

File Ref: 594797

25 July 2013

Mr Michael Carter
Chief Executive Officer
Aurizon Network Pty Ltd
GPO Box 456
BRISBANE QLD 4001

Dear Mr Carter

Aurizon Network's 2013 Standard User Funding Agreement Draft Amending Access Undertaking

On 22 July 2013, the Queensland Competition Authority (the Authority) received from Aurizon Network Pty Ltd (Aurizon Network) an application to withdraw its 2012 Standard User Funding Agreement draft amending access undertaking (2012 SUFA DAAU) and re-submit a 2013 Standard User Funding Agreement draft amending access undertaking (2013 SUFA DAAU).

Section 146 of the *Queensland Competition Authority Act 1997* (the QCA Act) requires the Authority to provide the owner or operator of a service, or the responsible person, with a formal notice if it proposes to conduct an investigation, and invite the person to make a written submission to the Authority. This is the purpose of this letter.

Notice of investigation

In accordance with section 146 of the QCA Act, the Authority proposes to conduct an investigation to decide whether to approve, or refuse to approve, Aurizon Network's 2013 SUFA DAAU.

In accordance with section 143 of the QCA Act, the Authority may only approve a DAAU if, among other things, it has:

- (a) published the undertaking and invited persons to make submissions on it; and
- (b) considered those submissions.

Submissions

The Authority has published the 2013 SUFA DAAU on its website (www.qca.org.au) and sought submissions from interested parties. The due date for submissions is 30 August 2013.

The Authority notes that Aurizon Network has said that schedule 1 of its submission letter summarises the changes to its December 2012 documentation suite and that:


- (a) the schedule is a high level summary of complex commercial and legal arrangements set out in its 2013 SUFA DAAU; and
- (b) out of necessity, the schedule oversimplifies those arrangements.

The Authority invites a written submission from Aurizon Network and anticipates such a submission would contain further support for the proposed amendments to the 2012 December SUFA DAAU, as set out in the July 2013 DAAU documentation – in particular where the arguments made in support of the December 2012 proposal are either no longer relevant or are contradictory to positions adopted in the July 2013 proposal.

Attached is a submissions page to assist in the preparation and lodgement of that submission. Aurizon Network is welcome to comment on any aspect of the DAAU.

Any enquiries on this matter should be directed to Leigh Spencer on (07) 3222 0532.

Yours sincerely



Dr David Watson
Deputy Chairman

SUBMISSIONS

Public involvement is an important element of the decision-making processes of the Queensland Competition Authority (the Authority). Therefore submissions are invited from interested parties concerning its assessment of Aurizon Network's 2013 standard user funding agreement draft amending access undertaking. The Authority will take account of all submissions received.

Written submissions should be sent to the address below. While the Authority does not necessarily require submissions in any particular format, it would be appreciated if two printed copies are provided together with an electronic version on disk (Microsoft Word format) or by e-mail. Submissions, comments or inquiries regarding this paper should be directed to:

Queensland Competition Authority
GPO Box 2257
Brisbane QLD 4001
Telephone: (07) 3222 0533
Fax: (07) 3222 0599
Email: rail@qca.org.au

The closing date for submissions is **Friday 30 August 2013**.

Confidentiality

In the interests of transparency and to promote informed discussion, the Authority would prefer submissions to be made publicly available wherever this is reasonable. However, if a person making a submission does not want that submission to be public, that person should claim confidentiality in respect of the document (or any part of the document). Claims for confidentiality should be clearly noted on the front page of the submission and the relevant sections of the submission should be marked as confidential, so that the remainder of the document can be made publicly available. It would also be appreciated if two copies of each version of these submissions (i.e. the complete version and another excising confidential information) could be provided. Again, it would be appreciated if each version could be provided on disk. Where it is unclear why a submission has been marked "confidential", the status of the submission will be discussed with the person making the submission.

While the Authority will endeavour to protect material that is claimed as, and is genuinely, confidential as well as exempt information and information disclosure of which would be contrary to the public interest (within the meaning of the *Right to Information Act 2009* (RTI)), it cannot guarantee that submissions will not be made publicly available. As stated in s187 of the *Queensland Competition Authority Act 1997* (the QCA Act), the Authority must take all reasonable steps to ensure the information is not disclosed without the person's consent, provided the Authority is satisfied that the person's belief is justified and that the disclosure of the information would not be in the public interest. Notwithstanding this, there is a possibility that the Authority may be required to reveal confidential information as a result of a RTI request.

Public access to submissions

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

Information about the role and current activities of the Authority, including copies of reports, papers and submissions can also be found on the Authority's website.