

Queensland



*Queensland Competition Authority Act 1997*

# QUEENSLAND COMPETITION AUTHORITY REGULATION 1997

**Reprinted as in force on 27 July 1998  
(includes amendments up to SL No. 145 of 1998)**

**Reprint No. 1B**

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This regulation is reprinted as at 27 July 1998. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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AUTHORITY REGULATION 1997**

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## QUEENSLAND COMPETITION AUTHORITY REGULATION 1997

[as amended by all amendments that commenced on or before 27 July 1998]

### Short title

1. This regulation may be cited as the *Queensland Competition Authority Regulation 1997*.

### Definitions

1A. In this regulation—

“**railway manager**” see *Transport Infrastructure Act 1994*, schedule 3.<sup>1</sup>

“**subsidiary**” see *Government Owned Corporations Act 1993*, section 3.2

### Exclusion of standard gauge interstate rail transport service from meaning of “service”—Act, s 72

2A.(1) For section 72(2)(c) of the Act, the service mentioned in subsection (2) is a service to which part 5 of the Act does not apply.

(2) The service is the use of rail transport infrastructure for providing transportation by rail between Queensland and another State if—

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<sup>1</sup> *Transport Infrastructure Act 1994*, schedule 3—

“**railway manager**”, for a railway, means the person who—

- (a) is legally entitled to manage the rail transport infrastructure of a railway; and
- (b) operates the railway’s train control, signalling and communication facilities.

<sup>2</sup> *Government Owned Corporations Act 1993*, section 3—

“**subsidiary**” has the meaning given by the Corporations Law, and includes—

- (a) for a GOC or candidate GOC—a government entity declared by regulation to be a subsidiary of the GOC or candidate GOC; and
- (b) for a candidate GOC associate—a GOC Act entity declared by regulation to be a subsidiary of the associate.

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- (a) the infrastructure—
  - (i) is a public facility; and
  - (ii) is used for operating a railway for which Queensland Rail, or a successor, assign or subsidiary of Queensland Rail, is the railway manager; and
  - (iii) is standard gauge track; and
- (b) the transportation is effected by using standard gauge rolling stock.

### **Fees**

**3.(1)** The fee mentioned in subsection (2) is the fee payable to the authority for—

- (a) the consideration by the authority of an application for accreditation under part 4, division 5 of the Act;<sup>3</sup> or
- (b) the conduct by the authority of the arbitration of an access dispute for part 5, division 5, subdivision 3 of the Act.<sup>4</sup>

**(2)** The fee is the amount—

- (a) that the authority considers to be reasonable; and
- (b) that is not more than the reasonable cost of considering the application for accreditation or conducting the arbitration of the access dispute.

### **Declaration of service—Act, s 97**

**4.(1)** The service mentioned in subsection (2) is declared for the Act.

**(2)** The service is the use of rail transport infrastructure for providing transportation by rail if the infrastructure is used for operating a railway for

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<sup>3</sup> Part 4 (Competitive neutrality and significant business activities), division 5 (Accreditation)

<sup>4</sup> Part 5 (Access to services), division 5 (Access disputes about declared services), subdivision 3 (Arbitration of access disputes and making of determinations)

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which Queensland Rail, or a successor, assign or subsidiary of Queensland Rail, is the railway manager.

**(3)** Subsections (1) and (2) have effect only while the rail transport infrastructure remains a public facility.

## ENDNOTES

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 27 July 1998. Future amendments of the Queensland Competition Authority Regulation 1997 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	30 May 1997
1A	to SL No. 391 of 1997	4 December 1997

## 5 List of legislation

### **Queensland Competition Authority Regulation 1997 SL No. 125**

made by the Governor in Council on 22 May 1997

pubd gaz 22 May 1997 pp 260C–D

commenced on date of notification

exp 22 May 2007 (see SIA s 54)

as amended by—

### **Queensland Competition Authority Amendment Regulation (No. 1) 1997 SL No. 391**

notfd gaz 21 November 1997 pp 1294–5

commenced on date of notification

### **Queensland Competition Authority Amendment Regulation (No. 1) 1998 SL No. 46**

notfd gaz 27 March 1998 pp 1310–12

commenced on date of notification

### **Queensland Competition Authority Amendment Regulation (No. 2) 1998 SL No. 145**

notfd gaz 22 May 1998 pp 509–14

commenced on date of notification

## 6 List of annotations

### **Definitions**

s 1A ins 1998 SL No. 46 s 3

**Exclusion of government coal-carrying service from meaning of “service”—Act, s 72**

s 2 exp 6 November 2000 (see s 2(3))  
om 1998 SL No. 145 s 3

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**Exclusion of standard gauge interstate rail transport service from meaning of  
“service”—Act, s 72**

**s 2A** ins 1998 SL No. 46 s 4

**Fees**

**s 3** ins 1997 SL No. 391 s 3

**Declaration of service—Act, s 97**

**s 4** ins 1998 SL No. 46 s 5