



Wednesday 19 June 2013

Dr Malcolm Roberts  
Executive Chairman  
Queensland Competition Authority  
GPO Box 2257  
Brisbane QLD 4001

Dear Dr Roberts,

### **Asciano Comments on the Aurizon Network June 2013 GAPE DAAU**

Asciano welcomes the opportunity to make this brief submission to the Queensland Competition Authority (QCA) regarding the Aurizon Network June 2013 GAPE Draft Amending Access Undertaking (DAAU) which has been submitted to the QCA.

In September 2012, Aurizon Network (then QR Network) submitted a DAAU relating to GAPE reference tariffs to the QCA. Asciano made a submission to the QCA on this 2012 DAAU. Aurizon Network then withdrew this 2012 DAAU in April 2013 and submitted an amended DAAU to the QCA. Aurizon Network then withdrew this April 2013 DAAU in June 2013 and submitted an amended June 2013 DAAU to the QCA.

Asciano has previously made submissions on the Aurizon Network 2012 DAAU in November 2012 and The Aurizon Network April 2013 DAAU in May 2013. To the extent that issues previously raised by Asciano in these submissions have not been addressed in the Aurizon Network June 2013 DAAU Asciano is seeking that they be considered by the QCA in its June 2013 DAAU approval process.

Asciano recognises that the June 2013 DAAU submitted by Aurizon Network takes into account some issues raised by Asciano in its response to the April 2013 DAAU. In particular Asciano notes that the June 2013 DAAU addresses concerns which Asciano had previously raised in relation to:

- Clause 8.3 f) of the DAAU which changed in the manner in which costs related to connecting infrastructure were recovered. This wording was amended in the previous GAPE DAAU. These changes were not necessarily related to GAPE operations.

Asciano has previously expressed a strong view that amendments unrelated to the GAPE tariffs should not be included in the GAPE DAAU. Asciano notes that the wording of 8.3 f) has been reinstated to the previous wording. Asciano believes that this is appropriate.

- Clauses 9.1 and 9.2 relating to the obligations on Aurizon Network to report performance and costs on a system by system basis. This wording was amended in the previous GAPE DAAU such that GAPE performance and costs were not required to be reported separately.

Asciano has previously expressed a strong view that if the GAPE has separate tariffs

#### **MELBOURNE**

Level 4, 476 St Kilda Road,  
Melbourne VIC 3004 Australia  
Telephone: +61 3 9248 7000  
Facsimile: +61 3 9699 2869

#### **SYDNEY**

Level 6/15 Blue Street,  
North Sydney NSW 2060 Australia  
Telephone: +61 2 8484 8000  
Facsimile: +61 2 8484 8154

Email: [info@asciano.com.au](mailto:info@asciano.com.au)  
[www.asciano.com](http://www.asciano.com)

ABN: 26 123 652 862



and is treated a separate system then the GAPE should have the same performance and cost reporting obligations as all other Aurizon Network systems. Asciano notes that the wording of 9.1 and 9.2 has largely been reinstated to the previous wording, however Asciano notes that clauses 9.1 j) and 9.k) now allow for Aurizon Network and the QCA to agree to vary the reporting requirements of these clauses. Asciano believes that system performance and cost reporting obligations should have no scope to be varied in this manner.

Besides the issues relating to clauses 8.3, 9.1 and 9.2 identified above Asciano's position on the June 2013 GAPE DAAU is unchanged from its May 2013 submission.

As previously submitted Asciano has major concerns with the proposed GAPE reference tariffs and is seeking that these concerns be addressed before the GAPE reference tariffs and the GAPE DAAU are approved by the QCA.

Asciano is not restating its position on these issues in detail as Asciano understands that in considering the June 2013 GAPE DAAU the QCA will take into account submissions received from stakeholders on Aurizon Network's earlier proposals<sup>1</sup>.

This submission is public.

Feel free to contact either myself on [REDACTED] or Stuart Ronan on [REDACTED] to discuss this submission.

Yours sincerely,



**Dr Tim Kuypers**  
General Manager Regulatory

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<sup>1</sup> This position is put forward on the QCA website.  
<http://www.qca.org.au/rail/2010-DAUamend/GAPEDAUA13/JuneGAPE.php>

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