



Friday, 5 April 2013

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

Dear Dr Roberts,

Asciano Submission to the QCA on the SRCA

Asciano welcomes the opportunity to make this brief submission to the Queensland Competition Authority (QCA) Standard Rail Connection Agreement (SRCA). This submission is public.

Asciano has previously made submissions to the SCRA process in September 2011, August 2012 and February 2013. To the extent that issues raised in these submissions have not been addressed Asciano is seeking that they be considered in any future reviews of the SRCA.

The QCA made a Final Decision on the SRCA in December 2012 which required Aurizon Network to make certain amendments before the SRCA could be approved. Aurizon Network has resubmitted an amended SRCA which differs to the QCA Final Decision. This has resulted in the QCA developing its own proposed SRCA.

Asciano has reviewed the QCA's proposed SRCA. The main issue Asciano has with the QCA developed SRCA is the requirement in clause 24.2 and Schedule 6 that the obligation of confidentiality survives termination and remains binding for ten years. Asciano believes that this ten year term is excessive. While Asciano believes that confidentiality is important Asciano does not believe that a ten year protection period for confidential information is necessary. Asciano believes a term such as two to five years is more reasonable.

Asciano notes that the SRCA is a standard form agreement and parties can negotiate variations to the agreement. Given this, if the situation of a connection agreement was such that a longer confidentiality term was required, Asciano believes that the parties to the agreement could negotiate this longer term.

Feel free to contact me on 02 8484 8056 to discuss this letter.

Yours faithfully



Stuart Ronan
Manager Access and Regulation

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