



Queensland

*Queensland Competition Authority Act 1997*

# Queensland Competition Authority Regulation 2007

Reprinted as in force on 1 September 2008

Reprint No. 1B\*

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the Office of the Queensland Parliamentary Counsel  
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\* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

# Information about this reprint

This regulation is reprinted as at 1 September 2008. 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.

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.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

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



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# Queensland Competition Authority Regulation 2007

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# Queensland Competition Authority Regulation 2007

[as amended by all amendments that commenced on or before 1 September 2008]

## Part 1                      General

### 1            Short title

This regulation may be cited as the *Queensland Competition Authority Regulation 2007*.

### 2            Definitions

In this regulation—

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

***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).

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

***QR Limited*** means QR Limited ACN 124 649 967.

***railway manager*** see the *Transport Infrastructure Act 1994*, schedule 6.

***repealed regulation*** means the *Queensland Competition Authority Regulation 1997*.

[s 2A]

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*subsidiary* see the *Government Owned Corporations Act 1993*, section 3.

## **2A Declaration of monopoly business activity—Act, s 20**

For section 20(1) of the Act, the government business activity of providing water and sewerage services by each of the following is declared to be a monopoly business activity—

- (a) Brisbane City Council;
- (b) Bundaberg Regional Council;
- (c) Cairns Regional Council;
- (d) Gold Coast City Council;
- (e) Ipswich City Council;
- (f) Lockyer Valley Regional Council;
- (g) Logan City Council;
- (h) Mackay Regional Council;
- (i) Moreton Bay Regional Council;
- (j) Rockhampton Regional Council;
- (k) Redland City Council;
- (l) Scenic Rim Regional Council;
- (m) Somerset Regional Council;
- (n) Sunshine Coast Regional Council;
- (o) Toowoomba City Council;
- (p) Townsville City Council.

## **3 Fees—Act, s 245(2)**

- (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.

## **Part 2                      Repeal, savings and transitional provisions**

### **Division 1                Repeal**

#### **4                      Repeal**

The Queensland Competition Authority Regulation 1997, SL No. 125 is repealed.

### **Division 2                Savings and transitional provisions**

#### **5                      Continuation of existing declaration under the Act, s 72**

- (1) The service mentioned in subsection (2) continues to be declared for section 72(2)(c) of the Act.

*Note—*

See section 3 of the repealed regulation.

- (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 QR Limited, or a successor, assign or subsidiary of QR Limited, is the railway manager; and

[s 6]

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- (iii) is standard gauge track; and
- (b) the transportation is effected by using standard gauge rolling stock.

## **6 Continuation of existing declaration under the Act, s 97—rail transport infrastructure**

- (1) The service mentioned in subsection (2) continues to be declared for section 97 of the Act.

*Note—*

See section 4 of the repealed regulation.

- (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 QR Limited, or a successor, assign or subsidiary of QR Limited, is the railway manager.
- (3) The continuation of the declaration has effect only while the rail transport infrastructure remains a public facility.

## **7 Continuation of existing declaration under the Act, s 97—Dalrymple Bay Coal Terminal**

- (1) The service mentioned in subsection (2) continues to be declared for section 97 of the Act.

*Note—*

See section 5 of the repealed regulation.

- (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.

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

### section 3

- 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, or the granting of 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 approved 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, an approved water supply undertaking under part 5A, division 5 of the Act
- 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 1 September 2008. Future amendments of the Queensland Competition Authority Regulation 2007 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
num	= numbered	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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 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 included	Effective	Notes
1	none	24 August 2007	
1A	2008 SL No. 180	1 July 2008	
1B	2008 SL No. 282	1 September 2008	

## 5 List of legislation

### **Queensland Competition Authority Regulation 2007 SL No. 207**

made by the Governor in Council on 23 August 2007

notfd gaz 24 August 2007 pp 2151–3

commenced on date of notification

exp 1 September 2017 (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) 2008 SL No. 180**

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

### **Transport and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 282 ss 1–2(1), pt 5**

notfd gaz 29 August 2008 pp 2831–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2008 (see s 2(1))

## 6 List of annotations

### **Definitions**

s 2 def “QR limited” ins 2008 SL No. 282 s 11

### **Declaration of monopoly business activity—Act, s 20**

s 2A ins 2008 SL No. 180 s 4

### **Continuation of existing declaration under the Act, s 72**

s 5 amd 2008 SL No. 282 s 12

**Continuation of existing declaration under the Act, s 97—rail transport  
infrastructure**  
s 6            amd 2008 SL No. 282 s 13

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