

STAKEHOLDER NOTICE

14 May 2020

Request for submissions regarding the proposed amendments to the DBCT Terminal Regulations

On 25 February 2020, pursuant to clause 6.2(a) of the 2017 DBCT access undertaking (2017 AU)¹, DBCT Management informed stakeholders that it provided its consent to proposed amendments to the DBCT Terminal Regulations. The proposed amendments are available on our website.

Access holders, access seekers and expansion parties had 30 days from notification of DBCT Management's consent to notify DBCT Management and the Queensland Competition Authority of their objection to the consent to the proposed amendments.

We received two objections within this period.

Under clause 6.2(f)(2) of the 2017 AU, we will make a determination as to whether the criteria specified in clause 6.2(c)(1)–(4) of the 2017 AU (the criteria) are satisfied with respect to DBCT Management's consent to the proposed amendments. The criteria are as follows:

- (1) the amendments relate to operational issues;
- (2) the amended Terminal Regulations, as a whole, will operate equitably amongst Access Holders, Access Seekers (should they become Access Holders) and Expansion Parties (should they become Access Holders) and, where the relevant amendments affect Rail Operators, amongst affected Rail Operators;
- (3) the amendments are consistent with this Undertaking, and any Access Agreements; and
- (4) the amendments are reasonably necessary for the operation of the Terminal in accordance with applicable laws and regulatory standards, Approvals, Good Operating and Maintenance Practice or any costs or obligations imposed are justified by the efficiency benefits arising from those costs or obligations.

We will make our determination as to whether the criteria are satisfied on the basis of written submissions from the objecting parties and DBCT Management as well as any other materials we have procured. As such, we invite any access holder, access seeker or rail operator to make a written submission on whether the criteria are satisfied and provide any evidence to support its views. Submissions should be limited to addressing the criteria, and only to the extent that the criteria relate specifically to the party making the submission.

Submissions are due by **5pm on 12 June 2020** and can be made at qca.org.au/submissions. Please note that any submissions received will be distributed to the objecting parties and DBCT Management but will otherwise not be published.

¹ For convenience, we have referred only to relevant provisions within the 2017 AU in this stakeholder notice. We recognise that the rights and obligations of the objecting parties and DBCT Management may also be governed by relevant provisions (pertaining to amendment of the Terminal Regulations) as set out within agreements between the respective objecting parties and DBCT Management.

If a party making a submission believes that information in the submission is confidential, that party should claim confidentiality in respect of the document (or the relevant part of the document) at the time the submission is made and state the basis for the confidentiality claim.

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. It would also be appreciated if two versions of the submission (i.e. a complete version and another excising confidential information) could be provided. The redacted version will then be distributed to the objecting parties and DBCT Management.