

STAKEHOLDER NOTICE

6 December 2019

Aurizon Network's Revised UT5 DAAU – Statement of Regulatory Intent

On 4 December 2019, Aurizon Network submitted a draft amending access undertaking (Aurizon Network's Revised UT5 DAAU) seeking to make amendments to its approved 2017 Undertaking (UT5). Aurizon Network said its Revised UT5 DAAU has been submitted in response to our decision on 25 November 2019 in respect of Aurizon Network's previous UT5 DAAU.

We must consider all draft amending access undertakings (DAAUs) submitted to us in accordance with the requirements of the *Queensland Competition Authority Act 1997* (QCA Act).

Section 143(3) of the QCA Act requires us to, among other things, publish and invite submissions on the application, and consider any submissions received within the time provided. Accordingly, we have published Aurizon Network's Revised UT5 DAAU on our website and invite submissions by **5:00pm on 18 December 2019**.

Proceeding to a final decision

Stakeholders are advised that it is our intention to make a decision on whether or not to approve Aurizon Network's Revised UT5 DAAU without publishing a draft decision beforehand.

We note that Aurizon Network's Revised UT5 DAAU has been submitted in response to our recent investigation in which the proposed amendments to Aurizon Network's approved undertaking were well-ventilated and interested parties actively participated.

Late information

To promote the timely consideration and assessment of Aurizon Network's Revised UT5 DAAU, all stakeholders are encouraged to provide information and submissions by the due date.

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

In determining whether it is reasonable to disregard late information, the QCA Act (s. 168B(4)) requires us to take into account the following factors:

- whether the late information was available, or ought reasonably to have been available, to the person during the consultation timeframe provided
- the length, complexity and relevance of the late information
- how much time has elapsed since the timeframe provided for consultation ended
- how advanced the QCA's decision-making process is when the late information is received.

We intend to consider whether to take late information into account on a case-by-case basis, where it is reasonable to do so in accordance with the QCA Act. Where stakeholders provide late information, they should also consider providing a detailed explanation as to why it would be reasonable to have regard to the late information.

Submissions

Closing date for submissions: 5:00pm on 18 December 2019

Public involvement is an important element of the decision-making processes of the Queensland Competition Authority (QCA). Therefore submissions are invited from interested parties concerning its assessment of Aurizon Network's Revised UT5 DAAU. The QCA will take account of all submissions received within the stated timeframes.

Submissions, comments or inquiries regarding this paper should be directed to:

Queensland Competition Authority

GPO Box 2257

Brisbane Q 4001

Tel (07) 3222 0555

Fax (07) 3222 0599

www.qca.org.au/submissions

Confidentiality

In the interests of transparency and to promote informed discussion and consultation, the QCA intends to make all submissions publicly available. However, if a person making a submission believes that information in the submission is confidential, 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 and state the basis for the confidentiality claim.

The assessment of confidentiality claims will be made by the QCA in accordance with the *Queensland Competition Authority Act 1997*, including an assessment of whether disclosure of the information would damage the person's commercial activities and considerations of the public interest.

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. 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 request. 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.

Public access to submissions

Subject to any confidentiality constraints, submissions will be available for public inspection at our Brisbane office, or on our website at www.qca.org.au. If you experience any difficulty gaining access to documents, please contact us on (07) 3222 0555.