

Queensland



*Queensland Competition Authority Act 1997*

# QUEENSLAND COMPETITION AUTHORITY REGULATION 1997

**Reprinted as in force on 6 April 2001  
(includes amendments up to SL No. 21 of 2001)**

**Reprint No. 2A \***

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\* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

# Information about this reprint

This regulation is reprinted as at 6 April 2001. 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.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

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.**

# Queensland



## QUEENSLAND COMPETITION AUTHORITY REGULATION 1997

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# QUEENSLAND COMPETITION AUTHORITY REGULATION 1997

[as amended by all amendments that commenced on or before 6 April 2001]

## 1 Short title

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

## 1A Definitions

In this regulation—

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

**“subsidiary”** see *Government Owned Corporations Act 1993*, section 3.<sup>2</sup>

## 2A Exclusion of standard gauge interstate rail transport service from meaning of “service”—Act, s 72

(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—

- (a) the infrastructure—
  - (i) is a public facility; and

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1 *Transport Infrastructure Act 1994*, schedule 3—

**“railway manager”**, for a railway or a proposed railway, means the person who is accredited under chapter 6, part 4 as the railway manager for the railway or proposed railway.

2 *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.

- (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.

### **3 Fees**

(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.

### **4 Declaration of service—rail transport infrastructure—Act, s 97**

(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 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.

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3 Part 4 (Competitive neutrality and significant business activities), division 5 (Accreditation)

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

**5 Declaration of service—Dalrymple Bay Coal Terminal—Act, s 97**

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

(2) The service is the handling of coal at Dalrymple Bay Coal Terminal by the terminal operator.

(3) In this section—

**“Dalrymple Bay Coal Terminal”** means the port infrastructure located at the port of Hay Point owned by Ports Corporation of Queensland or the State, or a successor or assign of Ports Corporation of Queensland or the State and known as Dalrymple Bay Coal Terminal and includes the following which form part of the terminal—

- (a) loading and unloading equipment;
- (b) stacking, reclaiming, conveying and other handling equipment;
- (c) wharfs and piers;
- (d) deepwater berths;
- (e) ship loaders.

**“handling of coal”** includes unloading, storing, reclaiming and loading.

**“terminal operator”** means—

- (a) the owner or lessee of Dalrymple Bay Coal Terminal; or
- (b) a person operating Dalrymple Bay Coal Terminal for the owner or lessee.

## ENDNOTES

### 1 Index to 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 6 April 2001. 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

Key	Explanation	Key	Explanation
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
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 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
1B	to SL No. 145 of 1998	27 July 1998
2	to SL No. 145 of 1998	1 December 2000

## 5 List of legislation

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

made by the Governor in Council on 22 May 1997

notfd gaz 22 May 1997 pp 260C–D

commenced on date of notification

exp 1 September 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

### **Queensland Competition Authority Amendment Regulation (No. 1) 2001 SL No. 21**

notfd gaz 23 March 2001 pp 1280–81

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 om 1998 SL No. 145 s 3

**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—rail transport infrastructure—Act, s 97**

prov hdg sub 2001 SL No. 21 s 3

s 4 ins 1998 SL No. 46 s 5

**Declaration of service—Dalrymple Bay Coal Terminal—Act, s 97**

s 5 ins 2001 SL No. 21 s 4