



Queensland

# Queensland Competition Authority Regulation 2007

## Subordinate Legislation 2007 No. 207

made under the

*Queensland Competition Authority Act 1997*

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## 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).

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*repealed regulation* means the *Queensland Competition Authority Regulation 1997*.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

### 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The Queensland Competition Authority Regulation 1997, SL No. 125 is repealed.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See section 3 of the repealed regulation.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 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.

#### **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 Queensland Rail, or a successor, assign or subsidiary of Queensland Rail, 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

**Schedule 1 (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

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**ENDNOTES**

- 1 Made by the Governor in Council on 23 August 2007.
- 2 Notified in the gazette on 24 August 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Treasury Department.