

Statement of regulatory intent

**Investigating Aurizon
Network's 2025 UT5 DAAU**

December 2025



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Managing our investigation

Aurizon Network's access undertaking sets out the terms and conditions under which it provides access to its central Queensland coal network.

On 23 December 2025, we commenced our investigation of whether to approve, or refuse to approve, Aurizon Network's 2025 UT5 DAAU.¹

We intend to conduct our investigation in a structured and transparent manner to support accountability and confidence in our decision-making.

We understand that in developing its 2025 UT5 DAAU regulatory proposal, Aurizon Network has engaged with its stakeholders in an attempt to realise an agreed package of amendments to the current regulatory arrangements.

While we welcome stakeholder collaboration, we must assess the 2025 UT5 DAAU in accordance with the *Queensland Competition Authority Act 1997* (QCA Act). We will have regard to consensus positions advanced by stakeholders as part of our assessment but must also consider the interests of parties who are not necessarily represented by those reaching consensus.

To facilitate an informed assessment, we intend to administer processes that foster constructive stakeholder engagement, including appropriate consultation and effective information provision throughout our investigation.

In assessing the 2025 UT5 DAAU, we also intend to structure processes to support the delivery of decisions within a reasonable timeframe. Timely decision-making promotes regulatory certainty for the parties, which facilitates the negotiation of access to, and investment in, the declared service.

Purpose of the Statement of Regulatory Intent

We are publishing this Statement of Regulatory Intent to promote a structured, transparent and predictable process for assessing Aurizon Network's 2025 UT5 DAAU proposal.

This statement sets out how we intend to manage the mechanics of the regulatory process, including outlining our intended approach to managing information gathering processes, stakeholder consultation and assessment timeframes throughout our investigation.

It is not intended to be an exhaustive statement of our process for assessing the 2025 UT5 DAAU. Our investigation will proceed in accordance with the requirements of the QCA Act.

¹ On 22 December 2025, we received a draft amending access undertaking (2025 UT5 DAAU) from Aurizon Network seeking to amend the 2017 access undertaking and extend the expiry of the undertaking until 30 June 2037.

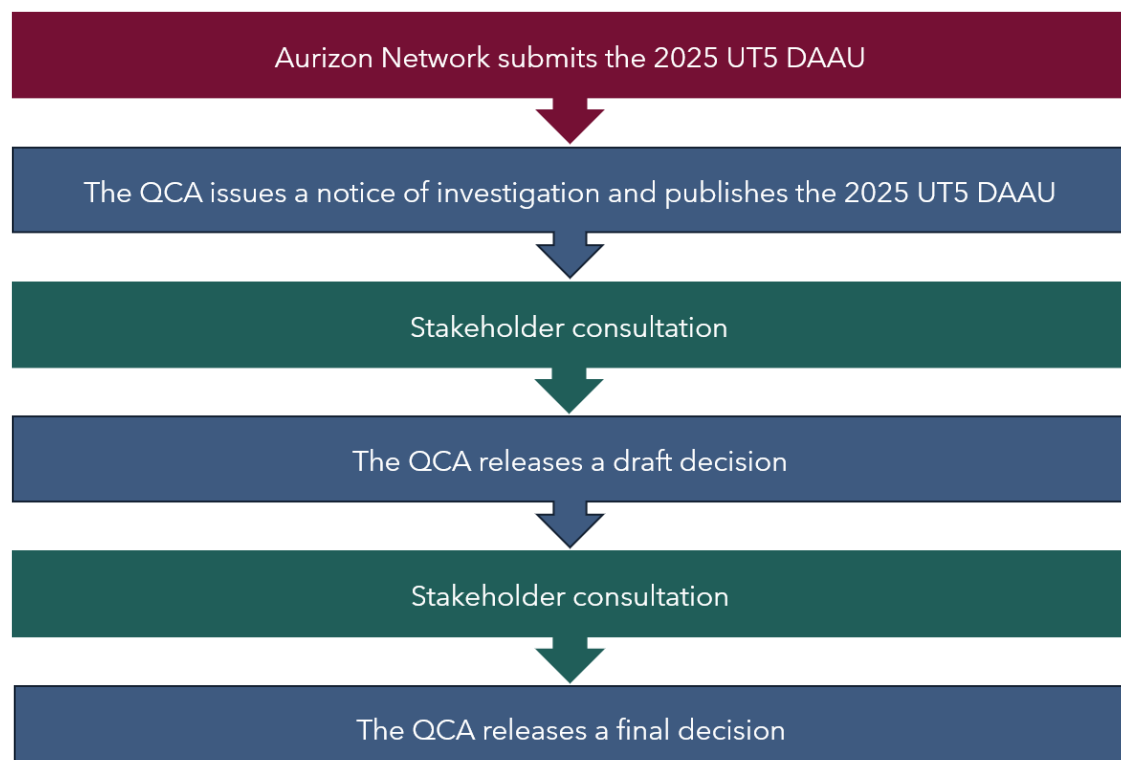
1. Procedural requirements

We have commenced an investigation under the QCA Act to assess of Aurizon Network's 2025 UT5 DAAU. The QCA Act sets out various procedures that we must comply with as part of an investigation, including:

- Section 146 requires us to issue a notice of investigation to the owner or operator of the service and any other person we consider appropriate.² Amongst other things, the notice must state the subject matter of the investigation – in this case, to commence an investigation as to whether to approve the 2025 UT5 DAAU. Commencing an investigation enables us to make use of the various investigatory powers under Part 6 of the QCA Act.
- Section 138(3)(c) requires that we publish the DAAU and invite persons to make submissions on it before we may approve it.
- Section 138(3)(d) requires that we consider any submissions received from stakeholders (within the consultation period) before we may approve a DAAU.³
- Section 173(1)(d) states that we must comply with natural justice in undertaking a DAAU investigation. Consistent with this, we intend to publish a draft decision to provide stakeholders with an opportunity to comment on our relevant positions.

These legislative obligations will form the basis of our 2025 UT5 DAAU assessment process (see Figure 1).

Figure 1: Procedural requirements for assessing the 2025 UT5 DAAU



² A notice of investigation states our intention to conduct the investigation and invites interested parties to make written submissions on the proposed DAAU.

³ Section 168B applies in relation to the provision of *late information*.

We intend to incorporate additional processes where we consider they will provide for a more transparent and effective DAAU assessment.

We will also have regard to the rights outlined in the *Human Rights Act 2019* (Qld) and will consider these matters appropriately as part of our assessment of Aurizon Network's 2025 UT5 DAAU.

2. Consultation approach

We recognise stakeholders' important role in our investigation and encourage robust stakeholder involvement and collaboration.

Effective stakeholder engagement promotes a more informed decision-making process and better regulatory outcomes. Stakeholder participation is part of a balanced and transparent regulatory process and supports accountability and confidence in our decision-making.⁴

In this chapter, we outline how and when stakeholders can contribute to our investigation and set out our expectations of their participation in this regulatory process.

2.1 Targeted stakeholder engagement

We encourage robust stakeholder involvement throughout our investigation, with arguments backed up by facts and well-reasoned explanations.

Stakeholder engagement is most effective if the stakeholders who participate in consultation are well-informed. We have a role in disseminating relevant information to stakeholders at various stages during our assessment to provide for more informed and constructive consultation.

Our draft decision will give stakeholders an insight into our preliminary views on Aurizon Network's 2025 UT5 DAAU. We may also release consultation papers such as 'request for comments' papers or position papers throughout our investigation, but we intend to restrict the use of these papers to strategic matters or where a particular need for a paper is identified.⁵ This targeted approach will promote timelier decision-making and improve the effectiveness of disseminating information to stakeholders, as it will address particular matters in a more direct way.

The exact nature of the consultation to be undertaken will be decided as the scope and complexity of issues becomes apparent.

2.2 Opportunities for stakeholder collaboration

We understand that Aurizon Network has undertaken extensive consultation with stakeholders as part of the development of its 2025 UT5 DAAU proposal, in an attempt to realise an agreed package of amendments to the current regulatory arrangements.

Given the efforts to collaborate to date, at this stage, we do not consider that scheduling predetermined consultative periods for collaborative submissions would promote effective stakeholder engagement or a timely decision-making process.

Rather, as we proceed with our investigation, we will consider whether it is beneficial to provide opportunities for collaborative submissions (for example, in response to our draft decision or following the release of any targeted consultation papers). We hope stakeholders will take any such opportunities to collaborate, discuss and, where possible, reach consensus positions that are mutually beneficial to all parties.

⁴ Effective stakeholder engagement is not an open-ended process of consultation and information provision.

⁵ The consultation papers will provide context and summarise key aspects of specific issues. We intend to consolidate consultation papers to reduce the burden on stakeholders. In particular, we will be mindful of structuring consultation to limit the occurrence of multiple and sequential consultation periods.

We intend to have regard to consensus positions that stakeholders submit to us, as part of our assessment of the 2025 UT5 DAAU.

2.3 Timeframes for consultation

When stakeholders have adequate time for consultation, they can prepare quality submissions. Unplanned extensions to submission deadlines can then also be avoided. We are mindful of providing certainty to stakeholders about expected consultation periods, to provide greater predictability for the overall timeliness of the DAAU assessment process. Our intended consultation timeframes are:

- 8 to 10 weeks for consultation after a draft decision is released
- at least 2 weeks for stakeholders to respond to targeted consultation papers.

While these indicative timeframes provide guidance, we will have regard to the scope of issues that emerge before establishing the appropriate timeframe for stakeholder consultation. Stakeholders will be informed of consultation timeframes on our website and in stakeholder notices.

2.4 Obligations for stakeholders

Sections 230 to 233 of the QCA Act outline a number of obligations and responsibilities when stakeholders provide information to us. Notably, a person must not:

- provide information to us that is false or misleading to the person's knowledge (s. 230)
- provide a document to us that is false, misleading or incomplete to the person's knowledge and without notifying us that it is false, misleading or incomplete (s. 231)
- obstruct our staff members from exercising our functions under the QCA Act (s. 232)
- intimidate another person that is providing evidence as part of an investigation (s. 233).

Stakeholders should be mindful of these obligations, particularly when submitting information or participating in our investigation. In particular, whilst not prohibiting the use of generative artificial intelligence tools, we expect all material to be checked for accuracy and compliance with the provisions of the QCA Act set out above.

2.5 Disclosure of information

Stakeholder involvement is a key element of our decision-making process. A transparent approach to stakeholder consultation promotes informed discussion and supports accountability and confidence in our decision-making process.

In the interests of transparency, information that is not confidential will be published on our website.⁶ However, in accordance with the QCA Act, we will not disclose information that is considered confidential (see chapter 6).

⁶ If we refuse a request for confidentiality, we will notify the relevant stakeholder in writing before publishing the information. Where an assessment of claims for confidentiality results in delays to publishing such information, we will release a stakeholder notice to inform stakeholders.

3. Assessment timeframes

We are outlining the expected timeframes for assessing Aurizon Network's 2025 UT5 DAAU, to provide greater certainty for stakeholders.

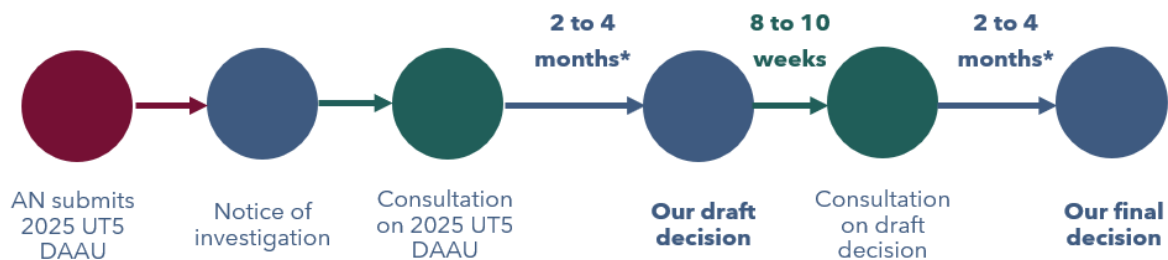
3.1 Statutory timeframes for decision-making

In accordance with section 147A of the QCA Act, we must use our best endeavours to decide whether to approve or refuse to approve Aurizon Network's 2025 UT5 DAAU within 6 months after the investigation starts.⁷ Figure 2 shows indicative times for key milestones that adhere to our statutory obligations.

Timeframes required to assess a DAAU depend on the issues encountered throughout the investigation. The timeframes may need to be adjusted to account for periods of time that are excluded from the assessment timeframe in accordance with the QCA Act (s. 147A), namely:

- stakeholders responding to notices given under section 185 of the QCA Act, requiring information or documents to be provided
- consultation periods
- other matters that Aurizon Network agrees should be excluded.

Figure 2: Indicative timeframes for 2025 UT5 DAAU assessment milestones



* Within the cumulative best endeavours 6-month decision timeframe.

3.2 Updating indicative timeframes

In accordance with section 147A(4) of the QCA Act, the assessment timeframes will be published on our website from the start of our investigation. This is intended to guide stakeholders through the expected regulatory process.

These indicative timeframes may be altered throughout the investigation to account for periods of time that are excluded from the statutory timeframe in accordance with section 147A of the QCA Act. We will update the expected timeframes as required by issuing a relevant stakeholder notice.

⁷ The commencement of the 6-month period is determined in accordance with s. 147A(2) of the QCA Act.

4. Late information

To promote the timely consideration and assessment of Aurizon Network's 2025 UT5 DAAU, all stakeholders are encouraged to provide information and submissions by the relevant due date.

While there may be legitimate reasons for late information, such as new information becoming available, stakeholder compliance with deadlines is important for timely decision-making.

Indeed, natural justice requires that matters be processed in a timely way and does not permit an open-ended process of information provision, particularly when ample time has already been allowed.

4.1 Disregarding late information

We may make a decision without taking into account late information – submissions or other information provided by stakeholders after the submission deadline provided – if doing so is reasonable in all the circumstances (s. 168B of the QCA Act).

In determining whether it is reasonable to disregard late information, the QCA Act (s. 168B(4)) requires us to take into account:

- whether the late information was available, or ought reasonably to have been available, to the person during the consultation timeframe provided
- how long, complex and relevant the late information is
- how much time has elapsed since the timeframe provided for consultation ended
- how advanced our decision-making process is when the late information is received.

We intend to consider whether to take late information into account on a case-by-case basis, where it is reasonable to do so in accordance with the QCA Act. Where stakeholders provide late information, they should also consider providing a detailed explanation as to why it would be reasonable to have regard to the late information.

4.2 Considering late information

Where we will have regard to information provided after the stated deadline, we intend to publish a stakeholder notice to disclose that such information has been provided. This will result in greater transparency.

We will consider, on a case-by-case basis, whether additional consultation is required to provide stakeholders with an opportunity to consider the late information. Where the late information has implications for consultation periods and the overall timeframes of the assessment process, we will outline any changes to timeframes in a stakeholder notice and on our website.

5. Requests for information

We may seek additional information from Aurizon Network and other stakeholders to assist our assessment of Aurizon Network's 2025 UT5 DAAU. We intend to implement a structured process for acquiring additional information that will limit the potential for lengthy delays to the assessment process. The process may involve:

- issuing an informal request for information to be provided within a reasonable timeframe, and/or
- issuing a notice under section 185 of the QCA Act to request information.

This approach is consistent with the process we used to request information from stakeholders in previous investigations.

5.1 Information requests

Where we identify the need to obtain information from a particular stakeholder, we may make an informal request for the required information.

We intend to inform stakeholders in writing of the type of information that we are requesting and the reason it is required. This written request will also detail the preferred format. All information requests will set out appropriate timeframes for providing information.

If the relevant stakeholder does not comply with the informal request (or does not provide adequate reasoning for not doing so), we will be minded to issue a section 185 notice to request the information.

5.2 Issuing section 185 notices

In accordance with section 185 of the QCA Act, we may issue a written notice requiring a person to give a statement to us setting out stated information or give a stated document by a certain date. Failure to comply with a section 185 notice (without a reasonable excuse) could attract a penalty as provided for by the QCA Act.

Periods of time waiting for persons to respond to section 185 notices are excluded from the 6-month decision-making statutory timeframe. We will determine, on a case-by-case basis, whether consultation on such information is appropriate.

Where a section 185 notice is required to obtain information and it results in delays to the 2025 UT5 DAAU assessment process, we will outline any changes to our timeframes in a stakeholder notice and on our website.

6. Confidential information

We encourage submissions to be made publicly available wherever this is appropriate. However, a person making a submission may claim confidentiality in respect of the submission (or any part of the submission).

Information that is not confidential will be published on our website and made publicly available.

In accordance with the QCA Act, information will be considered confidential where we consider disclosing the information would be likely to damage the person's commercial activities and would not be in the public interest.

If we consider information is confidential for the purposes of the QCA Act, we will not publish the information on our website.⁸

6.1 Making a confidentiality claim

In making a confidentiality claim, a claimant should:

- clearly indicate the information that they consider should not be disclosed to another person
- state their view that disclosure of the information is likely to damage their commercial activities
- provide supporting justification for their view, and detail why they consider disclosing the information would not be in the public interest.

We encourage stakeholders wishing to submit a confidentiality claim to:

- identify the category of confidential information (see Box 1) associated with the claim
- use our template to submit a confidentiality claim.

This will assist stakeholders to submit well-substantiated confidentiality claims for our investigation process and contribute to our timely assessment of such claims.

Submissions (or sections of submissions) that are claimed to be confidential should be clearly identified. 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.

⁸ In accordance with the QCA Act, we must take all reasonable steps to ensure confidential information is not, without the affected person's consent, disclosed to another person. However, stakeholders should be aware that we may still disclose confidential information without consent in particular circumstances set out in the QCA Act (e.g. s. 187(3) of the QCA Act).

Box 1: Categories of confidential information

To assist with our assessment of a confidentiality claim,⁹ stakeholders should identify which of the following categories of confidential information describes the claim:

- *commercially sensitive costs* – cost information that would affect the stakeholder's ability to negotiate competitive bids or prices in the future
- *market or strategic knowledge* – information that communicates the behaviour or performance of a firm, which may hinder its ability to negotiate in future transactions
- *intellectual property* – valuable information that would unfairly benefit competitors if made public
- *personal information* – information that reveals personal information and details about an individual
- *other* – confidential information that is not within any of the above categories.

Classifying a claim under a specific category will not guarantee non-disclosure of information. Nor are these guidelines intended to limit the scope of confidentiality claims made. We will assess each confidentiality claim on a case-by-case basis consistent with the requirements of the QCA Act.

6.2 Confidentiality claim template

Stakeholders should provide sufficient reasoning about why the disclosure of information is likely to damage their commercial activities.

Our confidentiality claim template for stakeholders provides guidance on the type of information that would assist our assessment of a claim for confidentiality. Claimants are asked to:

- identify the information they consider to be confidential
- specify the nature of the confidentiality claim
- outline the reasons the information is considered to be confidential.

We would appreciate stakeholders using this template when making confidentiality claims. The template is available on our website at www.qca.org.au/submission-policy.

⁹ By using these categories as guidance, claimants can contribute to a timely regulatory process.