

STAKEHOLDER NOTICE

26 June 2018

Request for comments—Proposal to change the averaging period—Aurizon Network's 2017 draft access undertaking

On 8 May 2018, Aurizon Network wrote to the QCA seeking, amongst other things, to revise the averaging period initially proposed by Aurizon Network in the context of the 2017 draft access undertaking (2017 DAU).

On 23 May 2018, the QCA requested a redacted version of Aurizon Network's 2018 letter suitable for public release as stakeholder submissions would be sought on this particular matter. This was provided on 1 June 2018.

The QCA has published a redacted version of Aurizon Network's letter on our website and is seeking comments from interested parties.

The QCA has decided to publish the redacted letter and request stakeholder submissions because Aurizon Network is seeking a response from the QCA to indicate whether it is favourably disposed to the averaging period being determined in accordance with Aurizon Network's letter.

Unlike other aspects of Aurizon Network's 2017 DAU, which have been subject to extensive stakeholder consultation, stakeholders have not previously been given an opportunity to comment on Aurizon Network's proposal to revise the averaging period and the QCA's investigation into this matter would benefit from stakeholder submissions at this time.

Submissions made in response to this request for comments will inform our final decision.

Status of the QCA's draft decision and further consultation

The QCA notes the draft decision was provided to give stakeholders the opportunity to provide submissions on the QCA's preliminary views and the issues it identified and to encourage further contributions from stakeholders, to assist the QCA in the making of a final decision under section 134(1) of the *Queensland Competition Authority Act 1997* (QCA Act).

The QCA considers it important to provide a balanced and transparent regulatory process that allows all stakeholders the opportunity to present submissions, evidence or other information to the QCA but that also minimises unnecessary burden on stakeholders and provides for timely decision-making.

The QCA's final decision will necessarily deal with a range of matters that are fundamentally important to the QCA's task. An extensive consultation process has already been undertaken and the QCA does not intend to consult on the same material on multiple occasions, which may simply extend review timeframes.

Request for comments—consultation period

We have published a redacted version of Aurizon Network's letter on our website (www.qca.org.au) and are inviting submissions from interested parties.

Stakeholder consultation is an important element of the QCA's decision-making process.

Interested parties are invited to make written submissions to the QCA on Aurizon Network's proposal to revise the averaging period. The closing date for submissions is **10 July 2018**.

All submissions made by this time will be taken into account. Stakeholders are encouraged to provide focused, detailed responses. Where possible, information and evidence should be provided in support of arguments advanced in submissions and consideration should be given to the matters the QCA must have regard to.

Submissions should be directed to:

Queensland Competition Authority

GPO Box 2257

Brisbane Q 4001

www.qca.org.au/submissions

Late submissions

To promote the timely consideration and assessment of Aurizon Network's 2017 DAU, stakeholders are encouraged to provide submissions by the stated deadlines.

In accordance with section 168B of the QCA Act, we may make a decision without taking into account late submissions, or other information provided by stakeholders after the stated deadline, if it is reasonable to do so.

We will consider whether to take into account late submissions on a case-by-case basis, in accordance with the QCA Act. Where stakeholders provide late submissions or other information, they should also provide a detailed explanation as to why it would be reasonable to have regard to the late information.

Confidentiality

In the interests of transparency and to promote informed discussion, the QCA intends to make all submissions publicly available. However, if a person making a submission does not want that submission to be made public, that person should claim confidentiality in respect of the document (or the relevant part of the document) at the time the submission is given to the QCA.

Any decision as to confidentiality will be made by the QCA in accordance with the QCA Act.

Claims for confidentiality should be clearly noted on the front page of the submission. The relevant sections of the submission should also be marked as confidential, so that the remainder of the document can be made publicly available. However, despite being marked confidential, the QCA's duties in relation to information which is claimed to be confidential are only those in the QCA Act. It would also be appreciated if two versions of the submission (i.e. a complete version and another excising confidential information) could be provided.

A confidentiality claim template is available on our website. We encourage stakeholders to use this template when making confidentiality claims. The confidentiality claim template provides guidance on the type of information that would assist our assessment of claims for confidentiality.

Obligations for stakeholders

Sections 230 to 233 of the QCA Act outline a number of obligations and responsibilities when providing information to the QCA. For example, stakeholders should be aware that it is an offence to:

- state anything to the QCA the person knows is false or misleading in a material particular (s. 230)
- give the QCA a document the person knows is false, misleading or incomplete in a material particular, without notifying the QCA how it is false, misleading or incomplete and (if the person has, or can reasonably obtain, the correct information) giving the correct information (s. 231).

Stakeholders should be mindful of their obligations, particularly when submitting information or participating in the investigation into Aurizon Network's 2017 DAU.