

# Annexure F

## Benefits of *Transport Infrastructure Act* exemption

### 1 Introduction

- 1.1 This annexure sets out the requirements in chapter 7 of the *Transport Infrastructure Act 1994* (Qld) that Sucrogen is currently exempted from because the Tram Network is a cane railway under the *Transport Infrastructure Act*.
- 1.2 If the Tram Service is declared, Sucrogen is concerned that it will no longer be exempt from these requirements, and must meet them at significant cost to it.

### 2 Accreditation

- 2.1 Accreditation is required to manage a railway and to operate rolling stock on a railway.<sup>115</sup> An application is required for accreditation and accreditation may be granted where the applicable criteria have been met.<sup>116</sup> Accreditation for railway manager will be granted where *all* of the following criteria are satisfied:
- the applicant is accredited in another State to manage a similar type of railway or the applicant has the competency and capacity to manage the railway safely;
  - the applicant has an appropriate safety management system;
  - the applicant has the financial capacity or public risk insurance arrangements to meet reasonable potential accident liabilities for the railway; and
  - the applicant has a right of access to the land where the railway is constructed and has a right to use rail transport infrastructure with agreement of the infrastructure's owner.<sup>117</sup>
- 2.2 Accreditation for a railway operator will be granted where *all* of the following criteria are satisfied:
- the applicant is accredited in another State to operate rolling stock on a railway for a similar type of service or the applicant has the competency and capacity to operate rolling stock on the railway safely;
  - the applicant has an appropriate safety management system;

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<sup>115</sup> *Transport Infrastructure Act 1994* (Qld) s 123.

<sup>116</sup> *Transport Infrastructure Act 1994* (Qld) ss 124, 126.

<sup>117</sup> *Transport Infrastructure Act 1994* (Qld) s 126(2).

- the applicant has the financial capacity or public risk insurance arrangements to meet reasonable potential accident liabilities for the railway; and
  - unless the applicant is applying for accreditation as the railway manager and operator of a railway - the applicant has an agreement with the railway's manager to operate particular rolling stock on the railway, and the agreement includes appropriate arrangements for the safe operation of the rolling stock.<sup>118</sup>
- 2.3 The accreditation may be subject to conditions and an annual levy may be imposed on railway managers and railway operators relating to their accreditation<sup>119</sup>. The conditions that may be imposed on accreditation for railway manager may include conditions relating to:
- constructing or maintaining the railway;
  - managing the railway safely, considering the need for efficient and competitive services; or
  - the approved safety management system for the railway or the operations of rolling stock on the railway with which the accredited person must comply.<sup>120</sup>
- 2.4 The conditions that may be imposed on accreditation for railway operator may include conditions relating to:
- operating rolling stock safely, considering the need for efficient and competitive services;
  - the person having an agreement with the manager of the railway to operate particular rolling stock on the railway, and the agreement, including appropriate arrangements for the safe operation of rolling stock; or
  - the approved safety management system for the railway or the operations of rolling stock on the railway with which the accredited person must comply.<sup>121</sup>
- 2.5 An accredited person must have sufficient financial capacity, or public risk insurance arrangements, are required at all times to meet reasonable potential accident liabilities relating to the railway or the operation of the rolling stock.<sup>122</sup> An accredited person for a railway is required to report all serious incidents that occur on the railway.<sup>123</sup>

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<sup>118</sup> *Transport Infrastructure Act 1994*, s126(3)

<sup>119</sup> *Transport Infrastructure Act 1994*, s 127, s 128, s 133

<sup>120</sup> *Transport Infrastructure Act 1994*, s 128(2)

<sup>121</sup> *Transport Infrastructure Act 1994*, s 128(2)

<sup>122</sup> *Transport Infrastructure Act 1994* (Qld) s 137.

<sup>123</sup> *Transport Infrastructure Act 1994* (Qld) s 214.

### **3 Approved safety management system**

3.1 In considering whether a safety management system submitted for an application for accreditation for railway manager and railway operator is appropriate, the Chief executive assessing the application must consider all of the following:

- the applicant's rail transport proposal;
- the appropriateness of the safety management system for the proposal;
- the safety levels achievable, consistent with the nature of the proposal, at a reasonable cost;
- the need for efficient and competitive rail transport services;
- consistency with generally accepted risk management principles; and
- the levels of safety proposed relative to the levels of safety of competing transport modes.<sup>124</sup>

3.2 An accredited person must comply with the approved safety management system for the railway and the operation of rolling stock.<sup>125</sup> The approved safety management system must be reviewed annually and approval is required to amend the approved safety management system.<sup>126</sup>

### **4 Audit and inspection**

4.1 The activities of railway managers and railway operators are subject to audit and inspection throughout the year.<sup>127</sup> The audit may focus on particular railway managers or railway operators, particular criterion relating to railway managers or railway operators or a particular aspect of safety.<sup>128</sup>

### **5 Maintenance of roads**

5.1 A railway manager for a railway is required to maintain the part of the railway on a road and the surface of a road between the rails and the outside of the outermost rails.<sup>129</sup>

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<sup>124</sup> *Transport Infrastructure Act 1994* (Qld) s 126(4).

<sup>125</sup> *Transport Infrastructure Act 1994* (Qld) s 134.

<sup>126</sup> *Transport Infrastructure Act 1994* (Qld) s 135.

<sup>127</sup> *Transport Infrastructure Act 1994* (Qld) ss 150–153.

<sup>128</sup> *Transport Infrastructure Act 1994* (Qld) s 150.

<sup>129</sup> *Transport Infrastructure Act 1994* (Qld) s 251.

# Annexure G

NQBE company search

## ANNEXURE G - NQBE COMPANY SEARCH

**Historical Company Extract for NORTH QUEENSLAND BIO-ENERGY CORPORATION LIMITED**

Extracted from ASIC database on 23/04/2010 at 17:08

This computer-produced extract contains information derived from the ASIC database, either from documents lodged with the ASIC (and processed as at the stated date of the extract), or from records supplied by previous State and/or Territory systems. Please inform the ASIC promptly of any error or omission which you may find, so that we can correct it. The Information Division of the Australian Securities and Investments Commission is certified under the Australian Quality Standard AS 3901 (International Standard ISO 9001).

Current Corporation Details		Document Number
<b>Name:</b>	NORTH QUEENSLAND BIO-ENERGY CORPORATION LIMITED	1E6233291
<b>A.C.N.:</b>	108877872	
<b>A.B.N.:</b>	57108877872	
<b>Registered In:</b>	QLD	
<b>Registration Date:</b>	28/04/2004	
<b>Governance Type:</b>	Constitution	
<b>Organisation Number Type:</b>	A.C.N. (Australian Company Number)	
<b>Review Date:</b>	28/04/2010	
<b>Details Start Date:</b>	15/02/2010	
<b>Status:</b>	Registered	
<b>Name Start Date:</b>	15/02/2010	
<b>Type:</b>	Australian Public Company	
<b>Class:</b>	Limited by Shares	
<b>Subclass:</b>	Unlisted Public Company	
<b>Disclosing Entity:</b>	No	
<b>Former Company Details</b>		
<b>Details Start Date:</b>	22/01/2010	
<b>Details End Date:</b>	14/02/2010	
<b>Name:</b>	NTH. QLD. BIO-ENERGY CORPORATION LIMITED	026071598
<b>Status:</b>	Registered	
<b>Name Start Date:</b>	22/01/2010	
<b>Type:</b>	Australian Public Company	
<b>Class:</b>	Limited by Shares	
<b>Subclass:</b>	Unlisted Public Company	
<b>Disclosing Entity:</b>	No	
<hr/>		
<b>Details Start Date:</b>	17/11/2006	
<b>Details End Date:</b>	21/01/2010	
<b>Name:</b>	NTH. QLD. BIO-ENERGY CORPORATION PTY LTD	023232291
<b>Status:</b>	Registered	
<b>Name Start Date:</b>	17/11/2006	
<b>Type:</b>	Australian Proprietary Company	
<b>Class:</b>	Limited by Shares	
<b>Subclass:</b>	Proprietary Company	
<b>Disclosing Entity:</b>	No	
<hr/>		
<b>Details Start Date:</b>	28/04/2004	
<b>Details End Date:</b>	16/11/2006	
<b>Name:</b>	NTH. QLD. BIO-ENERGY CORPORATION LIMITED	0E9810957
<b>Status:</b>	Registered	
<b>Name Start Date:</b>	28/04/2004	
<b>Type:</b>	Australian Public Company	
<b>Class:</b>	Limited by Shares	
<b>Subclass:</b>	Unlisted Public Company	
<b>Disclosing Entity:</b>	No	

Current Company Addresses		Document Number
<b>Address Type:</b>	Registered Office	0E9810957
<b>Address:</b>	73 LANNERCOST STREET INGHAM , QLD 4850	
<b>Start Date:</b>	28/04/2004	
<hr/>		
<b>Address Type:</b>	Principal Place of Business	0E9810957
<b>Address:</b>	73 LANNERCOST STREET INGHAM , QLD 4850	
<b>Start Date:</b>	28/04/2004	
<hr/>		
Current Company Officers		Document Number
<b>Role:</b>	Director	0E9810957
<b>Name:</b>	CAREY, ROBERT MICHAEL	
<b>Address:</b>	2 JESSON STREET INGHAM , QLD 4850	
<b>Birth Details:</b>	14/04/1954 INGHAM QLD	
<b>Appointment Date:</b>	28/04/2004	
<hr/>		
<b>Role:</b>	Director	1E2589087
<b>Name:</b>	CAREY, CHRISTOPHER MARK	
<b>Address:</b>	2612 HAWKINS CREEK ROAD INGHAM , QLD 4850	
<b>Birth Details:</b>	15/11/1964 INGHAM QLD	
<b>Appointment Date:</b>	28/04/2004	
<hr/>		
<b>Role:</b>	Director	1E4535151
<b>Name:</b>	CASTORINA, ANTHONY PETER	
<b>Address:</b>	859 HALIFAX BEMERSIDE ROAD HALIFAX , QLD 4850	
<b>Birth Details:</b>	07/04/1961 INGHAM QLD	
<b>Appointment Date:</b>	01/07/2008	
<hr/>		
<b>Role:</b>	Director	1E4535151
<b>Name:</b>	CELOTTO, DAVID	
<b>Address:</b>	26 CELOTTO'S ROAD ABERGOWRIE , QLD 4850	
<b>Birth Details:</b>	11/08/1959 INGHAM QLD	
<b>Appointment Date:</b>	01/07/2008	
<hr/>		
<b>Role:</b>	Director	7E1713674
<b>Name:</b>	ROBINO, BRENT JOSEPH	
<b>Address:</b>	9 ROBINO'S ROAD BRAEMEADOWS , QLD 4850	
<b>Birth Details:</b>	07/12/1976 INGHAM QLD	
<b>Appointment Date:</b>	16/07/2008	
<hr/>		
<b>Role:</b>	Director	1E6121503
<b>Name:</b>	KITE, PHILLIP CECIL	
<b>Address:</b>	LOT 94 FORREST DRIVE ALLINGHAM , QLD 4850	
<b>Birth Details:</b>	29/12/1965 TEMORA NSW	
<b>Appointment Date:</b>	04/01/2010	
<hr/>		
<b>Role:</b>	Secretary	0E9810957
<b>Name:</b>	CAREY, ROBERT MICHAEL	
<b>Address:</b>	2 JESSON STREET INGHAM , QLD 4850	
<b>Birth Details:</b>	14/04/1954 INGHAM QLD	

Appointment Date: 28/04/2004

Former Company Officers		Document Number
Role:	Former Director	1E5331260
Name:	CAREY, JOSEPH WILLIAM	
Address:	347 STANLEY STREET NORTH WARD , QLD 4810	
Birth Details:	25/04/1968 INGHAM QLD	
Appointment Date:	01/09/2004	
Cease Date:	10/09/2009	
Role:	Former Director	020066054
Name:	CAREY, DAVID ANTHONY	
Address:	1946 HAWKINS CREEK ROAD DALRYMPLE VIA INGHAM , QLD 4850	
Birth Details:	04/01/1956 INGHAM QLD	
Appointment Date:	28/04/2004	
Cease Date:	01/07/2008	
Role:	Former Director	1E0236434
Name:	CAREY, MICHAEL BRIAN	
Address:	2001 HAWKINS CREEK ROAD INGHAM , QLD 4850	
Birth Details:	10/04/1961 INGHAM QLD	
Appointment Date:	01/09/2004	
Cease Date:	01/07/2008	

Current Share Structure		Document Number
Share Class:	ORD (ORDINARY)	1E6093564
Number of Shares Issued:	356800	
Amount Paid:	\$ 128000.00	
Total Unpaid:	\$ 0.00	

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

Charges and Related Documents		Document Number
ASIC Charge Number:	1890494	
Charge Status:	Registered	
Charge Type (fixed/floating):	Fixed	
Time Registered:	12:06	
Date Registered:	04/12/2009	
Date Created:	18/11/2009	
Chargee/Trustee:	8492582 BOQ EQUIPMENT FINANCE LIMITED	
Document:		
Form Code:309	11 Pages Lodged: 04/12/2009	Processed: 04/12/2009 7E2585127
309 NOTIFICATION OF 309A DETAILS OF A CHARGE		

## Document List

Form Type	Pages	Received	Processed	Effective	Document Number
309	11	04/12/2009	04/12/2009		7E2585127
					309 NOTIFICATION OF 309A DETAILS OF A CHARGE
205	2	15/02/2010	15/02/2010	28/01/2010	1E6233291
					205A Notification of Resolution Changing Company Name
484	2	04/01/2010	04/01/2010	04/01/2010	1E6121503
					484E Change to Company Details Appointment or Cessation of A Company Officeholder
492	2	16/12/2009	17/12/2009	16/12/2009	7E2608342
					492 Request For Correction Alters 1E6 093 564
484	10	16/12/2009	16/12/2009	30/06/2009	1E6093564
					484 Change to Company Details 484O Changes to Share Structure 484G Notification of Share Issue 484N Changes to (Members) Share Holdings Altered by 7E2 608 342
218	35	08/12/2009	10/12/2009	08/12/2009	026071599
					218 Constitution of Company
205	2	08/12/2009	10/12/2009	10/11/2009	026071598
					205 Notification of Resolution 205C Converting to a Public Company 205J Altering The Constitution
206	2	08/12/2009	10/12/2009	08/12/2009	026071597
					206C Application For Change of Company Status Conversion Of Company From Pty to Public
484	2	14/09/2009	14/09/2009	10/09/2009	1E5809788
					484E Change to Company Details Appointment or Cessation of A Company Officeholder
484	2	03/04/2009	03/04/2009	02/04/2009	1E5331260
					484A1 Change to Company Details Change Officeholder Name Or Address
484	2	16/07/2008	16/07/2008	16/07/2008	7E1713674
					484E Change to Company Details Appointment or Cessation of A Company Officeholder
484	3	01/07/2008	01/07/2008	01/07/2008	1E4535151
					484E Change to Company Details Appointment or Cessation of A Company Officeholder Updated by 1E4 535 152 Updated by 1E4 535 150
370	2	01/07/2008	01/07/2008	01/07/2008	1E4535152
					370 Notification By Officeholder of Resignation or Retirement Updates 1E4 535 151
370	2	01/07/2008	01/07/2008	01/07/2008	1E4535150
					370 Notification By Officeholder of Resignation or Retirement Updates 1E4 535 151
484	2	10/10/2006	10/10/2006	10/10/2006	1E2589087
					484A1 Change to Company Details Change Officeholder Name Or Address
205	2	07/09/2006	06/10/2006	31/08/2006	023232291
					205 Notification of Resolution 205B Converting to a Proprietary Company 205J Altering The Constitution



206	4	07/09/2006	06/10/2006	07/09/2006	023232292
206B Application For Change of Company Status Conversion Of Company From Public to Pty					
218	37	07/09/2006	06/10/2006	07/09/2006	023255801
218 Constitution of Company					
484	2	01/09/2004	01/09/2004	01/09/2004	1E0236434
484E Change to Company Details Appointment or Cessation of A Company Officeholder					
902	2	10/05/2004	19/05/2004	28/04/2004	020066054
902 Supplementary Document Alters 0E9 810 957					
201	3	28/04/2004	28/04/2004	28/04/2004	0E9810957
201A Application For Registration as a Public Company Altered by 020 066 054					
218	36	28/04/2004	28/04/2004	28/04/2004	019613442
218 Constitution of Company					

**Contact address for ASIC use only****Document Number**

Section 146A of the *Corporations Act 2001* states '**A contact address is the address to which communications and notices are sent from ASIC to the company.**'

**Address Type:** Contact Address for ASIC use only  
**Address:** PO BOX 1012  
 INGHAM , QLD 4850  
**Start Date:** 06/05/2004

\*\*\*\* End of Report \*\*\*\*

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# Annexure H

## ROAM Consulting report

# ROAM CONSULTING

ENERGY MODELLING EXPERTISE

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## Report to CSR Sugar

### Expert opinion on NQBE application for Declaration of the service provided by CSR's Narrow Gauge Tram Network

NQBE has proposed the development of a power generation facility capable of exporting 50-55 MW over approximately 300 days per annum for sale into the State's electricity grid (ref par 8.30). The power generation facility would be located at Ingham (ref par 1.4).

Par 8.81 states that the production by NQBE of electricity will promote competition in the market for supply of electricity in North Queensland.

There are several potential benefits of additional generation in North Queensland. However the scale of benefits resulting from an individual generation project has to be taken into account.

A 50-55 MW facility operating at full output for 300 days per annum would generate between 360 GWh per annum and 396 GWh per annum, although these values would be reduced for any breakdowns.

In comparison, Powerlink's 2009 Annual Planning Report (APR), Table 3.14, shows that the annual load growth for North Queensland (the sum of Far North, Ross and North zones) is forecast to be 469 GWh per annum on average for the next 5 years. Therefore the proposed power generator will offset about 80% of one year of annual energy growth in North Queensland.

The main effect of generation in offsetting load growth is to reduce the (otherwise) increasing level of marginal loss factors (MLFs) in North Queensland, as described in Attachment 11 of the NQBE Application. Offsetting less than one year of annual increase in MLFs, while beneficial, will not have a material effect on North Queensland's electricity supply.

The other effect of additional generation will be to assist in meeting the growth of electricity demand throughout Queensland. The installed generation capacity in Queensland is projected by Powerlink (2009 APR Table 6.1) as 12, 629 MW by summer 2011/12. The projected summer peak demand (2009 APR Table 3.10) is forecast to increase from 9425 MW in summer 2009/10 to 11,588 MW in summer 2014/15, an annual average increase of 433 MW.


Queensland has a single electricity pool price for the state. Therefore the increase in generation at Ingham will be consistent with offsetting 50-55 MW of annual load growth in Queensland, or about 12% of one year of load growth for Queensland. Clearly, the effect of the 50-55 MW increment will be almost immaterial in reducing prices of electricity across

the whole state, being only 0.4% of the installed capacity in summer 2011/12, less than two months demand growth.

A further issue which needs to be considered is the viability of connecting 50-55 MW of generation at Ingham. Ingham has a forecast peak power demand for the year increasing from 18 MW in 2009/10 to 20 MW by 2014/15 (Powerlink 2009 APR Table C.1). The capacity to be connected, depending on the exact connection point (either into the distribution network or the transmission network), would result in more power being exported into the grid at Ingham than presently being imported at the annual peak.

This could be difficult to manage without upgrading the Ingham Substation capacity. Furthermore, there could be a local effect of reducing the MLF at Ingham. Presently the MLF at Ingham is quite high, and therefore favourable to a generator locating there (1.1403 in AEMO's Loss Factor Estimate<sup>1</sup> for 2010-11). However the MLF resulting from the addition of a 50-55MW generator could drop to a lower value than needed to support a financial case for a development of such a size relative to the local load. A detailed engineering and economic analysis would be needed to assess the connection capacity and resulting MLF.

In summary, the addition of 50-55 MW of capacity at Ingham would provide approximately 80% of one year of MLF growth deferral in North Queensland and 12% of deferral of growth in power prices in Queensland. These are relatively low levels of benefit to the market. There may also be issues with connection of 50-55 MW of generation at Ingham, owing to the weakness of the grid in that area.



Dr Ian Rose  
FIEAust  
Executive Chairman

12 April, 2010

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<sup>1</sup> AEMO: List of Regional Boundaries and Marginal Loss Factors for the 2010-11 Financial Year, 01 April 2010.