

STAKEHOLDER NOTICE

16 August 2018

Queensland Rail's 2020 Draft Access Undertaking

Notice of investigation and time periods

On 14 August 2018, the Queensland Competition Authority (QCA) received a draft access undertaking from Queensland Rail for the regulatory period beginning 1 July 2020 (the 2020 DAU).

In accordance with section 146 of the *Queensland Competition Authority Act 1997* (QCA Act), this notice:

- informs stakeholders, including Queensland Rail, of the QCA's intention to conduct an investigation to decide whether to approve, or refuse to approve, Queensland Rail's 2020 DAU; and
- invites stakeholders to make written submissions to the QCA on Queensland Rail's 2020 DAU.

Submissions

Section 138(3) of the QCA Act provides that the QCA may only approve a draft access undertaking if, among other things, it has published the draft access undertaking, invited submissions on it, and considered any submissions received within the time provided.

We have published Queensland Rail's 2020 DAU on our website (www.qca.org.au) and invite submissions from all interested parties by **17 October 2018**. Details of the address for providing submissions are provided below.

Statutory timeframe for assessment

In accordance with section 147A of the QCA Act, the QCA must use its best endeavours to decide whether to approve, or refuse to approve, a draft access undertaking within six months from the last day of the time for making submissions stated in the investigation notice. However, the six-month period does not include any of the following periods:

- a day in the period given by the QCA for making submissions in relation to a draft access undertaking or a related document
- a day in the period where a person has been required to give information or produce a document in response to a notice given by the QCA under section 185 of the QCA Act
- day(s) agreed to, by the owner or operator of the service or the responsible person, as not being included in the six-month period.

Six-month statutory timeframe for assessing Queensland Rail's 2020 DAU

In accordance with section 147A of the QCA Act, the six-month period will begin on 17 October 2018. As outlined in the Statement of Regulatory Intent (July 2018), the QCA will allocate an additional stakeholder collaborative consultation period to begin after the closing date for submissions on Queensland Rail's 2020 DAU.

The six-month timeframe for assessing Queensland Rail's 2020 DAU is currently scheduled to expire on 17 April 2019. However, this date will be changed to account for any future periods of time that are excluded from the statutory timeframe in accordance with section 147A of the QCA Act. The expiry date for the six-month timeframe will be updated through notices of time periods that will be included in stakeholder notices as matters develop.

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Submissions

Closing date for submissions: 17 October 2018

Public involvement is an important element of the decision-making processes of the QCA. Therefore submissions are invited from interested parties concerning its assessment of Queensland Rail's 2020 DAU. The QCA will consider all submissions received within the stated time.

Submissions, comments or inquiries should be directed to:

Queensland Competition Authority

GPO Box 2257

Brisbane Q 4001

www.qca.org.au/submissions

Confidentiality

In the interests of transparency and to promote informed discussion and consultation, the QCA intends to make all submissions publicly available. However, if a person making a submission believes that information in the submission is confidential, 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 and state the basis for the confidentiality claim.

The assessment of confidentiality claims will be made by the QCA in accordance with the *Queensland Competition Authority Act 1997*, including an assessment of whether disclosure of the information would damage the person's commercial activities and considerations of the public interest.

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. 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 request. 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.

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.