



Queensland

*Queensland Competition Authority Act 1997*

# Queensland Competition Authority Regulation 1997

Reprinted as in force on 31 January 2003

Reprint No. 2B

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

NOT FURTHER AMENDED  
LAST REPRINT BEFORE REPEAL  
See 2007 SL No. 207 s 4

# Information about this reprint

This regulation is reprinted as at 31 January 2003. 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. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also 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 reprints is included in the endnotes.

**Also see endnotes for information about—**

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

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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 31 January 2003]

## 1 Short title

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

## 2 Definitions

In this regulation—

*Gas Pipelines Access (Queensland) Law* see the *Gas Pipelines Access (Queensland) Act 1998*, section 3.<sup>1</sup>

*Gas Pipelines Access (Queensland) Regulations* see the *Gas Pipelines Access (Queensland) Act 1998*, section 3.

*National Electricity (Queensland) Law* see the *Electricity—National Scheme (Queensland) Act 1997*, section 3(1).<sup>2</sup>

*National Electricity (Queensland) Regulations* see the *Electricity—National Scheme (Queensland) Act 1997*, section 3(1).

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1 *Gas Pipelines Access (Queensland) Act 1998*, section 3—

*Gas Pipelines Access (Queensland) Law* means the provisions applying because of section 8.

*Gas Pipelines Access (Queensland) Regulations* means the provisions applying because of section 9.

2 *Electricity—National Scheme (Queensland) Act 1997*, section 3(1)—

*National Electricity (Queensland) Law* means the provisions applying because of section 6.

*National Electricity (Queensland) Regulations* means the provisions applying because of section 7.

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

**subsidiary** see the *Government Owned Corporations Act 1993*, section 3.<sup>4</sup>

### 3 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
    - (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.

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3 *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.

4 *Government Owned Corporations Act 1993*, section 3—

**subsidiary** has the meaning given by the Corporations Act, 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.

**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.

**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.

## **6 Fees**

- (1) The fee payable to the authority for providing a service or performing a function mentioned in the schedule is the amount—
  - (a) the authority considers to be reasonable; and
  - (b) that is not more than the reasonable cost of providing the service or performing the function.
- (2) The amount may be recovered as a debt payable to the authority.

## **Schedule                      Services and functions for which fees are payable**

### section 6

- 1 Investigation about, or for monitoring, pricing practices relating to a government monopoly business activity under part 3, division 3 of the Act.
- 2 Consideration of an application for accreditation under part 4, division 5 of the Act.
- 3 Mediation of an access dispute under part 5, division 5, subdivision 2A of the Act.
- 4 Arbitration of an access dispute, including the making of an access determination, under part 5, division 5, subdivision 3 of the Act.
- 5 Preparation, approval or amendment of an access undertaking for a declared service under part 5, division 7 of the Act.
- 6 Monitoring compliance with, and reviewing terms of, an access undertaking under part 5, division 7 of the Act.
- 7 Preparation or revision of a cost allocation manual under part 5, division 9 of the Act.
- 8 Investigation about, or for monitoring, pricing practices relating to a monopoly water supply activity under part 5A, division 2, subdivision 7 of the Act.
- 9 Mediation of a water supply dispute under part 5A, division 4, subdivision 3 of the Act.
- 10 Arbitration of a water supply dispute, including the making of a water supply determination, under part 5A, division 4, subdivision 4 of the Act.
- 11 Preparation, approval or amendment of a water supply undertaking under part 5A, division 5 of the Act.
- 12 Monitoring compliance with, and reviewing terms of, a water supply undertaking under part 5A, division 5 of the Act.

**Schedule (continued)**

- 13 Performance by the authority of a function as the local regulator under the Gas Pipelines Access (Queensland) Law or the Gas Pipelines Access (Queensland) Regulations.
- 14 Performance of a function given to the authority under the *Electricity Act 1994*, the National Electricity (Queensland) Law or the National Electricity (Queensland) Regulations.

## 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 31 January 2003. 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)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	22 May 1997	30 May 1997
1A	1997 SL No. 391	21 November 1997	4 December 1997
1B	1998 SL No. 145	22 May 1998	27 July 1998
2	1998 SL No. 145	22 May 1998	1 December 2000
2A	2001 SL No. 21	23 March 2001	6 April 2001

  

Reprint No.	Amendments included	Effective	Notes
2B	2003 SL No. 3	31 January 2003	

## 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)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **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 1280–1

commenced on date of notification

### **Queensland Competition Authority Amendment Regulation (No. 1) 2003 SL No. 3**

notfd gaz 31 January 2003 pp 318–19

commenced on date of notification

## 6 List of annotations

### Definitions

- s 2** prev s 2 om 1998 SL No. 145 s 3  
 pres s 2 (prev s 1A) ins 1998 SL No. 46 s 3  
 renum 2003 SL No. 3 s 3(3)  
 def “**Gas Pipelines Access (Queensland) Law**” ins 2003 SL No. 3 s 3(1)  
 def “**Gas Pipelines Access (Queensland) Regulations**” ins 2003 SL No. 3 s 3(1)  
 def “**National Electricity (Queensland) Law**” ins 2003 SL No. 3 s 3(1)  
 def “**National Electricity (Queensland) Regulations**” ins 2003 SL No. 3 s 3(1)  
 def “**railway manager**” amd 2003 SL No. 3 s 3(2)  
 def “**subsidiary**” amd 2003 SL No. 3 s 3(2)

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

- s 3** prev s 3 ins 1997 SL No. 391 s 3  
 om 2003 SL No. 3 s 4  
 pres s 3 (prev s 2A) ins 1998 SL No. 46 s 4  
 renum 2003 SL No. 3 s 5

### 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  
 amd 2003 SL No. 3 s 6

### Fees

- s 6** ins 2003 SL No. 3 s 7

### SCHEDULE—SERVICES AND FUNCTIONS FOR WHICH FEES ARE PAYABLE

- ins 2003 SL No. 3 s 7