repair, construction or other enhancement of Rail Infrastructure (including Expansions and Customer Specific Branch Lines), including the operation of work Trains; and</p> <p>(b) Aurizon Network's allowances for "day of operations" losses, speed restrictions and other operational losses or restrictions applicable to the Rail Infrastructure the System Operating Parameters.</p>		<p>in the 2014 DAU. This means the definition of Existing Capacity needs amendment.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Existing Capacity in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Expansion Funder	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>As discussed further below, and in detail in Section 12.5.3 of this Draft Decision, we do not consider the ability to fund an Expansion should be limited to Users.</p> <p>We thus propose that a definition of Expansion Funder be included in the 2014 DAU. This definition will not limit the ability to fund an Expansion in the way the definition of Funding User proposed by Aurizon Network would do.</p> <p>Our Draft Decision is to require a definition of Expansion Funder to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Expansion Tariff	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Expansion Tariff in Part 12 of the 2014 DAU, to support our proposed amendments to Part 6.

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			Our Draft Decision is to require a definition of Expansion Tariff to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Extension Request	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it is necessary to include a definition of Extension Request in the 2014 DAU, to provide clarity and transparency over when and how requests by Aurizon Network for extensions of time to conduct activities required by the undertaking will be considered by the QCA.</p> <p>Our Draft Decision is to require a definition of Extension Request to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Feasibility Study	<p>A study that:</p> <p>(a) defines and optimises the project configuration alternative that would provide the target capacity for an Expansion in accordance with the capacity requirements specified as part of the Feasibility Study scope of works;</p> <p>(b) confirms the technical and economic feasibility of the alternative in paragraph (a);</p> <p>(c) specifies:</p> <p>(i) a developed scope definition to a Class 2 level;</p> <p>(ii) a P50, P75 & P90 capital cost estimate to a Class 2 level (subject to the specific requirements of the applicable Feasibility Funding Agreement on the Feasibility</p>	See discussion of stakeholders' views regarding studies related to the expansion process, including Feasibility Studies, in Section 12.4.2 of this Draft Decision.	<p>Our analysis of issues relating to the expansion process and its related studies, including Feasibility Studies, is contained in Section 12.4.3 of this Draft Decision. In summary, we consider that, if the expansion process is to be effective, it will have to:</p> <ul style="list-style-type: none"> • provide reliable transparent outputs with respect to standard, scope, cost, time to complete and capacity for all projects that go through it • accurately articulate the risks, how these are allocated and the mitigation strategies. <p>We consider the definition of Feasibility Study in the 2014 DAU needs to be amended to support these objectives.</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	<p>Study scope of work);</p> <p>(iii) a fully developed program; and</p> <p>(iv) a fully developed procurement methodology; and</p> <p>(d) includes a written report on the outcome of the analysis, decisions and specifications referred to above, with reasons.</p>		<p>Our Draft Decision is to require Aurizon Network to amend the definition of Feasibility Study in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Force Majeure Provisions	<p>Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.</p>	Not applicable.	<p>We consider it is necessary to include a definition of Force Majeure Provisions in Part 12 of the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of Force Majeure Provisions to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Funding User	<p>An Access Seeker, Access Holder or its Customer who has entered into a User Funding Agreement with Aurizon Network.</p>	Not applicable.	<p>We consider that the definition of Funding User proposed by Aurizon Network in the 2014 DAU implies a user is the only party that can fund an Expansion. As discussed in detail in Section 12.5.3 of this Draft Decision, we do not consider the ability to fund an Expansion should be limited in this way.</p> <p>As discussed above, we propose that a definition of Expansion Funder be included in the 2014 DAU. This definition will not limit the ability to fund an Expansion in the way the definition of Funding User proposed by Aurizon Network would do.</p> <p>Inclusion of the definition of Expansion Funder in the 2014 DAU means it is not necessary to include a definition of Funding User.</p>

<i>Definition</i>	<i>Aurizon Network proposal</i>	<i>Stakeholders' position</i>	<i>QCA analysis and Draft Decision</i>
			Our Draft Decision is to require the definition of Funding User to be deleted from the 2014 DAU.
High-Risk Personnel or High-Risk Persons	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it appropriate that High-Risk Personnel or High-Risk Persons, who have access to Confidential Information, be identified (as per our amended clause 3.15). This requires a definition of High-Risk Personnel or High-Risk Persons to be included in the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of High-Risk Personnel or High Risk Persons to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
High-Risk Personnel Register	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>To support our proposed treatment of High-Risk Personnel or High Risk Persons, as discussed above, it is also appropriate for the 2014 DAU to provide for a High-Risk Personnel Register to be established and maintained. This term then also needs to be defined in Part 12.</p> <p>Our Draft Decision is to require a definition of High-Risk Personnel Register to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Increment	The meaning given to that term in clause 3.3(a)(iii) of schedule F .	Not applicable.	<p>As discussed in Volume III of this Draft Decision, we do not consider this concept to be acceptable.</p> <p>Our Draft Decision is to require the definition of Increment to be deleted from the 2014 DAU.</p>
Information Request Notice	Aurizon Network has not included a definition of this term in Part 12 of the	Not applicable.	We consider it is necessary to include a definition of Information Request Notice

<i>Definition</i>	<i>Aurizon Network proposal</i>	<i>Stakeholders' position</i>	<i>QCA analysis and Draft Decision</i>
	2014 DAU.		in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Information Request Notice to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Infrastructure Enhancement	Expansions and Customer Specific Branch Lines.	Not applicable.	We consider the definition of Infrastructure Enhancement in the 2014 DAU can be further clarified by inclusion of a clear statement of what is not covered by the definition. Our Draft Decision is to require Aurizon Network to amend the definition of Infrastructure Enhancement in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
Issues Register	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	Our required amendments to the drafting of the 2014 DAU include provisions relating to maintenance of an Issues Register by Aurizon Network (see redrafted clause 10.2(c)). This means it is necessary for the 2014 DAU to include a definition of this term. Our Draft Decision is to require a definition of Issues Register to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Marketing Division	Those persons within the Aurizon Group (other than those persons in the positions described in clause 3.9(c)(i) to (iv)) with responsibility for one or more of the following: (a) the marketing of Train Services in competition with other above rail train	Not applicable.	Given the changes we are proposing to the ring fencing provisions, and associated definitions, in the 2014 DAU, we do not consider this definition to be necessary. Our Draft Decision is to require the definition of Marketing Division to be

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	<p>service providers in the Coal Systems;</p> <p>(b) the negotiation of contracts (including pricing) for the provision of above rail train services in competition with other above rail train service providers in the Coal Systems;</p> <p>(c) the development of above rail service plans for response to a competitive tender process relating to the provision of above rail services in the Coal Systems, where:</p> <p>(i) the relevant persons are exercising their responsibility for the purpose of determining Aurizon Group’s tender response (having regard to commercial risks and trade offs associated with the train plan being proposed); and</p> <p>(ii) if the tender is successful, those persons will also be involved in the day-to-day delivery of the applicable above rail train services; and</p> <p>(d) the commercial decision to enter into a contract for the provision of above rail services in the Coal Systems.</p>		<p>deleted from the 2014 DAU.</p>
<p>Material Variation</p>	<p>A variation to the relevant Access Application that materially alters the Access Rights requested by the relevant Access Seeker including a variation that:</p> <p>(a) will result in the relevant Access Rights, if granted, being allocated more Capacity including any increase in tonnages to be carried by Train Services or in the required number of Train Paths;</p> <p>(b) changes:</p> <p>(i) in the way Train Services relating to the</p>	<p>Asciano was concerned that the definition of Material Variation is too restrictive and may be applied in such a way as to require access seekers to re-start the access request process for minor changes. It specifically said changes in loading and unloading times or changes in origin or destination may result in no changes to the access rights sought. It said the concept of Material Variation should be limited to variations which require an entirely new capacity analysis to be</p>	<p>As discussed in detail in Sections 7.3 and 7.4 of this Draft Decision, we have proposed amendments to the 2014 DAU's negotiation process to address Aurizon Network's ability to use its market power and increase the transparency and accountability of its decision making, including the extent to which a revised access application is considered a Material Variation.</p> <p>We consider the definition of Material Variation needs to be amended to</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	<p>Access Rights will be operated (including loading and unloading times) or the Capacity consumed by those Train Services - except to the extent that the changes are to make the Train Service consistent with the description of the relevant Reference Tariff Service (if any);</p> <p>(ii) the period for which the Access Rights are required, whether shorter or longer;</p> <p>(iii) the nature or type of Access Rights (for example, from Cyclic Traffic to Timetabled Traffic); or</p> <p>(iv) the origin or destination relevant to the Access Rights; or</p> <p>(c) for clause 4.10.2 only, would be inconsistent with any parameters or other information upon which a relevant Capacity Analysis has been based.</p>	conducted by Aurizon Network. ¹⁰¹⁷	<p>support this approach. We agree with Asciano's general point that the amended definition should place a focus on the impacts on capacity of a revised access application.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Material Variation in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Month	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>For the avoidance of doubt, we consider it is necessary to include a clear definition of Month in Part 12 of the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of Month to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Negotiation Process	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>Our proposed drafting changes to Part 5 of the 2014 DAU (Access Agreements) include reference to the Negotiation Process in Part 4 as a defined term. This means it is necessary for the 2014 DAU to include a definition of this term.</p> <p>Our Draft Decision is to require a</p>

¹⁰¹⁷ Asciano, 2014 DAU, sub. no. 22: 45

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			definition of Negotiation Process to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Network Development Plan	A plan setting out options and indicative plans relating to the short and medium term development, extension use, or improvement of, or capital investment in, or interaction with, the Coal Systems to promote increased Capacity.	Not applicable.	We consider it is appropriate to specify in detail the description and content of the Network Development Plan in Part 8 of the 2014 DAU. This means it is necessary to link the definition of Network Development Plan to the relevant clause in that Part. Our Draft Decision is to require Aurizon Network to amend the definition of Network Development Plan in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
Newlands to Abbot Point System	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of this term in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Newlands to Abbot Point System to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Newlands System	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of this term in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Newlands System to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Nominated Access Rights	Aurizon Network has not included a definition of this term in Part 12 of the	Not applicable.	We consider it is necessary to include a definition of Nominated Access Rights in

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	2014 DAU.		Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Nominated Access Rights to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Nominated Network FM Reduction Notice	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Nominated Network FM Reduction Notice in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Nominated Network FM Reduction Notice to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Nominated Network	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Nominated Network in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Nominated Network to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Nominee Operator	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable	Our proposed drafting changes to Part 4 of the 2014 DAU include incorporation of the concept of a Nominee Operator as a defined term. This means it is necessary for the 2014 DAU to include a definition of this term. Our Draft Decision is to require a definition of Nominee Operator to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
Non-availability requirements	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable	<p>We consider it is necessary to include a definition of Non-availability requirements in the 2014 DAU, in order to account for circumstances where information that would otherwise be required to be supplied is not available for legitimate reasons.</p> <p>Our Draft Decision is to require a definition of Non-availability requirements to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Non-Standard Agreement	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable	<p>We consider it appropriate that the arrangements for disclosure of access agreements in clause 10.3.1 of the 2014 DAU include provision for disclosure of non-standard agreements. This means it is necessary for a definition of Non-Standard Agreement to be included in Part 12.</p> <p>Our Draft Decision is to require a definition of Non-Standard Agreement to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Notice Date	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it is necessary to include a definition of Notice Date in Part 12 of the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of Notice Date to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Notice of Intention to Relinquish	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it is necessary to include a definition of Notice of Intention to Relinquish in Part 12 of the 2014 DAU.</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			Our Draft Decision is to require a definition of Notice of Intention to Relinquish to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Notice of Intention to Transfer	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Notice of Intention to Transfer in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Notice of Intention to Transfer to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Old Access Agreement	In relation to a new Access Agreement, the pre-existing Access Agreement to which the relevant transfer relates.	Not applicable.	We consider the term Old Access Agreement not necessary to define in Part 12 of the 2014 DAU. Our Draft Decision is to require the definition of Old Access Agreement to be deleted from the 2014 DAU.
Operator Access Agreement	An Access Agreement substantially in the form of the Standard Access Agreement (Operator).	Not applicable.	As discussed in detail in Section 8.4 of this Draft Decision, our interim position is to reject the suite of Standard Access Agreements proposed in Aurizon Network's 2014 DAU, and instead move to a simpler approach based on only two Standard Access Agreements. This means that the definition of Operator Access Agreement is no longer necessary. Our Draft Decision is to require the definition of Operator Access Agreement to be deleted from the 2014 DAU.
Overload Charges	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Overload Charges in Part 12 of the 2014 DAU.

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			Our Draft Decision is to require a definition of Overload Charges to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Part 8 Dispute	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We note that the term Part 8 Dispute is identified as a defined term in clause 11.1.7 of the 2014 DAU, in the context of indicating that Part 8 expressly sets out additional requirements in relation to resolution of specified disputes. This requires a definition of Part 8 Dispute to be included in Part 12.</p> <p>Our Draft Decision is to require a definition of Part 8 Dispute to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Performance Delay	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>As discussed in Chapter 12 of this Draft Decision, we are requiring Part 8 of the 2014 DAU to be amended to include appropriate step-in rights for Study Funding Agreements where performance has been or will be delayed. This means it is necessary for the 2014 DAU to include a definition of Performance Delay.</p> <p>Our Draft Decision is to require a definition of Performance Delay to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Planned Capacity	The increase in Existing Capacity that is expected to result from an Expansion that Aurizon Network is contractually committed to construct.	Not applicable.	We consider the definition of Planned Capacity in the 2014 DAU should also refer to the need for construction of a planned Expansion to have actually commenced.

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			Our Draft Decision is to require Aurizon Network to amend the definition of Planned Capacity in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
Planned Possession	A Possession that is entered into the MTP and may adversely impact upon the operation of Train Services.	Not applicable.	We consider the definition of Planned Possession in the 2014 DAU can be made clearer. Our Draft Decision is to require Aurizon Network to amend the definition of Planned Possession in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
Possession	The temporary closure and/or occupation by Aurizon Network on part of the Rail Infrastructure (including closure of Track or isolation of any electrical overhead traction system) for the purposes of carrying out Maintenance Work, Infrastructure Enhancements or other work on or in the proximity of the Rail Infrastructure which may affect the safety of any person or property.	Not applicable.	We consider the definition of Possession in the 2014 DAU can be made clearer. Our Draft Decision is to require Aurizon Network to amend the definition of Possession in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
Pre-30 June 2005 Coal Access Agreements	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of this term in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Pre-30 June 2005 Coal Access Agreements to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Pre-feasibility Study	A study that: (a) evaluates all of the project configuration alternatives that would provide the capacity requirements that	See discussion of stakeholders' views regarding studies related to the expansion process, including Pre-Feasibility Studies, in Section 12.4.2 of this Draft Decision.	Our analysis of issues relating to the expansion process and its related studies, including Pre-feasibility Studies, is contained in Section 12.4.3 of this Draft

<i>Definition</i>	<i>Aurizon Network proposal</i>	<i>Stakeholders' position</i>	<i>QCA analysis and Draft Decision</i>
	<p>are specified as part of the Pre-feasibility Study scope of works;</p> <p>(b) selects the project configuration alternative for the capacity in paragraph (a) that has the lowest total cost of ownership, after allowing for risk;</p> <p>(c) analyses the technical and economic feasibility of the selected alternative;</p> <p>(d) specifies:</p> <p>(i) an intermediate scope definition to a Class 4 level;</p> <p>(ii) a 'most likely/central case' capital cost estimate to a Class 4 level (subject to the specific requirements of the applicable Pre-feasibility Funding Agreement on the Prefeasibility Study scope of work);</p> <p>(iii) an intermediate program; and</p> <p>(iv) a preliminary procurement methodology; and</p> <p>(e) includes a written report on the outcome of the evaluation, selection, analysis and specification referred to above, with reasons.</p>		<p>Decision. In summary, we consider that, if the expansion process is to be effective, it will have to:</p> <ul style="list-style-type: none"> • provide reliable transparent outputs with respect to standard, scope, cost, time to complete and capacity for all projects that go through it • accurately articulate the risks, how these are allocated and the mitigation strategies. <p>We consider the definition of Pre-feasibility Study in the 2014 DAU needs to be amended to support these objectives.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Pre-feasibility Study in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Preference Unit Holder	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>As discussed in Section 12.5.3 of this Draft Decision, the Standard User Funding Agreement (SUFA) provides an alternative financing option for Access Seekers and third party financiers to invest in an Expansion.</p> <p>The SUFA structure is based on preference units in a SUFA trust being held by Access Seekers or third party financiers. This requires a definition of Preference Unit Holder to be included in</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of Preference Unit Holder to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Private Infrastructure Owner	<p>Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.</p> <p>However, clause 9.1(a) of the 2014 DAU states that:</p> <p>'A person may propose to construct and own Private Infrastructure which will connect to the Rail Infrastructure in order to allow Trains operating on that Private Infrastructure to enter or exit from the Rail Infrastructure for the purpose of Access (Private Infrastructure Owner).'</p>	Not applicable.	<p>We consider that, as the term Private Infrastructure Owner is effectively defined in the relevant clause of the 2014 DAU, it is appropriate that a formal definition be included in Part 12.</p> <p>Our Draft Decision is to require a definition of Private Infrastructure Owner to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Proposed Amendments	<p>Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.</p>	Not applicable.	<p>As discussed in detail in Section 13.5.3 of this Draft Decision, we consider it important that the 2014 DAU provide a clear and certain process for the development, approval, review and amendment of system rules. This requires some amendments to related definitions, including inclusion of a definition of Proposed Amendments in Part 12 of the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of Proposed Amendments to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Proposed System Rules	<p>Aurizon Network has not included a definition of this term in Part 12 of the</p>	Not applicable.	<p>As noted above, we consider it important that the 2014 DAU provide a clear and</p>

<i>Definition</i>	<i>Aurizon Network proposal</i>	<i>Stakeholders' position</i>	<i>QCA analysis and Draft Decision</i>
	2014 DAU.		<p>certain process for the development, approval, review and amendment of system rules. This requires some amendments to related definitions, including inclusion of a definition of Proposed System Rules in Part 12 of the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of Proposed System Rules to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Protected Information	The meaning given to that term in clause 3.11 .	Not applicable.	<p>As noted above, we propose that the concept of Confidential Information, which was included in the 2010 AU, be reinstated in the 2014 DAU. This means it is no longer necessary to include a definition of Protected Information in Part 12 of the 2014 DAU.</p> <p>Our Draft Decision is to require the definition of Protected Information to be deleted from the 2014 DAU.</p>
Protected Information Register	The register established and maintained under clause 3.20 .	Not applicable.	<p>As discussed above, it is no longer necessary to include a definition of Protected Information in Part 12 of the 2014 DAU. This means it is also no longer necessary to include a definition of Protected Information Register.</p> <p>Our Draft Decision is to require the definition of Protected Information Register to be deleted from the 2014 DAU.</p>
PV Amount	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	Our proposed amendments to Part 7 of the 2014 DAU mean it is necessary to include a definition of this term in Part 12.

<i>Definition</i>	<i>Aurizon Network proposal</i>	<i>Stakeholders' position</i>	<i>QCA analysis and Draft Decision</i>
			Our Draft Decision is to require a definition of PV Amount to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
QTH	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	As advice and assistance from QTH (Queensland Treasury Holdings) is likely to be required in relation to elements of the expansion process and SUFA, we consider it is necessary for a definition of this term to be included in the 2014 DAU. Our Draft Decision is to require a definition of QTH to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Queue	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	As discussed in more detail in Section 11.3.2 of this Draft Decision, stakeholders considered that removal of the concept of the capacity Queue in the 2014 DAU (as compared to the 2010 AU), and replacement of it with capacity allocation criteria, allows Aurizon Network too much discretion in which access seeker is allocated capacity. ¹⁰¹⁸	As discussed in detail in Section 11.3.3 of this Draft Decision, we are not convinced that the Queue for available capacity should be removed from the 2014 DAU or replaced with capacity allocation criteria. This means it is appropriate to include a definition of Queue in the 2014 DAU. Our Draft Decision is to require a definition of Queue to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Recipient	The meaning given to that term in clause 3.18 .	Not applicable.	We consider the definition of Recipient included in the 2014 DAU can be made more specific. Our Draft Decision is to require Aurizon Network to amend the definition of Recipient in the 2014 DAU, in accordance with the marked changes attached to this

¹⁰¹⁸ QRC, 2013 DAU, sub. no. 45: 61; Anglo American, 2014 DAU, sub. no. 7: 44; Asciano, 2014 DAU, sub. no. 22: 27

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			Draft Decision.
Reduced Conditional Access Rights	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	Our proposed amendments to Part 8 of the 2014 DAU include arrangements for reducing Conditional Access Rights in the circumstance where there is a Capacity Shortfall. This means it is necessary for a definition of Reduced Conditional Access Rights to be included in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Reduced Conditional Access Rights to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Reduction Factor	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Reduction Factor in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Reduction Factor to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Reduction Factor Provisions	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Reduction Factor Provisions in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Reduction Factor Provisions to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Reference Tariff Provisions	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Reference Tariff Provisions in Part 12 of the 2014 DAU. Our Draft Decision is to require a

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			definition of Reference Tariff Provisions to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Rejection Notice	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	The term Rejection Notice is identified as a defined term in Part 4 of the 2014 DAU. This means it is appropriate for this term to be defined in Part 12. Our Draft Decision is to require a definition of Rejection Notice to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Related Competitors	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	As discussed in Section 3.3 of this Draft Decision, stakeholders considered that the general principles of non-discrimination and independence in the 2014 DAU should extend to related ports, railways in Queensland (other than the CQCN) and coal mines in Queensland. ¹⁰¹⁹	As discussed in Section 3.3 of this Draft Decision, we share stakeholders' views that the general principles of non-discrimination and independence should provide that Aurizon Network will not unfairly discriminate in favour of related ports and coal mines in central Queensland. This means it is necessary for the 2014 DAU to include a definition of Related Competitors. Our Draft Decision is to require a definition of Related Competitors to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Relinquishment Date	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Relinquishment Date in Part 12 of the 2014 DAU. Our Draft Decision is to require a

¹⁰¹⁹ QRC, 2014 DAU, sub. no. 42: 14; Anglo American, 2014 DAU, sub. no. 7: 23

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			definition of Relinquishment Date to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Relinquishment Fee	A Relinquishment Fee (as defined under a Standard Access Agreement) payable to Aurizon Network as a requirement for Access Rights to be relinquished or any other amount payable in such circumstances under a relevant Access Agreement.	Not applicable.	To support our proposed amendments to Part 7 of the 2014 DAU, we consider it is necessary to define Relinquishment Fee by direct reference to the relevant clause in Part 7. Our Draft Decision is to require Aurizon Network to amend the definition of Relinquishment Fee in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
Resumed Access Rights	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Resumed Access Rights in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Resumed Access Rights to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Resumption Date	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Resumption Date in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Resumption Date to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Resumption Notice	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Resumption Notice in Part 12 of the 2014 DAU. Our Draft Decision is to require a

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			definition of Resumption Notice to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Resumption Provisions	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Resumption Provisions in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Resumption Provisions to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Resumption Trigger Event	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Resumption Trigger Event in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Resumption Trigger Event to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
ROA	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	This term is designated as a defined term in Part 6 of the 2014 DAU. This means it is appropriate for a definition of ROA to be included in Part 12. Our Draft Decision is to require a definition of ROA to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Safeworking Procedures	The procedures and systems implemented by Aurizon Network, including supporting communications systems, for the safe operation of Trains and protection of work sites on the Rail Infrastructure.	Not applicable.	We consider this definition in the 2014 DAU can be made clearer and more specific. Our Draft Decision is to require Aurizon Network to amend the definition of Safeworking Procedures in the 2014 DAU,

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			in accordance with the marked changes attached to this Draft Decision.
Segment	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	To support our proposed amendments to Part 8 of the 2014 DAU, we consider it is necessary to include a definition of Segment in Part 12. Our Draft Decision is to require a definition of Segment to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Self-insurance	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it important that Self-insurance be appropriately defined in the 2014 DAU. Our Draft Decision is to require a definition of Self-insurance to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Shortfall Expansion	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	As discussed in detail in Section 12.6.3 of this Draft Decision, we consider it is important for the 2014 DAU to include appropriate mechanisms for dealing with a circumstance where a Capacity Shortfall arises in respect of an earlier Expansion. This means it is necessary for a definition of Shortfall Expansion to be included in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Shortfall Expansion to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Standard Access Agreement	The standard form of Access Agreements being the Standard Access Agreement (Operator), Standard Access Agreement	Not applicable.	As discussed in detail in Section 8.4 of this Draft Decision, our interim position is to reject the suite of Standard Access

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	(Access Holder), or the Standard Access Agreement (End User), as applicable.		<p>Agreements proposed in Aurizon Network's 2014 DAU, and instead move to a simpler approach based on only two Standard Access Agreements. This will require the definition of Standard Access Agreement to be amended.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Standard Access Agreement in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Standard Access Agreement (End User)	The standard form of Access Agreement referred to by that name in Volume 3 (which when executed will constitute an End User Access Agreement).	Not applicable.	<p>As noted above, our interim position is to reject the suite of Standard Access Agreements proposed in Aurizon Network's 2014 DAU, and instead move to a simpler approach based on only two Standard Access Agreements. This means that the definition of Standard Access Agreement (End User) is no longer necessary.</p> <p>Our Draft Decision is to require the definition of Standard Access Agreement (End User) to be deleted from the 2014 DAU.</p>
Standard Access Agreement (Access Holder)	The standard form of Access Agreement referred to by that name in Volume 3.	Not applicable.	<p>As noted above, our interim position is to reject the suite of Standard Access Agreements proposed in Aurizon Network's 2014 DAU, and instead move to a simpler approach based on only two Standard Access Agreements. This means that the definition of Standard Access Agreement (Access Holder) is no longer necessary.</p> <p>Our Draft Decision is to require the definition of Standard Access Agreement (Access Holder) to be deleted from the</p>

<i>Definition</i>	<i>Aurizon Network proposal</i>	<i>Stakeholders' position</i>	<i>QCA analysis and Draft Decision</i>
			2014 DAU.
Standard Access Agreement (Operator)	The standard form of Access Agreement referred to by that name in Volume 3.	Not applicable.	<p>As noted above, our interim position is to reject the suite of Standard Access Agreements proposed in Aurizon Network's 2014 DAU, and instead move to a simpler approach based on only two Standard Access Agreements. This means that the definition of Standard Access Agreement (Operator) is no longer necessary.</p> <p>Our Draft Decision is to require the definition of Standard Access Agreement (Operator) to be deleted from the 2014 DAU.</p>
Standard Agreement	Any agreement that is in the form of a Standard Access Agreement, Standard Rail Connection Agreement or Standard User Funding Agreement, Standard Studies Funding Agreement	Not applicable.	<p>As noted above, our interim position is to reject the suite of Standard Access Agreements proposed in Aurizon Network's 2014 DAU, and instead move to a simpler approach based on only two Standard Access Agreements.</p> <p>One of our two proposed Standard Access Agreements is a Standard Train Operations Deed. This means it is necessary for the definition of Standard Agreement in the 2014 DAU to be amended to appropriately reflect this.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Standard Agreement in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Standard Train Operations Deed	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	As noted above, our interim position is to reject the suite of Standard Access Agreements proposed in Aurizon Network's 2014 DAU, and instead move to a simpler approach based on only two

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>Standard Access Agreements.</p> <p>One of our two proposed Standard Access Agreements is a Standard Train Operations Deed. This means it is necessary for a definition of this term to be included in the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of Standard Train Operations Deed to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
<p>Standard User Funding Agreement or SUFA</p>	<p>The current QCA approved standard form of User Funding Agreement, from time to time.</p>	<p>Not applicable.</p>	<p>As the approved Standard User Funding Agreement will become a Volume of the 2014 DAU, we consider this definition should be more specific in this regard.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Standard User Funding Agreement in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
<p>Stowage</p>	<p>The storage of Trains (excluding individual items of Rollingstock) on the Rail Infrastructure at locations specified by Aurizon Network under the following circumstances:</p> <p>(a) during a Possession; or</p> <p>(b) during the operation of a Train Service.</p>	<p>Asciano said the definition of Stowage contained in the 2014 DAU is substantially different from that contained in the 2010 AU, in which stowage meant:</p> <p>(a) Dwell; and</p> <p>(b) the short-term storage of trains on the Rail Infrastructure at locations specified by Aurizon Network when an Access Holder cannot operate train services due to a temporary interruption.</p> <p>Asciano is concerned that the 2014 DAU definition lessens Aurizon Network's obligation to provide stowage for trains as a result of a temporary interruption and believes that an unambiguous obligation</p>	<p>We share Asciano's concern that the definition of Stowage proposed by Aurizon Network in the 2014 DAU may reduce the circumstances in which Aurizon Network is obliged to provide Stowage for trains as a result of temporary interruptions.</p> <p>We consider reinstatement of the 2010 AU definition of Stowage will provide greater clarity and transparency regarding Aurizon Network's obligations in this area.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Stowage in the 2014 DAU, in accordance with the marked changes attached to this</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
		to provide stowage should be reinstated. ¹⁰²⁰	Draft Decision.
Supply Chain	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We note the 2014 DAU includes definitions of Supply Chain Group, Supply Chain Master Plan and Supply Chain Rights.</p> <p>We consider that, in order to give clear meaning to these definitions, the 2014 DAU should also include an appropriate definition of Supply Chain.</p> <p>Our Draft Decision is to require a definition of Supply Chain to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Supply Chain Group	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider that the definition of Supply Chain Group included in the 2014 DAU should be clarified and made more transparent.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Supply Chain Group in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Supply Chain Rights	<p>The following rights:</p> <p>(a) where any Private Infrastructure is required to be accessed or used to operate Train Services, rights which are sufficient to allow access or use that Private Infrastructure to operate the Train Services;</p>	Not applicable.	<p>We consider that the definition of Supply Chain Rights included in the 2014 DAU should be clarified and made more transparent.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Supply Chain Rights in the 2014 DAU, in accordance with the marked changes</p>

¹⁰²⁰ Asciano, 2014 DAU, sub. no. 22: 45

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	<p>(b) in respect of Train Services that will operate on Private Infrastructure prior to entering and/or after exiting the Rail Infrastructure as part of its journey, rights which are sufficient to allow the Train Services to enter or exit (as applicable) the Rail Infrastructure from or to (as applicable) that Private Infrastructure; and</p> <p>(c) if the Train Services are coal carrying Train Services which are to be operated to an unloading facility or loading facility, rights which are sufficient to allow:</p> <p>(i) in relation to an unloading facility:</p> <p>(A) access to the relevant unloading facility with a fully loaded Train which complies with the proposed Train Service Entitlement for the Train Services; and</p> <p>(B) the unloading of all coal from the Train at the relevant unloading facility; and</p> <p>(ii) in relation to a loading facility:</p> <p>(A) access to the relevant loading facility with a Train which complies with the proposed Train Service Entitlement for the Train Services; and</p> <p>(B) the loading of coal onto the Train at the relevant unloading facility,</p> <p>assuming, in either case, 100% utilisation of the Access Rights for the relevant Train Services in accordance with the proposed Train Service Entitlement.</p>		attached to this Draft Decision.
System Premium	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	Our proposed amendments to Schedule F of the 2014 DAU mean it is necessary to include a definition of System Premium in Part 12 of the 2014 DAU.

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			<p>Our Draft Decision is to require a definition of System Premium to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
<p>System Rules</p>	<p>Rules specifying the way in which Aurizon Network will plan, schedule and control the operation of Train Services on one or a combination of Coal Systems, in greater detail than under schedule G:</p> <p>(a) which:</p> <p>(i) are approved for a Coal System under clause 7.6.3; or</p> <p>(ii) existed under the 2010 Undertaking immediately prior to the Approval Date, as amended from time to time under clause 7.6.4; and</p> <p>(b) which may include, for example:</p> <p>(i) the declaration of System Paths for a Coal System;</p> <p>(ii) the procedures for Access Holders to submit Train Orders and for Aurizon Network to schedule Train Services in the ITP;</p> <p>(iii) the procedures for Aurizon Network to schedule the DTP from the ITP, provided that these procedures must be consistent with the matters referred to in clauses 7.2 and 7.3(c)(i) to (vi) of schedule G;</p> <p>(iv) the relevant critical objectives for Train Services operating in one or a combination of Coal Systems to assist decision-making for Network Control</p>	<p>The QRC said this definition should be amended to read as follows:</p> <p>'Rules specifying the way in which Aurizon Network will plan, schedule and control the operation of Train Services on one or a combination of Coal Systems, in greater detail than under schedule G:</p> <p>(a) which have been approved by the QCA; and</p> <p>(b) which may include, for example:</p> <p>(i) the declaration of System Paths for a Coal System;</p> <p>(ii) the procedures for Access Holders to submit Train Orders and for Aurizon Network to schedule Train Services in the ITP;</p> <p>(iii) the procedures for Aurizon Network to schedule the DTP from the ITP, provided that these procedures must be consistent with the matters referred to in clauses 7.2 and 7.3(c)(i) to (vi) of schedule G;</p> <p>(iv) the relevant critical objectives for Train Services operating in one or a combination of Coal Systems to assist decision-making for Network Control under clause 9 of schedule G;</p> <p>(v) a methodology for defining path availability/use for the purpose of calculating take-or-pay charges; and</p>	<p>As discussed in detail in Section 13.5.3 of this Draft Decision, we consider it important that the 2014 DAU provide a clear and certain process for the development, approval, review and amendment of system rules. This will be supported if the definition of System Rules in the 2014 DAU can be made clearer and more specific.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of System Rules in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	<p>under clause 9 of schedule G;</p> <p>(v) a methodology for defining path availability/use for the purpose of calculating take-or-pay charges; and</p> <p>(vi) the identification of any circumstances where a full initial Capacity Assessment or Capacity Analysis is not required for the purposes of clause 4.6(b)(iii) or clause 4.10.2(a)(v).</p>	(vi) the identification of any circumstances where a full initial Capacity Assessment or Capacity Analysis is not required for the purposes of clause 4.6(b)(iii) or clause 4.10.2(a)(v). ¹⁰²¹	
Take or Pay Grouping	<p>The Train Service Entitlements for a relevant Eligible Operator (as defined in clause 2.4(n) of schedule F) that:</p> <p>(a) the Eligible Operator has nominated to Aurizon Network in writing; and</p> <p>(b) where that Eligible Operator has a Customer, the Eligible Operator has confirmed to Aurizon Network that the Customer has approved that nomination, prior to the end of May in a Year (in accordance with that Eligible Operator's Eligible Access Agreement, as defined in clause 2.4(n) of schedule F) as grouped together for the purpose of Tariff Take or Pay adjustments under clause 2.4(n) of schedule F in respect of that Year provided that, for clarity, the Train Service Entitlements are only grouped to the extent that Access Charges relating to those Train Service Entitlements are set by reference to the same Reference Tariff.</p>	Not applicable.	<p>As discussed in Volume III of this Draft Decision, we do not consider this concept to be acceptable.</p> <p>Our Draft Decision is to require the definition of Take or Pay Grouping to be deleted from the 2014 DAU.</p>
Tax Act	Aurizon Network has not included a definition of this term in Part 12 of the	Not applicable.	As advice on taxation arrangements will be required in relation to elements of the

¹⁰²¹ QRC, 2014 DAU, sub. no. 39: 18-19

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
	2014 DAU.		expansion process and SUFA, we consider it is necessary for a definition of Tax Act to be included in the 2014 DAU. Our Draft Decision is to require a definition of Tax Act to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Third Party Access Seeker	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	Our proposed amendments to Part 3 of the 2014 DAU include arrangements designed to restrict the provision of Confidential Information to a related operator, unless approved by third party access seekers or access holders. This means it is necessary for a definition of Third Party Access Seeker to be included in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of Third Party Access Seeker to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
TOP Charges	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of TOP Charges in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of TOP Charges to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
TOP Charges (ATPY)	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of TOP Charges (ATPY) in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of TOP Charges (ATPY) to be included in the 2014 DAU, to read as per

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			the marked changes attached to this Draft Decision.
Train Operations Agreement / Train Operations Deed	An agreement in the form of a 'Train Operations Agreement' as defined under the Standard Access Agreement (End User).	Not applicable.	<p>As we are proposing that the definition of Standard Access Agreement (End User) be deleted from the 2014 DAU, the definition of Train Operations Agreement needs to be appropriately amended. As discussed in Chapter 8 of this draft Decision, we also consider the definition should be re-titled as Train Operations Deed.</p> <p>Our Draft Decision is to require Aurizon Network to delete the definition of Train Operations Agreement in the 2014 DAU, and replace it with a definition of Train Operations Deed, to read as per the marked changes attached to this Draft Decision.</p>
Train Service Commitment Date	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it is necessary to include a definition of Train Service Commitment Date in Part 12 of the 2014 DAU, to reflect access agreement requirements.</p> <p>Our Draft Decision is to require a definition of Train Service Commitment Date to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Transfer	The relinquishment by an Access Holder under an Access Agreement of all or part of its Access Rights in order to create Available Capacity that can be used to grant new Access Rights to that Access Holder (who will be an Access Seeker in relation to those new Access Rights) or an Access Seeker nominated by that Access Holder.	Not applicable.	<p>We consider it is important that the 2014 DAU includes a clear definition of Transfer, in order to support efficient, flexible and transparent transfer mechanisms.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Transfer in the 2014 DAU, in accordance with the marked changes attached to this</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			Draft Decision.
Transfer Cancellation Notice	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it is necessary to include a definition of Transfer Cancellation Notice in Part 12 of the 2014 DAU, with the definition linked to the relevant clause in Part 7 of the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of Transfer Cancellation Notice to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Transfer Date	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it is necessary to include a definition of Transfer Date in Part 12 of the 2014 DAU, with the definition linked to the relevant clause in Part 7 of the 2014 DAU.</p> <p>Our Draft Decision is to require a definition of Transfer Date to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.</p>
Transfer Fee	An amount payable to Aurizon Network pursuant to an Access Agreement as a pre-condition for a Transfer.	Not applicable.	<p>We consider this definition can be more clearly defined by direct reference to the relevant clause in Part 7 of the 2014 DAU.</p> <p>Our Draft Decision is to require Aurizon Network to amend the definition of Transfer Fee in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.</p>
Transfer Period	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	<p>We consider it is necessary to include a definition of Transfer Period in Part 12 of the 2014 DAU, with the definition linked to the relevant clause in Part 7 of the 2014 DAU.</p>

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			Our Draft Decision is to require a definition of Transfer Period to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Transfer Provisions	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Transfer Provisions in Part 12 of the 2014 DAU, with the definition linked to the relevant clause in Part 7 of the 2014 DAU. Our Draft Decision is to require a definition of Transfer Provisions to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Transferee	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Transferee in Part 12 of the 2014 DAU, with the definition linked to the relevant clause in Part 7 of the 2014 DAU. Our Draft Decision is to require a definition of Transferee to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.
Transferee Access Agreement	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	We consider it is necessary to include a definition of Transferee Access Agreement in Part 12 of the 2014 DAU, with the definition linked to the relevant clause in Part 7 of the 2014 DAU. Our Draft Decision is to require a definition of Transferee Access Agreement to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
Transferred Access Rights	Access Rights that will use the Available Capacity that will be created by the Access Holder's relinquishment as part of a Transfer.	Not applicable.	We consider this definition can be more clearly defined by direct reference to the relevant clause in Part 7 of the 2014 DAU. Our Draft Decision is to require Aurizon Network to amend the definition of Transferred Access Rights in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
Urgent Possession	A Possession required to correct problems that Aurizon Network (acting reasonably) considers potentially dangerous to any person, or property, and that Aurizon Network, complying with the Possession Protocols, will use reasonable endeavours to carry out between seven days and three months after the detection of the fault giving rise to the need for that Possession.	Not applicable.	We consider the definition of Urgent Possession in the 2014 DAU can be made more specific by inclusion of a timeframe relating to notification to Access Holders. Our Draft Decision is to require Aurizon Network to amend the definition of Urgent Possession in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision. However, we note we are also considering whether all references to 'Urgent Possession' in the 2014 DAU should be replaced with 'Unplanned Possession' and we specifically seek advice from stakeholders in respect of this.
User Funded Expansion	An Expansion that is funded wholly or partly by Funding Users under a User Funding Agreement.	Not applicable.	As discussed above, we consider that the definition of Funding User should be deleted from the 2014 DAU and a definition of Expansion Funder included. This requires a consequential amendment to the definition of User Funded Expansion. Our Draft Decision is to require Aurizon Network to amend the definition of User Funded Expansion in the 2014 DAU, in accordance with the marked changes

Definition	Aurizon Network proposal	Stakeholders' position	QCA analysis and Draft Decision
			attached to this Draft Decision.
User Funding	The provision of funding to Aurizon Network by a Funding User (including indirectly through a User Funding Trustee or other person) in accordance with a User Funding Agreement.	Not applicable.	As discussed above, we consider that the definition of Funding User should be deleted from the 2014 DAU and a definition of Expansion Funder included. This requires a consequential amendment to the definition of User Funding. Our Draft Decision is to require Aurizon Network to amend the definition of User Funding in the 2014 DAU, in accordance with the marked changes attached to this Draft Decision.
User Funding Trust	Aurizon Network has not included a definition of this term in Part 12 of the 2014 DAU.	Not applicable.	SUFA arrangements will require the establishment of trusts in order to work effectively. We consider this means it is necessary for a definition of User Funding Trust to be included in Part 12 of the 2014 DAU. Our Draft Decision is to require a definition of User Funding Trust to be included in the 2014 DAU, to read as per the marked changes attached to this Draft Decision.

APPENDIX G: STAKEHOLDER CONSULTATION

2014 DAU Process

Consultation Process

In August 2014, we published Aurizon Network's 2014 DAU and its supporting material on our website. In October 2014, we received submissions from ten stakeholders on the 2014 DAU. The table below shows a list of submissions received on the 2014 DAU to date.

Table 105 Submissions and reports received on the 2014 DAU

<i>Organisation/individual</i>	<i>Submission number</i>
Anglo American	2014DAU 7-17, 19-21
Asciano	2014DAU 22
Aurizon Holdings Limited	2014DAU 25
Aurizon Network	2014DAU 1 – 6 and 48, 49, 51
Aurizon Operations	2014DAU 26
BHP Billiton Mitsubishi Alliance and BHP Billiton Mitsui Coal	2014DAU 23
Department of State Development, Innovation and Planning	2014DAU 47
Glencore Xstrata	2014DAU 50
Queensland Resources Council	2014DAU 28-46
Vale	2014DAU 24

QCA Draft Decision – Maximum Allowable Revenue (MAR)

In September 2014, we published our MAR Draft Decision, and received submissions from 10 stakeholders.

Table 106 Submissions and reports received on the MAR Draft Decision

<i>Organisation/individual</i>	<i>Submission number</i>
Anglo American	2014DAU 58
Asciano	2014DAU 52
Aurizon Network	2014DAU 59
Balance Advisory	2014DAU 60
BHP Billiton Mitsubishi Alliance and BHP Billiton Mitsui Coal	2014DAU 53
Department of State Development, Infrastructure and Planning	2014DAU 61
Queensland Resources Council	2014DAU 62
Vale	2014DAU 54
Wesfarmers	2014DAU 55
Wiggins Island Coal Export Terminal	2014DAU 56
Wiggins Island Coal Export Terminal (Letter)	2014DAU 57

Submissions — 2014 DAU

Aurizon Network's Submissions

- The 2014 Access Undertaking: Explanatory Material – Letter UT4 Withdrawal (sub. no. 1)
- The 2014 Access Undertaking: Explanatory Material – Letter UT4 Resubmission August 2014. (sub. no. 2)
- The 2014 Access Undertaking: Explanatory Material – Summary Table of Key Changes (App B) August 2014. (sub. no. 3)
- The 2014 Access Undertaking: Explanatory Material – Detailed Table of Changes (App A1) August 2014. (sub. no. 4)
- The 2014 Access Undertaking: Explanatory Material – Detailed Table of Changes – Agreements (App A2) August 2014. (sub. no. 5)
- The 2014 Access Undertaking Explanatory Material – Wiggins Island Rail Project Proposed Revenue and Pricing Treatment, August 2014 (sub. no. 6)
- October 2014, Feedback on the consultation guideline issued by the QCA, and endorsement for a number of comments raised by stakeholders in submissions to the QCA on the 2014 DAU (sub. no. 48)
- October 2014, Letter from Aurizon regarding Aurizon Network Pty Ltd 2014 Draft Access Undertaking (2014 DAU) Consultation (sub. no. 49)
- October 2014, Support of other stakeholder submissions to the QCA (sub. no. 51)

Stakeholders' Submissions

Anglo American

- October 2014, Submission on the 2014 Draft Access Undertaking (sub. no. 7).
- October 2014, Submission Annexure A - Part 4 Negotiation Framework (sub. no. 8).
- October 2014, Submission Annexure B - Part 7 Available Capacity allocation and management (sub. no. 9).
- October 2014, Submission Annexure C - Part 8 Network development and Expansions (sub. no. 10).
- October 2014, Submission Annexure D - Part 9 Connecting Private Infrastructure (sub. no. 11).
- October 2014, Submission Annexure E - Schedule A Preliminary, Additional and Capacity Information (sub. no. 12).
- October 2014, Submission Annexure F - Schedule B Access Application information requirements (sub. no. 13).
- October 2014, Submission Annexure G - Schedule D Ultimate Holding Company Deed (sub. no. 14).
- October 2014, Submission Annexure H - Schedule G Network Management Principles (sub. no. 15).
- October 2014, Submission Annexure I - Schedule I Confidentiality Agreement (sub. no. 16).
- October 2014, Submission Annexure J - Standard Rail Connection Agreement (sub. no. 17).
- October 2014, Email regarding Anglo American 2014 Draft Access Undertaking submission with corrections (sub. no. 19).
- October 2014, Letter to the QCA regarding addendum (sub. no. 20).
- October 2014, Addendum Submission mark-up for the QCA (sub. no. 21).

Asciano Limited (Asciano)

October 2014, Submission to the QCA in relation to the Aurizon Network 2014 Draft Access Undertaking (sub. no. 22).

Aurizon Holdings Limited (Aurizon)

October 2014, Aurizon Holdings' submission to the 2014DAU (sub no. 25).

Aurizon Operations

October 2014, Submission to the 2014DAU (sub no. 26).

BHP Billiton Mitsubishi Alliance (BMA) and BHP Billiton Mitsui Coal (BMC)

October 2014, Comments on Aurizon Network's 2014 resubmitted Draft Access Undertaking (DAU) (sub no. 23).

Department of State Development, Innovation and Planning

October 2014, Comment on Aurizon Network's draft 2014 Access Undertaking (UT 4) (sub no. 47).

Glencore Xstrata (Glencore)

October 2014, Submission on Wiggins Island Rail Project (WIRP) (Sub no. 50).

Queensland Resources Council (QRC)

October 2014, Letter to the QCA re final submission on 2014 DAU (sub. no. 28).

October 2014, Part 10 QRC Mark-up (sub. no. 29).

October 2014, Part 11 QRC Mark-up (sub. no. 30).

October 2014, Part 2 QRC Mark-up (sub. no. 31).

October 2014, Part 3.1 QRC Redrafted Part 3 (sub. no. 32).

October 2014, Part 3.2 (Schedule D) QRC Mark-up (sub. no. 33).

October 2014, Part 3.3 (Schedule I) QRC Mark-up (sub. no. 34).

October 2014, Part 5.1 QRC Mark-up (sub. no. 35).

October 2014, Part 9 QRC Mark-up (sub. no. 36).

October 2014, REVISED - Part 4 Mark-up (sub. no. 37).

October 2014, REVISED - Part 5.2 QRC Mark-up Standard Access Holder Access Agreement (sub. no. 38).

October 2014, REVISED - Part 7 QRC Mark-up (sub. no. 39).

October 2014, REVISED - Part 8.1 Mark-up (sub. no. 40).

October 2014, REVISED - Part 8.2 QRC Mark-up (sub. no. 41).

October 2014, REVISED - QRC Submission (consolidated document) (sub. no. 42).

October 2014, REVISED - Schedule A QRC Mark-up (sub. no. 43).

October 2014, REVISED - Schedule B QRC Mark-up (sub. no. 44).

October 2014, Schedule C QRC Mark-up (sub. no. 45).

October 2014, Schedule G QRC mark-up (sub. no. 46).

Vale

October 2014, Submission on the Aurizon Network 2014 DAU (sub no. 24).

Submissions - MAR Draft Decision

Anglo American

December 2014, Response to the QCA Draft Decision on Aurizon Network's Maximum Allowable Revenue (sub. no. 58)

Asciano

December 2014, Submission to the QCA on the Maximum Allowable Revenue Component of the Aurizon Network Draft Access Undertaking (sub. no. 52)

Aurizon Network

December 2014, Response to the QCA's Draft Decision on Aurizon Network's 2014 Draft Access Undertaking – Maximum Allowable Revenue (sub. no. 59)

Balance Advisory

December 2014, Aurizon Network 2014 Draft Access Undertaking – Maximum Allowable Revenue (sub. no. 60)

BHP Billiton Mitsubishi Alliance (BMA) and BHP Billiton Mitsui Coal (BMC)

December 2014, Aurizon Network's 2014 DAU – Queensland Competition Authority's Draft Decision on Aurizon Network's Maximum Allowable Revenue (sub. no. 53)

Department of State Development, Infrastructure and Planning (DSDIP)

December 2014, QCA's Draft Decision on the MAR Component of Aurizon Network's 2-14 Draft Access Undertaking (sub. no. 61)

Queensland Resources Council (QRC)

December 2014, QRC Submission to the QCA: Aurizon Network 2014 Draft Access Undertaking – Maximum Allowable Revenue (sub. no. 62)

Vale

December 2014, Aurizon Network's 2014 Draft Access Undertaking – Maximum Allowable Revenue Draft Decision (sub. no. 54)

Wesfarmers

December 2014, Wiggins Island Rail Project Proposed Revenue and Pricing Treatment (sub. no. 55)

Wiggins Island Coal Export Terminal

December 2014, MAR Covering Letter (sub. no. 56)

December 2014, John T Boyd Company, WICET STAGE 1 Mine Production Summary for QCA – prepared for Wiggins Island Coal Export Terminal (sub. no. 57)

2013 DAU Process

In April 2013, we published Aurizon Network's 2013 DAU and the majority of its supporting submission and associated documents on our website. We did not publish material Aurizon Network claimed is confidential.

QCA Consultation Paper

In August 2013, we released a consultation paper to assist interested parties in making submissions on the 2013 DAU.

The consultation paper summarised some elements of the 2013 DAU, and sought to focus stakeholders' attention on some of the likely key areas of concern.¹⁰²² In addition, we engaged Energy Economics to provide an independent assessment of the CQCN railings forecasts for the proposed 2013 DAU regulatory period. The findings were also included in the consultation paper.

Submissions on the 2013 DAU (incorporating comments made in our consultation paper) were initially due by 9 July 2013, but we agreed to extend the due date to 10 October 2013, at the request of a number of stakeholders. We agreed to a relatively lengthy public consultation period on the 2013 DAU on the understanding this would provide sufficient time for Aurizon Network, the QRC and other stakeholders to engage with each other in an attempt to identify common ground.

In October 2013 we received submissions from 11 interested parties in response to the 2013 DAU. These are on our website. In these, stakeholders identified a significant number of issues where there are substantive differences from the position of Aurizon Network as outlined in the 2013 DAU.

Submissions in Response to Aurizon Network's Revised Submission

In November 2013, Aurizon Network provided its response to stakeholders' submissions on its 2013 DAU (updated proposal). The updated proposal sort to address a number of concerns and issues raised in the stakeholder submissions. It also provided an indication of where Aurizon Network was willing to move from its original 2013 DAU proposal in response to its ongoing consultations with stakeholders.

In January 2014, we received submissions from eight interested parties in response to Aurizon Network's updated proposal. These are published on our website. In these, stakeholders still considered there are substantive differences from the position of Aurizon Network outlined in the 2013 DAU.

WACC Forum

In December 2013, we hosted a WACC Forum (forum) in our office that focused on two issues, namely:

- aspects of our methodological review of our approach to setting the WACC for regulatory decisions
- our assessment of Aurizon Network's 2013 DAU.

We engaged consultants, Dr Martin Lally (Victoria University of Wellington) and Dr Michael Lawriwsky (Incenta Economic Consulting) to assist in both matters. At the forum, Dr Lally and Dr Lawriwsky presented technical papers, which can be found on our website.

We received submissions from five interested parties in response to the forum and the associated papers.

Consultants' Reports

As part of our assessment of the 2013 DAU, we engaged consultants Sinclair Knight Merz (now Jacobs) and RSM Bird Cameron to review Aurizon Network's operating and maintenance cost claims for the proposed 2013 DAU regulatory period.

On 29 January 2014, we published the two consultants' reports, relating to these cost elements of the UT4 proposal, on our website.

Submissions on the consultants' reports were initially due by 17 February 2014, but we agreed to extend the due date to 7 March 2014, after receiving a request from the QRC to extend the deadline.

¹⁰²² The consultation paper focused on where Aurizon Network had proposed new approaches or where it appeared to have sought to alter existing rights, obligations and responsibilities, compared with the 2010 access undertaking.

In April 2014, we received submissions from five interested parties in response to the consultants' reports. These will be published on our website at the time this Position Paper is released.

Submissions and Reports Received

The table below shows a list of submissions and reports received on the 2013 DAU, that has been referred to in our position paper.

Table 107 Submissions and reports received on the 2013 DAU

<i>Organisation/individual</i>	<i>Submission number</i>
Aurizon Network*	2013DAU 1 – 36*, 77**, 100-105, 109, 115-116, 118-119
Anglo American	2013DAU 39, 78-81, 93
Asciano Limited (Asciano)	2013DAU 43-45, 82, 112
BHP Billiton Mitsubishi Alliance (BMA) and BHP Billiton Mitsui Coal (BMC)	2013DAU 40-41, 108, 114
Freightliner Australia Pty Ltd (Freightliner)	2013DAU 75
Glencore Xstrata (Glencore)	2013DAU 74, 83
Peabody Energy Incorporated (Peabody)	2013DAU 37
Queensland Resources Council (QRC)	2013DAU 46 – 71, 84-89, 106-107, 110-111, 117
Queensland Treasury Corporation (QTC)	2013DAU 96, 97
Rio Tinto Coal Australia (Rio Tinto) (RTCA)	2013DAU 72 – 73, 90
Stanwell Corporation Limited (Stanwell)	2013DAU 38
Vale	2013DAU 42, 91, 113
Wesfarmers Curragh Pty Ltd (Wesfarmers)	2013DAU 76, 92
Unitywater	2013DAU 98
DBCT Management (DBCTM)	2013DAU 95
Asia Pacific Strategy	2013DAU 94

**Claims of confidentiality have been made for part or all of these submissions. **Response to stakeholders' submissions. Submissions*

Aurizon Network's Submissions

Aurizon Network

The 2013 Access Undertaking Explanatory Material: Volume 1 - Overview and Summary. April 2013. (sub. no. 1).

The 2013 Access Undertaking Explanatory Material: Volume 2 - The 2013 Access Undertaking Proposal. April 2013. (sub. no. 2).

The 2013 Access Undertaking Explanatory Material: Volume 3 - MAR and Reference Tariffs. April 2013. (sub. no. 3).

The 2013 Access Undertaking Explanatory Material: Volume 4 - Maintenance. April 2013. (sub. no. 4).

The 2013 Access Undertaking Explanatory Material: Volume 4 - Maintenance. April 2013. [CONFIDENTIAL] (sub. no. 37).

- The 2013 Access Undertaking Explanatory Material: Annex A SFG Consulting – Testing the Reasonableness of the Regulatory Allowance for the Return on Equity, 11 March 2013 (sub. no. 5).
- The 2013 Access Undertaking Explanatory Material: Annex B SFG Consulting – Systemic risk of QR Network, 31 August 2012 (sub. no. 6).
- The 2013 Access Undertaking Explanatory Material: Annex C SFG Consulting – Term to Maturity of the Risk Free Rate Estimate in the Regulated Return, 29 August 2012 (sub. no. 7).
- The 2013 Access Undertaking Explanatory Material: Annex D SFG Consulting – Estimating Gamma, 25 January 2012 (sub. no. 8).
- The 2013 Access Undertaking Explanatory Material: Annex E Value Adviser Associates – Review of Debt Risk Premium and Market Risk Premium, February 2013 (sub. no. 9).
- The 2013 Access Undertaking Explanatory Material: Annex F Synergies – Aurizon Network's Commercial and Regulatory Risks, April 2013 (sub. no. 10).
- The 2013 Access Undertaking Explanatory Material: Annex G Ernst & Young – Benchmarking Corporate Overhead Costs for QR Network Pty Ltd, July 2012 (sub. no. 11).
- The 2013 Access Undertaking Explanatory Material: Annex H [CONFIDENTIAL] Finity – Review of Self Insurance Risk Premium – Access Undertaking UT4, March 2013 (sub. no. 12).
- The 2013 Access Undertaking Explanatory Material: Annex I Willis – Expert Opinion on the Cost of Insurance Premiums for Purposes of the Aurizon Network Access Undertaking 2013 (sub. no. 13).
- The 2013 Access Undertaking Explanatory Material: Annex J Deloitte – Aurizon Network: Proposed Standard User Funding Agreement Risk Assessment, April 2013 (sub. no. 14).
- The 2013 Access Undertaking Explanatory Material: Annex K Evans & Peck – Aurizon Network's Ballast Contamination Scoping Study, March 2013 (sub. no. 15).
- The 2013 Access Undertaking Explanatory Material: Annex L Sapere Research Group – Review of Cost Allocation Methodology and Treatment of Mine Specific Infrastructure, 11 January 2013 (sub. no. 16).
- The 2013 Access Undertaking Explanatory Material: Annex M Sapere – Economic Analysis of Revised Aurizon DAAU for Electric Infrastructure (sub. no. 17).
- The 2013 Access Undertaking Explanatory Material: Annex N Evans and Peck - Operating and Maintenance Costs: Investigation and Benchmarking – Final Report, October 2012 (sub. no. 18).
- The 2013 Access Undertaking Explanatory Material: Annex O [CONFIDENTIAL] QR National Central Queensland Coal Network: Tonnage Profile, 4 March 2013 (sub. no. 19).
- The 2013 Access Undertaking Explanatory Material: Annex P Worley Parsons and Transportation Technology Centre - UT3 Parallel Comparison Exercise – Consultant's Report, 18 August 2008 (sub. no. 20).
- The 2013 Access Undertaking Explanatory Material: Annex Q Worley Parsons - Life Asset Register Benchmark, 18 August 2008 (sub. no. 21).
- The 2013 Access Undertaking Explanatory Material: Annex R Worley Parsons - Marginal Costs Variabilities - Contemporary and Accepted Theorems, 18 August 2008 (sub. no. 22).
- The 2013 Access Undertaking Explanatory Material: Annex S Worley Parsons - Queensland Railways Maintenance Variability: Coal Network Cost Variability with Traffic Density, 18 August 2008 (sub. no. 23).
- The 2013 Access Undertaking Explanatory Material: Annex T Worley Parsons - Optimising Locations of Maintenance Depots: for the Queensland Rail Network, 18 August 2008 (sub. no. 24).

The 2013 Access Undertaking Explanatory Material: Annex U Worley Parsons - Comments on Service Level Specifications for Rail Infrastructure Maintenance: Central Queensland Coal Region, 18 August 2008 (sub. no. 25).

The 2013 Access Undertaking Explanatory Material: Annex V Worley Parsons - Benchmark Heavy Haul Lines: International and National Comparison, 18 August 2008 (sub. no. 26).

The 2013 Access Undertaking Explanatory Material: Annex W Worley Parsons - Northern Queensland Coal Network Systems: Site Visit Record: May 2008, 18 August 2008 (sub. no. 27).

The 2013 Access Undertaking Explanatory Material: Annex X [CONFIDENTIAL] QR National - Key Personnel, 4 March 2013 (sub. no. 28).

The 2013 Access Undertaking Explanatory Material: Annex Y QR National - Central Queensland Coal Network and System Maps, 9 October 2012 (sub. no. 29).

The 2013 Access Undertaking Explanatory Material: Annex Z QR National - Legislation Affecting QR Network, 4 March 2013 (sub. no. 30).

The 2013 Access Undertaking Explanatory Material: Annex AA QR National Network Services - Safety Alert Examples, various 2012 (sub. no. 31).

The 2013 Access Undertaking Explanatory Material: Annex AB Aurizon - Critical Asset Calendar, February 2013 (sub. no. 32).

The 2013 Access Undertaking Explanatory Material: Annex AC [FOR PUBLICATION] QR National - Ballast Fouling, 4 March 2013 (sub. no. 33).

The 2013 Access Undertaking Explanatory Material: Annex AD QR National Networks – UT4 Maintenance – 2012 Assessment Survey to Ports and Mines – Results, 12 June 2012 (sub. no. 34).

The 2013 Access Undertaking Explanatory Material: Annex AE [FOR PUBLICATION] Deloitte Access Economics – Estimate of QR Network Maintenance Services Overheads, 1 November 2012 (sub. no. 35).

The 2013 Access Undertaking Explanatory Material: Annex AF [FOR PUBLICATION] BIS Shrapnel - Maintenance Cost Escalation Forecasts to 2017- Draft Report, September 2012 (sub. no. 36).

The 2013 Access Undertaking Explanatory Material: UT4 'Coal System Aggregate' Model – December 2013

The 2013 Access Undertaking Explanatory Material: Aurizon Network Letter – Replacement Annex G – October 2013

The 2013 Access Undertaking: Response to Stakeholders' Submissions, November 2013 (sub. no. 77).

Supplementary Report to the QCA - Maintenance Cost Index, March 2014 (sub. no. 116).

June 2014, Aurizon Network Assets Information Sharing Management of Ballast and Asset Matters, 11 March. (sub. no. 119)

Stakeholders' Submissions

Anglo American

Submission to Queensland Competition Authority: Aurizon Network's 2013 Draft Amending Access Undertaking (UT4), October 2013 (sub. no. 39).

Asciano Limited (Asciano)

Submission to the Queensland Competition Authority in Relation to the 2013 Aurizon Network Draft Access Undertaking, October 2013 (sub. no. 43).

Attachment 2: Major Changes in Wording or Concept Between the 2010 AU and the 2013 DAU Including Asciano Comment on These Changes, October 2013 (sub. no. 44).

Attachment 3: Major Changes in Wording or Concept Between the 2013 QCA Approved TOA and the TOA Attached to the 2013 DAU Including Asciano Comment on These Changes, October 2013 (sub. no. 45).

BHP Billiton Mitsubishi Alliance (BMA) and BHP Billiton Mitsui Coal (BMC)

Letter to the QCA, October 2013 (sub. no. 40).

Issues and Concerns with Aurizon Network's (AN's) 2013 Draft Amending Undertaking (DAU), October 2013 (sub. no. 41).

Freightliner Australia Pty Ltd (Freightliner)

Aurizon Network 2013 DAU, October 2013 (sub. no. 75).

Glencore Xstrata (Glencore)

Aurizon Network's 2013 Draft Access Undertaking (UT4), October 2013 (sub. no. 74).

Peabody Energy Incorporated (Peabody)

Submission to the QCA - Aurizon Network 2013 Draft Access Undertaking, October 2013 (sub. no. 37).

Queensland Resources Council (QRC)

Main Submission, October 2013 (sub. no. 46).

Intent and Scope, Industry Mark-up, October 2013 (sub. no. 47).

Ringfencing, Industry Mark-up, October 2013 (sub. no. 48).

Ultimate Holding Company Deed, Industry Mark-up, October 2013 (sub. no. 49).

Confidentiality Deed, Template, October 2013 (sub. no. 50).

Negotiation Framework, Industry Mark-up, October 2013 (sub. no. 51).

Access Agreement: Coal, Industry Mark-up, October 2013 (sub. no. 52).

Pricing Principles, Industry Mark-up, October 2013 (sub. no. 53).

Available Capacity Allocation and Management, Industry Mark-up, October 2013 (sub. no. 54).

Network Development and Expansions, Industry Mark-up, October 2013 (sub. no. 55).

Study Funding Agreement, August 2013 (sub. no. 56).

Tax Ruling, October 2013 (sub. no. 57).

Network Development and Expansions, Comparison to Submission Version, October 2013 (sub. no. 58).

Connecting Private Infrastructure, Industry Mark-up, October 2013 (sub. no. 59).

Reporting, Industry Mark-up, October 2013 (sub. no. 60).

Dispute Resolution and Decision Making, Industry Mark-up, October 2013 (sub. no. 61).

Schedule E: Regulatory Asset Base, Industry Mark-up, October 2013 (sub. no. 62).

Schedule F: Reference Tariff, Industry Mark-up, October 2013 (sub. no. 63).

WACC Submission, October 2013 (sub. no. 64).

McKenzie, M and Partington, G, Report to Queensland Resources Council, Review of Aurizon Network's Draft Access Undertaking, October 2013 (sub. no. 65).

Castalia, Report to Queensland Resources Council, Aurizon Access Undertaking: Risk Allocation Analysis, October 2013 (sub. no. 66).

Operating Expenditure, October 2013 (sub. no. 67).

Maintenance, October 2013 (sub. no. 68).

Capital Indicator, October 2013 (sub. no. 69).

Ballast Fouling, October 2013 (sub. no. 70).

Depreciation Methodology, October 2013 (sub. no. 71).

Rio Tinto Coal Australia (Rio Tinto) (RTCA)

Letter to the QCA, October 2013 (sub. no. 72).

Submission to the Queensland Competition Authority in Response to Aurizon Network Proposed 2013 Draft Access Undertaking (UT4), October 2013 (sub. no. 73).

Stanwell Corporation Limited (Stanwell)

Aurizon Network - 2013 Draft Access Undertaking, October 2013 (sub. no. 38).

Vale

Aurizon Network's 2013 Draft Access Undertaking (UT4), October 2013 (sub. no. 42).

Wesfarmers Curragh Pty Ltd (Wesfarmers)

Submission in Response to UT4, October 2013 (sub. no. 76).

Response to Aurizon Network's Response to Stakeholders' Submissions

Anglo American

Submission to Queensland Competition Authority: Aurizon Network's Reply Submission on the 2013 Draft Amending Access Undertaking (UT4), January 2014 (sub. no. 78).

Schedule 1: Proposed drafting of Part 6, Part 7 and Schedule H, January 2014 (sub. no. 79).

Schedule 2: Proposed drafting of Part 8, January 2014 (sub. no. 80).

Schedule 3: Explanatory Notes on Network Management Principles, January 2014 (sub. no. 81).

Asciano Limited (Asciano)

Submission to the QCA Regarding the Aurizon Network November 2013 Response to Stakeholder Submissions to the QCA in Relation to the Aurizon Network 2013 Draft Access Undertaking, January 2014 (sub. no. 82).

Glencore Xstrata (Glencore)

Submission on Aurizon Network's Response to Stakeholders' Submissions, January 2014 (sub. no. 83).

Queensland Resources Council (QRC)

Submission on Aurizon Network's Response to Industry, January 2014 (sub. no. 84).

Annexure A – Detailed Response to Undertaking and Schedules (volume 1), January 2014 (sub. no. 85).

Annexure B – Detailed Response on Standard Agreements, January 2014 (sub. no. 86).

Annexure C – QRC's Response to Aurizon Network's Partial Update of Part 8, January 2014 (sub. no. 87).

Annexure D – QRC Mark-Up of Aurizon Network's Revised Part 8 Drafting, January 2014 (sub. no. 88).

Annexure E – QRC's Table of Omissions, January 2014 (sub. no. 89).

Letter to QCA – Revised Part 11 Response – January 2014

Revised Response Part 11 – January 2014

Rio Tinto Coal Australia (Rio Tinto) (RTCA)

Supplementary Submission to UT4, January 2014 (sub. no. 90).

Vale

Aurizon Network Pty Ltd – 2013 Draft Access Undertaking (UT4): Response to Stakeholder Submissions, January 2014 (sub. no. 91).

Wesfarmers Curragh Pty Ltd (Wesfarmers)

Submission in Response to Aurizon Network's Response to Industry (UT4), January 2014 (sub. no. 92).

BHP Billiton Mitsubishi Alliance (BMA) and BHP Billiton Mitsui Coal (BMC)

Aurizon Network's Response to Stakeholder Submissions on the 2013 Draft Access Undertaking, January 2014 (sub. no. 108).

WACC Submissions

Anglo American

Submission in Relation to the WACC Consultation Papers and WACC Forum, January 2014 (sub. no. 93).

Asia Pacific Strategy

Royalty, Powerpoint Presentation, January 2014 (sub. no. 94).

DBCT Management (DBCTM)

Aurizon Network: Regulatory Capital Structure, January 2014 (sub. no. 95).

Queensland Treasury Corporation (QTC)

Risk Free Rate and MRP Submission, with Letter, January 2014 (sub. no. 96).

Cost of Debt Submission, with Letter, January 2014 (sub. no. 97).

Unitywater

Response to QCA's WACC Report, January 2014 (sub. no. 98).

Vale

QCA Cost of Capital Discussion Papers, January 2014 (sub. no. 99).

Aurizon Network

Cover Letter, January 2014 (sub. no. 100).

A Comparative Analysis of Aurizon Network's Commercial and Regulatory Risks, January 2014 (sub. no. 101).

Return on Capital Response – Summary Paper, January 2014 (sub. no. 102).

An Appropriate Regulatory Estimate of Gamma: Report for Aurizon Ltd., January 2014 (sub. no. 103).

An Appropriate Regulatory Estimate of the Market Risk Premium: Report for Aurizon Ltd., January 2014 (sub. no. 104).

Systematic Risk of Aurizon Network: Response to Reports and Submissions to the Queensland Competition Authority, January 2014 (sub. no. 105).

SFG Consulting Report - Estimating Gamma, March 2014 (sub. no. 115).

SFG Consulting Report – Justification for cost of equity parameters, June 2014 (sub. no. 118).

Queensland Resources Council (QRC)

Further WACC Submission, January 2014 (sub. no. 106).

QCA Cost of Capital Consultation, Equity Beta Issues: Further Supplementary Report to the Queensland Resources Council, January 2014 (sub. no. 107).

Consultants' Reports Regarding Operating and Maintenance Costs

RSM Bird Cameron (RSMBC)

Aurizon Network's 2013 Draft Access Undertaking: Financial Assessment of Operating Expenditure, January 2014.

RSM Bird Cameron's (RSMBC) Addenda to the Report

Aurizon Network's 2013 Draft Access Undertaking - Financial Assessment of Operating Expenditure - Response to Aurizon Network's Submission Dated 7 March 2014, Addendum Report, April 2014 (a).

Aurizon Network's 2013 Draft Access Undertaking - Financial Assessment of Operating Expenditure - Response to QRC's Submission Dated 7 March 2014, Addendum Report, April 2014 (b).

Sinclair Knight Merz (SKM)

Aurizon Network's 2013 Draft Access Undertaking: Engineering Technical Assessment of Maintenance, Operating and Capital Expenditure Forecasts, January 2014 (a).

Engineering Technical Assessment of Maintenance, Operating and Capital Expenditure Forecast: Addenda 1, February 2014 (b).

Engineering Technical Assessment of Maintenance, Operating and Capital Expenditure Forecast in Aurizon Network's Draft 2013 Access Undertaking – Updated benchmarking analysis and summary of maintenance cost findings, April 2014 (c)

Review of Aurizon Network's proposed Maintenance Cost Index for the UT4 period, September 2014 (f).

Jacobs SKM (formerly Sinclair Knight Merz) Response to Stakeholder Comments

Engineering Technical Assessment of Maintenance, Operating and Capital Expenditure Forecast: Response to Stakeholder Comments, April 2014 (d).

Ballast Cleaning and Re Railing, May 2014 (e).

Consultants' Reports

Energy Economics Pty Ltd (Energy Economics)

Central Queensland Coal Railing Forecast – Abridged Version, July 2013

Coal Railings Forecast for Central Queensland, April 2014.

Incenta Economic Consulting

Aurizon Network: Review of Benchmark Credit Rating and Cost of Debt, November 2013.

Review of Regulatory Capital Structure and Asset/Equity Beta for Aurizon Network, December 2013.

Aurizon Network: Review of Benchmark Credit Rating and Cost of Debt – Response to stakeholder comments, April 2014

Review of Regulatory Capital Structure and Asset/Equity Beta for Aurizon Network – Response to stakeholder comments, April 2014

Submissions on Consultant Reports Regarding Operating and Maintenance Costs

Asciano Limited (Asciano)

Submission on QCA Cost Consultants' Reports Regarding the Aurizon Network 2013 Draft Access Undertaking, March 2014 (sub. no. 112).

Aurizon Network

2013 Draft Access Undertaking - Response to QCA Consultants' Cost Report, March 2014 (sub. no. 109).

BHP Billiton Mitsubishi Alliance (BMA) and BHP Billiton Mitsui Coal (BMC)

Submission on QCA Cost Consultants' Reports Regarding the Proposed Maintenance, Overhead and Asset Renewal Costs in Aurizon Network's 2013 Draft Access Undertaking, April 2014 (sub. no. 114).

Queensland Resources Council (QRC)

RSM Bird Cameron Review of UT4 Operating Expenditure, March 2014 (sub. no. 110).

UT4 Submission on Maintenance, March 2014 (sub. no. 111).

UT4 Update – Discussion of Consultants' Reports on Aurizon UT4 Costs, April 2014 (sub. no. 117).

Vale

2013 Draft Access Undertaking (UT4): Consultants' Reports - Forecast Expenditure, February 2014 (sub. no. 113).

GLOSSARY

2010 AU	Aurizon Network's current Access Undertaking, approved by the QCA on 1 October 2010, together with any subsequent changes approved by the QCA
2013 DAU	Aurizon Network's 2013 Draft Access Undertaking, submitted on 30 April 2013, withdrawn on 11 August 2014
2013 SUFA DAAU	Aurizon Network's 2013 Standard User Funding Agreement (SUFA) Draft Amending Access Undertaking, submitted on 22 July 2013
2014 DAU	Aurizon Network's 2014 Draft Access Undertaking, submitted on 11 August 2014 and replacing the 2013 DAU

A

AA	Access Agreement
ABS	Australian Bureau of Statistics
AER	Australian Energy Regulator
AFD	Access Facilitation Deed
AHAA	Access Holder Access Agreement
Alternative Form of Agreement	Alternative Form of Standard Access Agreement, which collectively includes the two stapled agreements – the EUAA and the TOA
AMP	Asset Management Plan
APCT	Abbot Point Coal Terminal
ARTC	Australian Rail Track Corporation
ATO	Australian Taxation Office
Aurizon Group	The Group of Companies held by Aurizon Holdings Limited, which includes Aurizon Network Pty Ltd
Aurizon Holdings	Aurizon Holdings Limited
Aurizon Network	The below rail infrastructure business (formerly known as QR Network Pty Ltd) which owns and operates the below rail network in the CQCR and is responsible for negotiating access with parties seeking to use its rail network
AWOTE	Average Weekly Ordinary Time Earnings

B

BMA	BHP Billiton Mitsubishi Alliance
BRTT	Below rail transit times

C

CAAC	Critical Asset Alignment Calendar
CACS	Critical Asset Constraint Summary
CAPEX	Capital Expenditure
CAPM	Capital Asset Pricing Model
CCA	<i>Competition and Consumer Act 2010</i> (Cth)
CCC	Contribution to common costs
CDMP	Coal Dust Management Plan

CLMPs	Coal Loss Mitigation Provisions
CPI	Consumer Price Index
CQCN	Central Queensland Coal Network
CQCR	Central Queensland Coal Region
CQSCM	Central Queensland System Capacity Model
CRIMP	Coal Rail Infrastructure Master Plan

D

DAAU	Draft Amending Access Undertaking
DBCC	Dalrymple Bay Coal Chain
DBCT	Dalrymple Bay Coal Terminal
DCCC	Dalrymple Bay Coal Chain Coordinator
DORC	Depreciated Optimised Replacement Cost
DSDIP	Department of State Development, Infrastructure and Planning (Queensland)
DTP	Daily Train Plan

E

EC	Electric Energy Charge
Egk	Electric gross tonne kilometre
ERA	Economic Regulation Authority of Western Australia
ESC	Essential Services Commission of Victoria
EUAA	End User Access Agreement

F

FTE	Full-time equivalent
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G

GAP	Goonyella to Abbot Point
GAPE	Goonyella to Abbot Point Expansion
GPC	Gladstone Ports Corporation
GRV	Gross Replacement Value
Gtk	Gross tonne kilometre

H

HPSCT	Hay Point Services Coal Terminal
HVCCC	Hunter Valley Coal Chain Coordinator
HVCN	Hunter Valley Coal Network

I

IAP	Indicative Access Proposal
IDC	Interest During Construction
IPART	Independent Pricing and Regulatory Tribunal
IRMP	Interface Risk Management Plan
ITP	Intermediate Train Plan

J

K

L

M

MAR	Maximum Allowable Revenue
MCI	Maintenance Cost Index
MRC	Minimum Revenue Contribution
MSI	Mine specific infrastructure
Mt	Million tonnes
MTP	Master Train Plan
Mtpa	Million tonnes per annum

N

NAMS	Network Asset Management System
NAP	Newlands to Abbot Point
NAPE	Newlands to Abbot Point Expansion
NCC	National Competition Council
NDP	Network Development Plan
NER	National Electricity Rules
NMP	Network Management Principles
NOPP	Network Operations Pathing Planner
NPV	Net Present Value
Nt	Net tonne
Ntk	Net tonne kilometre

O

OLS	Ordinary Least Squares
OTCI	Overall Track Condition Index

P

PCA	Provisional Capacity Allocation
PIO	Private Infrastructure Owner
PTRM	Post Tax Revenue Model
PWCS	Port Waratah Coal Services

Q

QCA	Queensland Competition Authority
QCA Act	<i>Queensland Competition Authority Act 1997</i>

QR	Queensland Rail Limited
QR Network	the subsidiary of QR which was established in 2008 to own and manage the CQCN, now Aurizon Network
QRC	Queensland Resources Council

R

RAB	Regulatory Asset Base
RCG	Rail Capacity Group
RFP	Request For Proposals
RSMBC	RSM Bird Cameron
RTCA	Rio Tinto Coal Australia
RTI	<i>Right to Information Act 2009</i> (Qld)
Rtp	Reference train path

S

SAA	the Standard Access Agreements set out in Volume 3 of the 2014 DAU
SAR	System Allowable Revenue
SFA	Study Funding Agreement
SKM	Jacobs SKM
SOAA	Standard Operator Access Agreement
SOP	System Operating Parameters
SRCA	Standard Rail Connection Agreement
STP	Strategic Train Plan
SUFA	Standard User Funding Agreement

T

TAR	Total Access Revenue
TFL	Transfer Facilities Licence
TSE	Train Service Entitlement
TOA	Train Operations Agreement
TOD	Train Operations Deed

U

ULLS	Unconditioned local loop service
UT1	the period from 2001 to 2006, being the term of QR's first access undertaking covering the CQCN
UT2	the period from 2006 to 2010, being the term of QR's second access undertaking covering the CQCN
UT3	the period from 2010 to 2015, being the term of the 2010 Access Undertaking (as extended), being the third access undertaking covering the CQCN
UT4	the four year period commencing 1 July 2013, being the proposed term of the 2014 Access Undertaking, which will be the fourth access undertaking covering the CQCN
UT5	the undertaking period following the conclusion of UT4, noting UT5 has yet to be proposed by Aurizon Network

V

W

WACC	Weighted Average Cost of Capital
WAML	Weighted Average Mine Lives
WICET	Wiggins Island Coal Export Terminal
WIRP	Wiggins Island Rail Project
WPI	Wage Price Index

X

Y

Z

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