

File Ref: 921528

13 October 2015

Mr Anthony Timbrell
Chief Executive Officer
DBCT Management Pty Ltd
PO Box 7823
Waterfront Place QLD 4001

Dear Mr Timbrell

Dalrymple Bay Coal Terminal's 2015 Draft Access Undertaking

On 12 October 2015, we received a draft access undertaking (2015 DAU) from Dalrymple Bay Coal Terminal Management (DBCT Management) to replace the existing access undertaking that expires on 30 June 2016. The 2015 DAU was received pursuant to the section 133 notice issued on 23 June 2015 under the *Queensland Competition Authority Act 1997* (the QCA Act).

We intend to conduct an investigation into the 2015 DAU.

Section 146 of the QCA Act requires us to provide a formal notice to the owner or operator of a service that we propose to start an investigation, and to invite submissions.

Notice of Investigation

In accordance with section 146 of the QCA Act, we propose to conduct an investigation to decide whether to approve DBCT Management's 2015 DAU. Section 138 of the QCA Act provides that we may approve a DAU if, among other things, we have:

- published the DAU and invited persons to make submissions on it
- considered those submissions.

Submissions

We have published DBCT Management's 2015 DAU on our website (www.qca.org.au) and have sought submissions from interested parties. We invite a written submission from DBCT Management on any aspect of the 2015 DAU. Attached is a 'Submission' page to assist in preparing and lodging submissions. Any enquiries should be addressed to Leigh Spencer on (07) 3222 0532. The closing date for submissions is **24 November 2015**.

Yours sincerely



John Hindmarsh
Chief Executive Officer

SUBMISSIONS

Closing date for submissions: 24 November 2015

Public involvement is an important element of the decision-making processes of the Queensland Competition Authority (QCA). Therefore submissions are invited from interested parties concerning its assessment of DBCT Management's 2015 draft access undertaking. The QCA will take account of all submissions received by the closing date.

Submissions, comments or inquiries regarding this paper should be directed to:

Queensland Competition Authority
GPO Box 2257
Brisbane Q 4001
Tel (07) 3222 0533
Fax (07) 3222 0599
www.qca.org.au/submissions

Confidentiality

In the interests of transparency and to promote informed discussion, the QCA 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. 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 QCA will endeavour to identify and protect material claimed as 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 section 187 of the *Queensland Competition Authority Act 1997*, the QCA must take all reasonable steps to ensure the information is not disclosed without the person's consent, provided the QCA believes that disclosure of the information would be likely to damage the person's commercial activities and that the disclosure of the information would not be in the public interest. Notwithstanding this, there is a possibility that the QCA 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, or on the website at www.qca.org.au. If you experience any difficulty gaining access to documents please contact us on (07) 3222 0555.