



Queensland Competition Authority Act 1997

Queensland Competition Authority Regulation 2007

Reprinted as in force on 30 July 2010

Reprint No. 1D

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Information about this reprint

This regulation is reprinted as at 30 July 2010. 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.



Queensland

Queensland Competition Authority Regulation 2007

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Queensland Competition Authority Regulation 2007

[as amended by all amendments that commenced on or before 30 July 2010]

Part 1 General

1 Short title

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

2 Definitions

In this regulation—

Allconnex Water means the Southern SEQ Distributor-Retailer Authority established under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 8.

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.

Queensland Urban Utilities means the Central SEQ Distributor-Retailer Authority established under the

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South-East Queensland Water (Distribution and Retail Restructuring) Act 2009, section 8.

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

repealed regulation means the *Queensland Competition Authority Regulation 1997*.

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

Unitywater means the Northern SEQ Distributor-Retailer Authority established under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 8.

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) Allconnex Water;
- (b) Bundaberg Regional Council;
- (c) Cairns Regional Council;
- (d) Mackay Regional Council;
- (e) Queensland Urban Utilities;
- (f) Rockhampton Regional Council;
- (g) Toowoomba Regional Council;
- (h) Townsville City Council;
- (i) Unitywater.

2B Declaration under the Act, s 97—Central Queensland coal network rail infrastructure

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

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- (2) The service is the use of a coal system for providing transportation by rail.
- (3) For this section, *coal system* means rail transport infrastructure that is—
- (a) part of any of the following—
 - (i) the Blackwater system, being the railway connecting Gregory, Rolleston and Minerva to Gladstone, including the part of the North Coast Line between Parana and Rocklands, as shown on the diagram in schedule 1;
 - (ii) the Goonyella system, being the railway connecting Gregory, North Goonyella and Blair Athol mine to the Port of Hay Point, as shown on the diagram in schedule 1;
 - (iii) the Moura system, being the railway connecting Moura mine to Gladstone, as shown on the diagram in schedule 1;
 - (iv) the Newlands system, being the railway connecting Newlands to the Port of Abbott Point, including the part of the North Coast Line between Durroburra and Kaili, as shown on the diagram in schedule 1; or
 - (b) directly or indirectly connected to a system mentioned in paragraph (a) and owned or leased by the owner or lessee, or a related body corporate of the owner or lessee, of the system.
- (4) Also, a *coal system* includes an extension of the coal system that—
- (a) is built after the commencement of this section; and
 - (b) does not directly connect the coal system to a coal basin to which the coal system is not directly connected on the commencement of this section; and
 - (c) is owned or leased by—
 - (i) the owner or lessee of the coal system; or

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(ii) a related body corporate of the owner or lessee of the coal system.

(5) In this section—

extension, of a coal system, includes an enhancement, expansion, augmentation, duplication or replacement of all or part of the coal system.

North Coast Line means the railway running the length of the coast of Queensland from Brisbane to Cairns.

2C Declaration under the Act, s 97—Queensland Rail Limited rail infrastructure

(1) The service mentioned in subsection (2) is declared for section 97 of 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 Limited, or a successor, assign or subsidiary of Queensland Rail Limited, is the railway manager.

(3) The declaration has effect only while the rail transport infrastructure remains a public facility.

(4) In this section—

Queensland Rail Limited means Queensland Rail Limited ACN 132 181 090.

3 Fees—Act, s 245(2)

(1) The fee payable to the authority for providing a service or performing a function mentioned in schedule 2 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
 - (iii) is standard gauge track; and
 - (b) the transportation is effected by using standard gauge rolling stock.

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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.

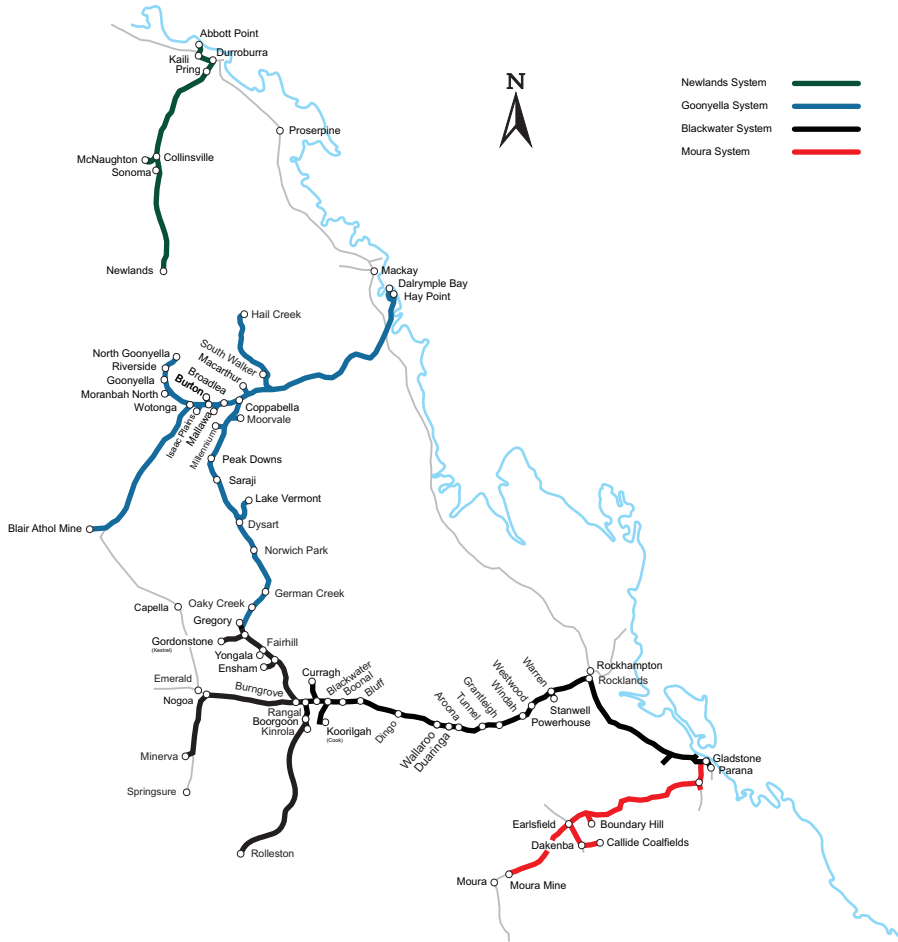
handling of coal includes unloading, storing, reclaiming and loading.

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 1 Central Queensland coal network rail infrastructure

section 2B



Schedule 2 Services and functions for which fees are payable

section 3

- 1 each of the following services about pricing practices relating to a monopoly business activity under part 3, division 3 of the Act—
 - (a) giving advice;
 - (b) conducting an investigation;
 - (c) monitoring
- 2 investigation of a complaint under part 4, division 3 of the Act
- 3 consideration of an application for accreditation, or the granting of an accreditation, under part 4, division 5 of the Act
- 4 consideration of a request for making a recommendation, under part 5, division 2 of the Act, for—
 - (a) the declaration by the Ministers of a particular candidate service; or
 - (b) the revocation of a Ministerial declaration
- 5 mediation of an access dispute under part 5, division 5, subdivision 2A of the Act
- 6 arbitration of an access dispute, including the making of an access determination, under part 5, division 5, subdivision 3 of the Act
- 7 preparation or approval of a draft access undertaking under part 5, division 7 of the Act
- 8 preparation or approval of a draft access undertaking amending an approved access undertaking under part 5, division 7 of the Act
- 9 withdrawal of an approved access undertaking under part 5, division 7 of the Act

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- 10 performance of any other function of the authority under part 5, division 7 of the Act, other than a function mentioned in item 7, 8 or 9
 - 11 preparation or revision of a cost allocation manual under part 5, division 9 of the Act
 - 12 consideration of a request for making a recommendation, under part 5A, division 2 of the Act—
 - (a) that a particular candidate water supply activity be declared by the Ministers to be a monopoly water supply activity; or
 - (b) for the revocation of a declaration by the Ministers of a monopoly water supply activity
 - 13 conduct of an investigation about pricing practices relating to a monopoly water supply activity under part 5A, division 2, subdivision 7 of the Act
 - 14 mediation of a water supply dispute under part 5A, division 4, subdivision 3 of the Act
 - 15 arbitration of a water supply dispute, including the making of a water supply determination, under part 5A, division 4, subdivision 4 of the Act
 - 16 preparation or approval of a draft water supply undertaking under part 5A, division 5 of the Act
 - 17 preparation or approval of a draft water supply undertaking amending an approved water supply undertaking under part 5A, division 5 of the Act
 - 18 withdrawal of an approved water supply undertaking under part 5A, division 5 of the Act
 - 19 performance of any other function of the authority under part 5A, division 5 of the Act, other than a function mentioned in item 16, 17 or 18
 - 20 performance of a function given to the authority under the Gas Pipelines Access (Queensland) Law or the Gas Pipelines Access (Queensland) Regulations

Schedule 2

- 21 performance of a function given to the authority under the *Electricity Act 1994*, the National Electricity (Queensland) Law or the National Electricity (Queensland) Regulations
- 22 conduct of an arbitration hearing about an application for arbitration under the *Water Supply (Safety and Reliability) Act 2008*, section 524(2)
- 23 if directed by the Ministers—monitor compliance by a government agency, or conduct an arbitration hearing for resolving a dispute about a government agency’s compliance, with a code of conduct the agency has agreed to abide by
- 24 if directed by the Ministers—each of the following services for any matter relevant to the implementation of competition policy—
 - (a) conduct an investigation;
 - (b) report to the Ministers
- 25 performance of any other function given to the authority under another Act

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 30 July 2010. 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	
1C	2010 SL No. 66 2010 SL No. 135	1 July 2010	
1D	2010 SL No. 200	30 July 2010	

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))

Queensland Competition Authority Amendment Regulation (No. 1) 2010 SL No. 66

notfd gaz 23 April 2010 pp 1008–11

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2010 (see s 2)

Queensland Competition Authority Amendment Regulation (No. 2) 2010 SL No. 135

notfd gaz 25 June 2010 pp 823–30

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2010 (see s 2)

Queensland Competition Authority Amendment Regulation (No. 3) 2010 SL No. 200
 notfd gaz 30 July 2010 pp 1253–5
 commenced on date of notification

6 List of annotations

Definitions

- s 2 def “**Allconnex Water**” ins 2010 SL No. 66 s 4
 def “**QR limited**” ins 2008 SL No. 282 s 11
 def “**Queensland Urban Utilities**” ins 2010 SL No. 66 s 4
 def “**Unitywater**” ins 2010 SL No. 66 s 4

Declaration of monopoly business activity—Act, s 20

- s 2A ins 2008 SL No. 180 s 4
 amd 2010 SL No. 66 s 5

Declaration under the Act, s 97—Central Queensland coal network rail infrastructure

- s 2B ins 2010 SL No. 200 s 3

Declaration under the Act, s 97—Queensland Rail Limited rail infrastructure

- s 2C ins 2010 SL No. 200 s 3

Fees—Act, s 245(2)

- s 3 amd 2010 SL No. 200 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
 om 2010 SL No. 200 s 5

SCHEDULE 1—CENTRAL QUEENSLAND COAL NETWORK RAIL INFRASTRUCTURE

- ins 2010 SL No. 200 s 6

SCHEDULE 2—SERVICES AND FUNCTIONS FOR WHICH FEES ARE PAYABLE

- (prev sch) sub 2010 SL No. 135 s 4
 renum 2010 SL No. 200 s 7