

STAKEHOLDER NOTICE

29 May 2018

Request for comments—Maintenance matters—Aurizon Network's 2017 draft access undertaking investigation

Today, the QCA has released a consultation paper seeking comments from interested parties on various matters raised in submissions in response to the QCA's draft decision, relating to Aurizon Network's UT5 maintenance allowance and related operational practices.

These matters have become relevant because of:

- new information provided in response to the draft decision, including Aurizon Network's revised direct maintenance cost claim and changes to its maintenance practices in response to the QCA's draft decision; and
- stakeholders submitting that greater accountability should be applied to Aurizon Network in relation to its maintenance and operational activities.

Constructive engagement is in the best interests of all parties. We encourage stakeholders to collaborate, discuss and, where possible, provide joint submissions. The QCA encourages Aurizon Network and its customers to engage with each other in order to reach a pragmatic consensus on these matters.

The draft decision sought submissions from all stakeholders and did not represent any final views. Similarly, this consultation paper is intended to provide stakeholders with a further opportunity to contribute by way of submissions. The QCA's assessment may change when it makes its final decision, which will be informed by submissions made in response to this consultation paper.

Request for comments—consultation period

We have published the QCA's consultation paper on our website (www.qca.org.au) and are inviting submissions from interested parties.

Stakeholder consultation is an important element of the QCA's decision-making process. On 15 December 2017, the QCA released a draft decision which was informed by the submissions and information provided by interested parties, including Aurizon Network.

Submissions in response to the draft decision raised a number of issues where we consider there is benefit in obtaining further stakeholder comments.

Interested parties are invited to make written submissions to the QCA on the specific issues identified in this consultation paper. **The closing date for submissions is 20 June 2018.**

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 the QCA must have regard to.

Submissions should be directed to:

Queensland Competition Authority
GPO Box 2257
Brisbane Q 4001

www.qca.org.au/submissions

Late submissions

To promote the timely consideration and assessment of Aurizon Network's 2017 DAU, stakeholders are encouraged to provide submissions by the stated deadlines.

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

We will consider whether to take into account late submissions 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, the QCA intends to make all submissions publicly available. However, if a person making a submission does not want that submission to be made public, 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.

Any decision as to confidentiality will be made by the QCA in accordance with the QCA Act.

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. However, despite being marked confidential, the QCA's duties in relation to information which is claimed to be confidential are only those in the QCA Act. 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 our website. 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.

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 2017 DAU.