

STAKEHOLDER NOTICE

15 December 2017

Release of the QCA's draft decision — Aurizon Network's 2017 draft access undertaking investigation

Today, the QCA has released its draft decision proposing to refuse to approve Aurizon Network's 2017 DAU.

The draft decision sets out the QCA's preliminary assessment of Aurizon Network's 2017 DAU and the reasons why we do not consider it is appropriate to approve the 2017 DAU. The QCA has also set out those amendments considered necessary in order for the QCA to approve a replacement access undertaking for Aurizon Network's declared service.

The draft decision is intended to provide stakeholders with an insight into the QCA's preliminary views and encourage further contributions 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 draft decision.

Draft decision consultation period

We have published the QCA's draft decision on our website (www.qca.org.au) and are inviting submissions from interested parties. Stakeholders are encouraged to provide focused, detailed responses to the QCA's preliminary reasoning and proposed amendments to Aurizon Network's 2017 DAU in response to our draft decision.

The closing date for submissions is **12 March 2018**.

Public involvement is an important element of the decision-making processes of the QCA. The QCA will take account of all submissions received by this date. 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.