

## STAKEHOLDER NOTICE

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24 September 2019

### **Release of a QCA position paper— Aurizon Network's UT5 draft amending access undertaking (UT5 DAAU)**

Today, we released a position paper on Aurizon Network's UT5 draft amending access undertaking (UT5 DAAU).

The position paper sets out our preliminary views and encourages further contributions by way of submissions. We seek submissions on all aspects of the proposed UT5 DAAU, noting there are a number of matters that would benefit from stakeholder views.

Our assessment may change when we make our final decision, which will be informed by submissions made in response to this position paper.

### **Consultation on QCA preliminary positions**

We have published the position paper on our website ([www.qca.org.au](http://www.qca.org.au)) and are inviting submissions from interested parties.

We recognise that preliminary views expressed in the position paper incorporate a number of revisions that Aurizon Network requested in consultation with coal producer representatives, which stakeholders may have not yet had the opportunity to review.

We have provided a period of five weeks for stakeholders to make submissions.

### **The closing date for submissions is 30 October 2019.**

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 that we must have regard to.

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

Queensland Competition Authority  
GPO Box 2257  
Brisbane Qld 4001

Tel (07) 3222 0555  
Fax (07) 3222 0599

[www.qca.org.au/submissions](http://www.qca.org.au/submissions)

## Late submissions

To promote the timely consideration and assessment of Aurizon Network's UT5 DAAU, stakeholders are encouraged to provide submissions by the stated deadlines.

In accordance with section 168B of the *Queensland Competition Authority Act 1997* (QCA Act), the QCA 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.

Consideration whether to take into account late submissions is made 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 and consultation, we intend 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 us 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](http://www.qca.org.au). If you experience any difficulty gaining access to documents, please contact us on (07) 3222 0555.

## 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 UT5 DAAU.