

Queensland



# TRANSPORT INFRASTRUCTURE (ROADS) ACT 1991

**Reprinted as in force on 28 April 1994  
(includes amendments up to Act No. 8 of 1994)**

**Reprint No. 2**

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

# Information about this reprint

This Act is reprinted as at 28 April 1994. As required by section 5 of the Reprints Act 1992, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the Reprints Act 1992, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the Reprints Act 1992, to do the following—

- use updated references permitted by Division 3 of that Act;
- use punctuation consistent with current legislative drafting practice as permitted by sections 27 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit provisions that are no longer required as permitted by section 39 that Act.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A Table of previous reprints is included in the Endnotes.

**Also see Endnotes for—**

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

Queensland



**TRANSPORT INFRASTRUCTURE  
(ROADS) ACT 1991**

**TABLE OF PROVISIONS**

Section	Page
<b>PART 1—PRELIMINARY</b>	
1.1 Short title .....	5
1.2 Commencement .....	5
1.5 Interpretation .....	5
<b>PART 2—ADMINISTRATION</b>	
<i>Division 1—General powers of Corporation and chief executive</i>	
2.4 Functions and powers of Corporation and chief executive .....	7
2.5 General power to make and enter into contracts .....	8
<i>Division 3—General</i>	
2.13 Officers and employees .....	8
<i>Division 4—Driver Training Fund</i>	
2.14 Driver Training Fund .....	8
2.15 Use of the fund .....	9
2.16 Investment of the fund .....	9
<b>PART 5—PROPERTY PROVISIONS</b>	
5.1 General powers regarding property .....	10
5.2 Acquisition of land by Corporation .....	10
5.3 Purposes for acquisition of land .....	10
5.4 Taking of land by the Corporation for purposes other than a declared road or deviation from an existing road .....	12
5.5 Power of Corporation to lease or dispose of land .....	12
5.6 Dealing with old roads .....	12
5.7 Creation and widening of reservation for declared road .....	12

5.8	No compensation for works after notice of intention to resume . . . . .	14
-----	---	----

**PART 9—GENERAL PROVISIONS**

*Division 1—Provisions for compliance with Act*

9.1	Authorised officers . . . . .	14
9.2	General powers of authorised officers regarding vehicles on roads . . . . .	15
9.3	Entry and search of premises—evidence of offences . . . . .	15
9.4	General powers of authorised officer in relation to premises . . . . .	15
9.5	Effect of finding objects . . . . .	16
9.6	Warrant to enter premises . . . . .	17
9.7	General power to obtain information . . . . .	18
9.8	Additional powers of authorised officers regarding vehicles . . . . .	20
9.9	Authorised officer may require name and address . . . . .	20
9.10	Compliance with requirement . . . . .	21
9.11	Cooperation with authorised officers . . . . .	21
9.12	Obstruction of authorised officers etc. . . . .	22
9.13	False or misleading statements . . . . .	22
9.14	Traffic direction by authorised officers . . . . .	22

*Division 2—Miscellaneous provisions*

9.15	Offences generally . . . . .	23
9.16	Proceedings for offences . . . . .	23
9.17	Liability of owner for offence relating to use of vehicles . . . . .	23
9.18	Conduct of directors, servants and agents . . . . .	24
9.19	On conviction, order for payment of fees etc. . . . .	25
9.20	Directors liable for penalties of bodies corporate . . . . .	25
9.21	Disposal of fees, penalties etc. . . . .	26
9.22	Service of documents . . . . .	26
9.23	Evidentiary provisions . . . . .	26
9.24	Regulations . . . . .	29
9.25	Reference to the Corporation or Director-General to be references to the chief executive . . . . .	30

<b>SCHEDULE 1</b>	31
-------------------	----

**SUBJECT MATTER FOR REGULATIONS**

**SCHEDULE 3** . . . . . 35**SAVINGS, TRANSITIONAL AND VALIDATION**

4	References to the Commissioner of Main Roads . . . . .	35
5	References to the Main Roads Fund . . . . .	35
7	Transfer of assets and liabilities . . . . .	36
8	Acts etc. under repealed Acts continue under this Act . . . . .	37
12	Existing officers and employees . . . . .	37

**ENDNOTES**

1	Index to Endnotes . . . . .	38
2	Date to which amendments incorporated . . . . .	38
3	Table of previous reprints . . . . .	38
4	List of legislation . . . . .	38
5	List of annotations . . . . .	39
6	Table of changed names and titles . . . . .	46
7	Table of obsolete and redundant provisions . . . . .	46
8	Table of renumbered provisions . . . . .	46
9	Provisions that have not commenced and are not incorporated into reprint . . . . .	47



# TRANSPORT INFRASTRUCTURE (ROADS) ACT 1991

[as amended by all amendments that commenced on or before 28 April 1994<sup>2</sup>]

**An Act to make provision for the development and management of  
road transport infrastructure and for other purposes**

## PART 1—PRELIMINARY

### Short title

**1.1** This Act may be cited as the *Transport Infrastructure (Roads) Act 1991*<sup>3-9</sup>.

### Commencement

**1.2(1)** Section 1.1 and this section commence on the day this Act is assented to for and on behalf of Her Majesty.

**(2)** The remaining provisions commence on a day or days fixed by proclamation.

### Interpretation

**1.5(1)** In this Act—

“**building**” includes a fixed structure that is—

- (a) wholly or partly enclosed by walls; or
- (b) wholly or partly roofed;

“**chief executive**” means the chief executive of the department;

“**Corporation**” means the corporation sole constituted by the *Urban Public*

*Passenger Transport Act 1984* under the name and style the Director-General, Department of Transport;

**“employee”** means a person employed by the chief executive for the purposes of this Act;

**“environmental effects”** means the anticipated and measured effects of a policy of, a proposal for or a development on the physical, biological, social, cultural and visual systems within which such a development is proposed or happens, including related off-site and cumulative impacts;

**“Manual of Uniform Traffic Control Devices”** means the Manual of Uniform Traffic Control Devices (Queensland) for the time being under the *Traffic Act 1949*;

**“occupier”**, in relation to land, means the person in actual occupation of the land or, if there is no person in actual occupation, the person entitled to possession of the land;

**“officer”** means an officer appointed for the purposes of this Act;

**“official traffic sign”** means an official traffic sign within the meaning of the *Traffic Act 1949*;

**“on”**, in relation to a road, includes within, under and over the road;

**“owner”**, in relation to land, means—

- (a) the registered proprietor of the land; or
- (b) the lessee or licensee from the Crown in respect of the land; or
- (c) the person who, for the time being, has lawful control of the land, on trust or otherwise; or
- (d) the person who is entitled to receive the rents and profits of the land;

**“person”** includes a partnership or other association or body, whether incorporated or unincorporated;

**“road”** means—

- (a) any surveyed or unsurveyed land dedicated to public use as a road; or
- (b) any track on land used by the public as a road through—



- (i) vacant Crown land; or
- (ii) land under the control of a local government; or
- (iii) any pastoral holding; or
- (iv) any reserve;

whether or not the boundary of the land has been surveyed and the land dedicated to public use as a road; or

- (c) any bridge, culvert, ferry or ford; or
- (d) any part of such land, bridge, culvert, ferry or ford;

**“repealed Acts”** means the Acts that were repealed on the commencement of section 1.3;

**“traffic”** includes the passing to and fro of persons, vehicles and animals;

**“vehicle”** includes a trailer whether or not attached to another vehicle.

## **PART 2—ADMINISTRATION**

### *Division 1—General powers of Corporation and chief executive*

#### **Functions and powers of Corporation and chief executive**

**2.4(2)** Under this Act the Corporation and the chief executive have the functions and necessary powers to manage transport infrastructure generally (and particularly road transport infrastructure) by—

- (i) administering the distribution of certain Commonwealth and State funds to local governments and other persons for road transport infrastructure purposes; and
- (j) charging and collecting fees and charges for use of roads and for provision of services; and
- (k) regulating the transport by road of heavy and over-dimension loads; and
- (l) managing a register of vehicles.

**General power to make and enter into contracts**

**2.5(1)** In this section—

“**person**” includes a Crown instrumentality or an instrumentality representing the Crown;

“**Crown**” means the Crown in right of the Commonwealth or of the State.

(2) The Corporation may make a contract or agreement with any person with respect to the exercise of any power or the performance of a function conferred or imposed on it by or under this Act or any other Act.

(3) In exercising the powers conferred by this section, the Corporation is to comply with the requirements of the *Financial Administration and Audit Act 1977* applicable to making contracts as if the Corporation were an accountable officer within the meaning of that Act.

***Division 3—General*****Officers and employees**

**2.13** Officers may be appointed and employees may be engaged in accordance with the *Public Service Management and Employment Act 1988* to assist in the administration of this Act.

***Division 4—Driver Training Fund*****Driver Training Fund**

**2.14(1)** There is to be a fund called the Driver Training Fund.

(2) The fund consists of—

- (a) the balance of the Driving Training Centre Fund (established under the *Driving Training Centre Act 1981*) as at the commencement of this section; and
- (b) amounts received by the Corporation from the issue of personalised number plates; and
- (c) fees and charges received by the department from—

- (i) the provision of driver training services, goods or information; or
- (ii) the hire of driver training facilities; and
- (d) income derived from investment of the fund; and
- (e) amounts of, or arising from, any gift, devise or bequest received by the Corporation for any purpose connected with the provision of driver training services, goods or information.

(3) The Corporation may carry out the conditions of a gift, devise or bequest.

### **Use of the fund**

**2.15** The Corporation may apply money in the fund for—

- (a) the provision of driver training services, goods and information; and
- (b) reimbursing the Corporation for costs related to the issue of personalised number plates, including costs related to the production and marketing of personalised number plates; and
- (c) any of the Corporation's other functions related to driver education, road safety and post-licence driver training that are approved by the chief executive of the department.

### **Investment of the fund**

**2.16** The Corporation may invest any money in the fund that is not immediately required by the Corporation in any form of investment approved by the Treasurer.

## **PART 5—PROPERTY PROVISIONS**

### **General powers regarding property**

**5.1** Subject to this Act, the Corporation may take, acquire, hold, divide, subdivide, amalgamate, lease, exchange, transfer, sell or otherwise deal with and dispose of real and personal property for the purposes of this Act.

### **Acquisition of land by Corporation**

**5.2(1)** The Corporation may acquire, by agreement or resumption, land that in the opinion of the Corporation is required for the purposes of this Act.

**(2)** For the purposes of acquiring land by resumption, the Corporation has the functions and powers conferred or imposed upon a constructing authority under the *Acquisition of Land Act 1967* and, subject to this section, that Act applies accordingly.

**(3)** The Corporation may, as a constructing authority under the *Acquisition of Land Act 1967*, take land held from the Crown by way of lease or any other estate or interest less than freehold.

**(4)** Where the acquisition of land by the Corporation will sever the balance area, or part of the balance area, from other land used by the owner, the Corporation may, with the approval of the Minister and the written consent of the owner, acquire by agreement or resumption the whole or a part of that balance area.

**(5)** The power conferred upon the Governor in Council by section 22 of the *Acquisition of Land Act 1967* includes power to vest land in the Corporation under the *Land Act 1962* as leasehold under such tenure as the Governor in Council considers appropriate.

### **Purposes for acquisition of land**

**5.3(1)** For the purposes of this Part, the purpose “roads” specified in Schedule 2 (Purposes for which land may be taken under that Act) to the *Acquisition of Land Act 1967* includes road transport infrastructure.

**(2)** In addition, the Corporation may acquire land by agreement or

resumption for the following purposes—

- (a) facilitation of any transport infrastructure; or
- (b) provision or improvement of facilities for users of a declared road or proposed declared road; or
- (c) construction or relocation of ancillary works and encroachments and statutory utilities; or
- (d) amelioration of negative environmental effects associated with transport infrastructure; or
- (e) provision of access in respect of any scenic reserve, national park, environmental park or marine park; or
- (f) scenic purposes; or
- (g) any other public purpose within the meaning of the *Land Act 1962*.

**(3)** Where the Corporation is required or requested by any authority under any other Act or law to provide land to offset the acquisition of land for the purposes of this Act or for the provision of transport infrastructure, the acquisition of the land to be provided is acquisition for the purposes of this Act.

**(4)** Land acquired as provided in subsection (2) may become part of any relevant contiguous declared road.

**(5)** The Corporation may recommend to the appropriate authority that land taken as provided in subsection (2)(e) or (f)—

- (a) be set apart and declared as a national park or environmental park under the *Nature Conservation Act 1992*; or
- (b) be reserved and set apart under the *Land Act 1962* for a public purpose or as environmental park and placed under the control of the Corporation as trustee of that land; or
- (c) be leased or otherwise dealt with under the *Land Act 1962*.

**(6)** The Corporation may, with the approval of the Minister, take or lease land or acquire an easement over land to provide access in respect of any scenic reserve, national park, environmental park or marine park and maintain any private road works existing on that land.

**Taking of land by the Corporation for purposes other than a declared road or deviation from an existing road**

**5.4(1)** Where the Corporation requires to take land under this Act, not being land for a declared road, or a deviation from an existing declared road, the Corporation is to prepare maps, plans and estimates, showing the land proposed to be acquired and the cost of acquiring it.

**(2)** The acquisition of land that will be required at some future time for any works or purpose for which land may be taken under this Act by the Corporation, is acquisition of land for the purposes of this Act even if the future time when the land will be required for the works or purpose in question is indefinite or presently unascertainable or that those works or that purpose have not been or cannot be presently planned or otherwise particularised by the Corporation.

**Power of Corporation to lease or dispose of land**

**5.5** Subject to the *Acquisition of Land Act 1967*, the Corporation may lease, sell or otherwise dispose of land acquired by it under this Act that is not being used or required for the purposes of this Act.

**Dealing with old roads**

**5.6(1)** Where under this Act a deviation from a declared road has been made, no part of the old road may be leased or sold without the approval of the Corporation.

**(2)** Where, in the opinion of the Corporation, an authorised deviation of a declared road causes a part of the old road to be no longer required by the Corporation, the Corporation may arrange with the owner of any land through which the deviation will be made for an exchange of a part of the old road contiguous with the land of the owner for land of the owner required for the deviation, and the agreed or assessed value of the part of the old road is to be deducted from any sum to be paid to the owner by the Corporation by way of compensation.

**Creation and widening of reservation for declared road**

**5.7(1)** The Governor in Council may by order in council create or widen

a reservation for a declared road in or through or in and through land.

(2) As from the date of the publication in the Gazette of the order in council, no person may construct, build or place any structure or building or any portion of any structure or building on land the subject of a reservation for a declared road.

(3) Except as provided by this section, the interests of any owner or occupier of land comprised in land the subject of a reservation for a declared road are not affected until—

- (a) the Corporation acquires title to so much of the land comprised in that reservation as is required for road purposes; or
- (b) that land is dedicated for use as a road.

(4) Unless, before the expiration of 7 years from the date of publication in the Gazette of an order in council under subsection (1), the Corporation has acquired title to any land affected by the reservation of land for a declared road or the land has been dedicated for use as a road, the owner of the land may, by requisition in writing, delivered to the Corporation, require—

- (a) that the Corporation acquire title to the land; or
- (b) that the land be excluded from the land the subject of the reservation for the declared road.

(4A) Immediately it receives a requisition under subsection (4), the Corporation—

- (a) is to proceed to acquire title to the land; or
- (b) is to recommend to the Governor in Council that the land be excluded from the land the subject of the reservation for the declared road; or
- (c) is to—
  - (i) proceed to acquire title to part of the land; and
  - (ii) recommend to the Governor in Council that the remaining land be excluded from the land the subject of the reservation for the declared road.

(5) For the purposes of subsection (4A)(b) or (c)(ii), the exclusion of land by order in council from the land the subject of the reservation for a

declared road takes effect upon publication in the Gazette of the order in council specifying the land excluded.

(6) An order in council made under this section is an exempt instrument for the purposes of the *Legislative Standards Act 1992*.

### **No compensation for works after notice of intention to resume**

**5.8** In determining the amount of compensation payable in respect of land resumed under this Part, regard must not be had to the value of any works for road transport infrastructure carried out on that land at any time after a notice of intention to resume the land has been received by persons entitled to compensation under this section.

## **PART 9—GENERAL PROVISIONS**

### ***Division 1—Provisions for compliance with Act***

#### **Authorised officers**

**9.1(1)** The chief executive may authorise an officer or employee, or the holder of any office specified by the chief executive, to exercise all or any of the powers conferred by this Act or any other Act on an authorised officer.

(2) A reference in this Act to an authorised officer is a reference to—

- (a) an officer or employee authorised by the chief executive under subsection (1); and
- (b) a person employed in or a class of person within the public sector of Queensland authorised by the chief executive.

(3) The chief executive may cause an identity card to be issued to an authorised officer.

(4) The identity card must—

- (a) contain a recent photograph of the authorised officer; and
- (b) be in a form approved by the Corporation.



(5) A person who ceases to be an authorised officer must, as soon as practicable, return his or her identity card to the chief executive.

### **General powers of authorised officers regarding vehicles on roads**

**9.2** For the purposes of this Act, an authorised officer may at all reasonable times on a road, exercise the powers set out in section 9.4(1) in respect of a vehicle on the road as if the vehicle were premises entered with the consent of the occupier.

### **Entry and search of premises—evidence of offences**

**9.3(1)** Subject to subsection (2), an authorised officer who has reasonable grounds for suspecting that there is in premises a particular matter or thing (the “**search object**”) that may afford evidence of the commission of an offence against this Act, may—

- (a) enter the premises; and
- (b) exercise the powers set out in section 9.4(1).

(2) The authorised officer must not enter the premises, or exercise a power, under subsection (1) unless—

- (a) the occupier of the premises consents to the entry or the exercise of the power; or
- (b) a warrant under section 9.6 that was issued in relation to the search object authorises the entry or the exercise of the power.

### **General powers of authorised officer in relation to premises**

**9.4(1)** An authorised officer who enters premises under section 9.3(1) may—

- (a) search any part of the premises; and
- (b) inspect and examine anything on the premises; and
- (c) take extracts from, and make copies of, any documents on the premises; and
- (d) take into the premises such equipment and materials as the authorised officer requires for the purpose of exercising any

powers in relation to the premises; and

- (e) require the occupier of or any person in the premises to give to the authorised officer reasonable assistance in relation to the exercise of the authorised officer's powers mentioned in paragraphs (a), (b), (c) and (d).

(2) A person must not, without reasonable excuse, refuse or fail to comply with a requirement made under subsection (1)(e).

(3) It is a reasonable excuse for a person to refuse or fail to answer a question or produce a document if answering the question, or producing the document, might tend to incriminate the person.

### **Effect of finding objects**

**9.5(1)** If an authorised officer who enters premises under this Division finds the search object, the following provisions have effect—

- (a) the authorised officer may seize the search object; and
- (b) the authorised officer may keep the search object for 60 days, or, if a prosecution for an offence against this Act in the commission of which the search object may have been used or otherwise involved is instituted within that period, until the completion of the proceedings for the offence and of any appeal from the decision in relation to the proceedings; and
- (c) if the search object is a book, record or document—while the authorised officer has possession of the book, record or document, the authorised person must allow the book, record or document to be inspected at any reasonable time by a person who would be entitled to inspect it if it were not in the authorised officer's possession.

(2) If, in the course of searching the premises under subsection (1) pursuant to a warrant under this Division an authorised officer—

- (a) finds a thing that the authorised officer believes, on reasonable grounds to be—
  - (i) a matter or thing (other than the search object) that will afford evidence of the commission of the offence in respect of which the warrant was issued; or

- (ii) a matter or thing that will afford evidence of the commission of another offence against this Act; and
- (b) the authorised officer believes, on reasonable grounds, that it is necessary to seize the matter or thing to prevent—
  - (i) its concealment, loss or destruction; or
  - (ii) its use in committing, continuing or repeating the offence mentioned in subsection (1), or the other offence, as the case may be;

subsection (1) applies to the matter or thing as if it were the search object.

### **Warrant to enter premises**

**9.6(1)** An authorised officer may apply to a stipendiary magistrate for a warrant under this section in relation to particular premises.

**(2)** Subject to subsection (3), the magistrate may issue the warrant if the magistrate is satisfied, by information on oath, that there are reasonable grounds for suspecting that there is, or there may be within the next 72 hours, in the premises a particular matter or thing (the “**search object**”) that may afford evidence of the commission of an offence against this Act.

**(3)** If the magistrate requires further information concerning the grounds on which the issue of the warrant is being sought, the magistrate must not issue the warrant unless the authorised officer or some other person has given the information to the magistrate in the form (either orally, written or by affidavit) that the magistrate requires.

- (4)** The warrant must—
- (a) state the name of the authorised officer; and
  - (b) authorise the authorised officer, with such assistance and by such force as is necessary and reasonable—
    - (i) to enter the premises; and
    - (ii) to exercise the powers set out in section 9.4(1); and
    - (iii) to seize the search object; and
  - (c) state whether the entry is authorised to be made at any time of the day or night or during specified hours of the day or night; and

- (d) specify the day (not more than 7 days after the issue of the warrant) on which the warrant ceases to have effect; and
- (e) state the purpose for which the warrant is issued.

### **General power to obtain information**

**9.7(1)** In relation to any matter relevant to the operation or enforcement of this Act other than a matter referred to in section 9.8, an authorised officer may require a person (either by oral or written requisition) to supply—

- (a) any information; and
- (b) any records or a copy thereof;

in the person's possession.

**(2)** For the purpose of subsection (1) a person is taken to be in possession of—

- (a) information, if the person has the information or is entitled to access to the information; and
- (b) records, if the person has them in the person's possession or has them under control in any place, whether for that person's own use or benefit or for another's use or benefit and although another person has the actual possession or custody of the records.

**(3)** A requisition made under subsection (1) may require that the information or records or copy thereof be supplied—

- (a) to the authorised officer or another authorised officer or to an officer of the Department; and
- (b) at the place the requisition is made or at another place; and
- (c) within a specified reasonable time; and
- (d) in person, by certified mail or in another specified manner; and
- (e) by means of, or accompanied by, verification in the form of a statutory declaration made in accordance with the *Oaths Act 1867*; and
- (f) in the case of information, orally or in writing.

**(4)** A person must not—

- (a) refuse or fail to furnish any information, records or a copy thereof as required of the person under this section; or
- (b) in response to a requisition made under this section furnish information, records or copies thereof that is or are false or misleading in a material particular.

**(5)** A person is not entitled to refuse or fail to furnish information or records or a copy thereof on the ground only that the information, or records or copy thereof would tend to incriminate the person.

**(6)** If in response to a requisition authorised by subsection (1)(a), a person furnishes information that would tend to incriminate that person in any offence under this Act, other than an offence defined in subsection (4)(b), the information furnished is not admissible in evidence against that person in proceedings in any court or tribunal.

**(6A)** This subsection does not apply to information as to the name and address of the person.

**(7)** Where a person records or stores any matter by means of a mechanical, electronic or other device, the duty imposed by this section to produce any records containing those matters includes a duty to produce the matters in written form if that is demanded.

**(7A)** The duty imposed by this section to produce a copy of any records is a duty to produce a clear reproduction.

**(8)** An authorised officer or an officer or employee of the Department may take notes or copies of or extracts from records or a copy thereof produced under this section.

**(9)** Records furnished under this section may be retained for so long as it is necessary to do so for the purposes of this Act, but the person otherwise entitled to possession thereof, upon request, is entitled to be furnished as soon as practicable with a copy thereof certified by the chief executive to be a true copy and such a certified copy must be received in all courts and elsewhere as evidence of the matters contained therein as if it were the original.

**Additional powers of authorised officers regarding vehicles**

**9.8** An authorised officer concerned with the provisions of this Act relating to the registration of vehicles or the use or condition of vehicles upon roads may—

- (a) require the driver of a vehicle on any road to stop by indicating that requirement to the driver in any appropriate manner which may include the display of a prescribed sign; or
- (b) require the driver or person apparently in charge of a vehicle on any road to move the vehicle to a place specified by the authorised officer; or
- (c) require the driver of a vehicle to give full information as to the nature, origin and destination of the loading upon the vehicle; or
- (d) unlock, unfasten, or open or require the driver of a vehicle to unlock, unfasten, or open any closed door on or component of a vehicle or remove or require the driver thereof to remove any removable cover upon a vehicle; or
- (e) measure and weigh any vehicle and its load; or
- (f) enter, search and examine any vehicle and documents or things, which the authorised officer considers, on reasonable grounds, may relate to registration, use or condition of the vehicle, found in or on a vehicle; or
- (g) enter upon a vehicle and move or remove or direct the driver to move or remove in whole or in part any loading upon the vehicle which is in excess of the maximum weight, height or width prescribed by or under this or any other Act to be carried upon the vehicle, at the relevant time or place or under the relevant conditions, manner or circumstances.

**Authorised officer may require name and address**

**9.9** An authorised officer who—

- (a) finds any person committing or reasonably suspects any person of having committed an offence against this Act; or
- (b) is making inquiries or investigations with a view to establishing whether or not an offence against this Act has been committed by

any person; or

- (c) is reasonably of the opinion that the name and address of any person is required for the purpose of giving effect to any provision of this Act, or for the purpose of enabling the authorised officer to carry out the authorised officer's functions and powers under this Act;

may require that person to state the person's name and address, or name or address, and if the authorised officer has reasonable grounds to suppose that the name and address, or name or address given is false, may require evidence of the correctness thereof.

### **Compliance with requirement**

**9.10(1)** A person to whom an authorised officer duly makes a requirement under this Act must not refuse or fail to comply with the requirement in every respect.

**(2)** A person required under this Act to state that person's name and address or name or address who—

- (a) refuses or otherwise fails to comply with the requirement; or
- (b) states a false name and address, or, as the case may be, a false name or a false address;

commits an offence against this Act.

**(3)** A person required under this Act to give evidence of the correctness of a name and address, or name or address, who fails to give that evidence, or who gives false evidence with respect to the name and address or, as the case may be, name or address, commits an offence against this Act.

### **Cooperation with authorised officers**

**9.11** A person must—

- (a) when required by an authorised officer facilitate by all reasonable means the entry into or on any place or vehicle by an authorised officer;
- (b) when required by or under this Act to furnish any assistance or to furnish any information to an authorised officer, furnish that

assistance or information, as the case may be, or, in the latter case, furnish information which is not in any respect false or misleading;

- (c) produce any licence, permit, authority, or other certificate, or book, notice, record, document or writing, production of which is required under this Act by an authorised officer, and allow an authorised officer to take a copy of or extract from it.

### **Obstruction of authorised officers etc.**

**9.12** A person must not, without reasonable excuse, obstruct, hinder or resist an authorised officer in the exercise of powers under this Act.

### **False or misleading statements**

**9.13** A person must not—

- (a) make to an authorised officer a statement that the person knows is false or misleading in a material particular; or
- (b) omit from a statement made to an authorised officer any matter or thing without which the statement is, to the knowledge of the person, misleading in a material particular; or
- (c) give to an authorised officer a document containing information that the person knows is false, misleading or incomplete in a material particular without—
  - (i) indicating to the authorised officer that the document is false, misleading or incomplete and the respect in which the document is false, misleading or incomplete; and
  - (ii) providing correct information to the authorised officer if the person has, or can reasonably obtain the correct information.

### **Traffic direction by authorised officers**

**9.14(1)** A person must obey any direction, signal or order directing traffic given by an authorised officer.

**(2)** A person does not contravene any law relating to the regulation or control of traffic merely because the person obeys a direction, signal or



order under this section.

## ***Division 2—Miscellaneous provisions***

### **Offences generally**

**9.15** A person who contravenes or fails to comply with a provision of this Act commits an offence against this Act and, if a specific penalty is not otherwise provided, is liable to a maximum penalty of 80 penalty units.

### **Proceedings for offences**

**9.16(1)** Offences against this Act may be prosecuted in a summary way under the *Justices Act 1886* upon the complaint of the chief executive or an authorised officer and a proceeding for an offence is to be brought within 12 months after the offence is committed.

**(2)** Despite this or any other Act, in a proceeding on a complaint the court may make an order on any matter within its jurisdiction though no application is made in respect of the matter.

### **Liability of owner for offence relating to use of vehicles**

**9.17(1)** Despite section 7 or 23 of the Criminal Code or any other Act or rule of law or practice, where an offence against a provision of this Act relating to the use of vehicles is committed by the driver of the vehicle, the person (“**the owner**”) in whose name a vehicle is registered (whether under this Act or any other Act of the Commonwealth or a State or Territory of the Commonwealth providing for the registration of vehicles) is to be taken to have taken part in committing the offence and may be charged with actually committing the offence unless the owner shows that, at the time the offence was committed the owner was not the driver and—

- (a) the vehicle was leased or let on hire (other than by way of a hire purchase agreement or a lease arrangement with an option to purchase) to another person by the owner; or
- (b) the vehicle was being used without the authority or consent of the owner.

(2) Subject to subsection (1)(a) and (b), it is immaterial to the liability of the owner for such offence that—

- (a) the offence was committed without the authority or contrary to the instructions of that person; or
- (b) the offence occurred independently of the exercise of the will of that person.

(3) This section does not affect the liability of any driver who actually commits an offence.

### **Conduct of directors, servants and agents**

**9.18(1)** Where it is necessary to establish for the purposes of a prosecution for an offence against this Act, the state of mind of a body corporate in relation to particular conduct, it is sufficient to show—

- (a) that the conduct was engaged in by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority; and
- (b) that the director, servant or agent had the state of mind.

(2) Conduct engaged in on behalf of a body corporate by 1 of its directors, servants or agents within the scope of his or her actual or apparent authority is taken, for the purposes of a prosecution for an offence against this Act, to have been engaged in also by the body corporate.

(2A) It is a defence for the body corporate to prove that it took reasonable precautions and exercised due diligence to avoid the conduct.

(3) Where, in a prosecution for an offence against this Act, it is necessary to establish the state of mind of a person other than a body corporate in relation to particular conduct, it is sufficient to show—

- (a) that the conduct was engaged in by a servant or agent of the person within the scope of actual or apparent authority; and
- (b) that the servant or agent had the state of mind.

(4) Any conduct engaged in on behalf of a person other than a body corporate by a servant or agent of the person within the scope of actual or apparent authority is to be taken, for the purposes of a prosecution for an offence against this Act, to have been engaged in also by the person.

**(4A)** It is a defence for the master or principal to prove that he or she took reasonable precautions and exercised due diligence to avoid the conduct.

**(5)** In this section—

- (a) a reference to a person's state of mind includes a reference to—
  - (i) the person's knowledge, intention, opinion, belief or purpose; and
  - (ii) the person's reasons for the intentions, opinion, belief or purpose; and
- (b) a reference to a director of a body corporate includes a reference to a member of the governing body of a body corporate; and
- (c) a reference to engaging in conduct includes a reference to failing or refusing to engage in conduct.

### **On conviction, order for payment of fees etc.**

**9.19** A court which convicts a person of an offence against this Act may, in addition to imposing any penalty, order the defendant to pay—

- (a) an amount not exceeding double the amount of any fee or fees due under this Act; and
- (b) an amount towards the cost of repairing damage to road transport infrastructure whether actually incurred or not yet incurred but reasonably estimated by the Corporation.

### **Directors liable for penalties of bodies corporate**

**9.20** Where a body corporate has been ordered to pay a penalty for an offence against this Act or any other amount under section 9.19, the amount of the penalty and any other such amount becomes a debt due and owing to the Corporation jointly and severally by the body corporate and each member of the governing body of the body corporate and may be recovered as a debt in any court of competent jurisdiction.

**Disposal of fees, penalties etc.**

**9.21** All fees, penalties and other moneys received or recovered under this Act are to be paid into the Consolidated Fund.

**Service of documents**

**9.22(1)** Any notice, direction, order, other document or writing required or authorised by this Act to be given to or served on a person is duly given or served if—

- (a) it is delivered personally to the person to whom it is directed; or
- (b) it is left at the place of residence or business of the person to whom it is directed last known to the person who gives it; or
- (c) it is sent by post to the place of residence or business of the person to whom it is directed last known to the person who gives it; or
- (d) where it is addressed to the owner or occupier of land or premises—it is left with some adult person on the land or premises or, if there is no such person, it or a true copy of it is fixed on some conspicuous part of the land or premises; or
- (e) where it is addressed to the Corporation or the chief executive, it is left with some person at any office of the Corporation or forwarded by post to the chief executive.

**(2)** A document or writing that is directed to an owner or occupier of land whose name is not known may be addressed to the person by the description ‘owner’ or, as the case may be, ‘occupier’ of the land in question without further name or description.

**(3)** Subject to subsection (2), a document or writing that is directed to a person whose name and address are unknown may be given or served by publishing that document or writing 3 times in a newspaper circulating generally in the locality in question at intervals of not less than 1 week between each publication.

**Evidentiary provisions**

**9.23(1)** In a proceeding for the purposes of this Act—

- (a) a signature purporting to be that of the Minister, chief executive, any authorised officer or other officer is to be taken to be the signature it purports to be until the contrary is proved; and
- (b) the production of a map or plan purporting to have been made on behalf of the Corporation and sealed with its seal or purporting to have been issued or published by a department of the government of the State or an officer thereof is prima facie evidence of the matters stated or delineated therein; and
- (c) copies of plans, specifications and books of reference with respect to matters arising under this Act and of any alteration or correction thereof or extract therefrom certified by an authorised officer to be true and correct copies are, upon their production in that proceeding, prima facie evidence of the contents thereof; and
- (d) a copy of an extract from a newspaper purporting to be a newspaper circulating in a certain locality consisting of or including a notice or particulars purporting to be made and inserted in that newspaper by, or on behalf or under the direction of the Corporation with respect to matters arising under this Act is, upon its production in that proceeding prima facie evidence—
  - (i) that the newspaper is one circulating in the locality in question;
  - (ii) that the advertisement was made and inserted in that newspaper by, on behalf or under the direction of the Corporation;
  - (iii) of the contents of that advertisement; and
- (e) a document or writing purporting to be made or issued by, on behalf of or under the direction of the Corporation or the chief executive and purporting to be under the seal of the Corporation or signed by the Minister, chief executive or a person authorised in that behalf by the Corporation or the chief executive is, upon its production in that proceeding, prima facie evidence of the matters contained in that document or writing; and
- (f) the production of a deed of grant, certificate of title, memorandum of transfer or other instrument creating an interest in land or of a duly certified copy thereof is prima facie evidence that the person named therein as registered proprietor or as entitled to the interest

is the owner of or person entitled to the interest in the land; and

- (g) wherever it is necessary to mention or refer to a person as the owner or occupier of land or premises, it is sufficient for the purposes of that proceeding to designate that person as the owner or occupier of the land or premises without reference to the person's name or further or other description; and
- (h) a document purporting to be a copy of any record, registration, permit, approval, certificate, order, notice or authority under this Act is, upon its production in that proceeding, prima facie evidence of that licence, registration, permit, approval, certificate, order, notice or authority; and
- (i) a certificate purporting to be signed by a person authorised to grant it, is, upon its production in that proceeding, prima facie evidence of the matters contained in that certificate; and
- (j) a certificate purporting to be signed by the chief executive or an authorised officer certifying the receipt or otherwise of any notice, application or payment or that any amount of fees or other moneys specified in the certificate is payable under this Act by a specified person and has not been paid is, upon its production in that proceeding, prima facie evidence of the matters contained in that certificate; and
- (k) a certificate or document relating to a vehicle purporting to be issued under this Act or any Act of the Commonwealth or of a State or Territory providing for the registration of vehicles is, upon its production in that proceeding, prima facie evidence of the matters contained in that certificate or document and that the person named therein as the person in whose name the vehicle is registered was the person using the vehicle at the material time or during the material period; and
- (l) an allegation or averment in a complaint—
  - (i) that a place is, or that any thing was done or omitted, within a specified district or area;
  - (ii) that any person was or was not, at the material time, permitted, registered, authorised or approved under this Act;
  - (iii) that any registration, permit, approval, certificate or authority

required under this Act to be obtained was not duly obtained by the person required to obtain it;

(iv) that the place on which an alleged offence was committed was a road;

is prima facie evidence of that allegation or averment; and

(m) an allegation in a complaint or like document by means of which legal proceedings of any kind are initiated that an item named therein is or is not the property of the Corporation or the department is prima facie evidence of the matters alleged.

(2) This section does not prejudice or in any way affect other means of proving any matter.

## **Regulations**

**9.24(1)** The Governor in Council may make regulations not inconsistent with this Act for or with respect to all matters and things that are necessary or convenient for the administration of this Act or with respect to the powers, authorities, functions and duties conferred or imposed on the Corporation or the chief executive for the purposes of this Act or for carrying this Act into effect.

(2) Without limiting subsection (1), regulations may be made for or with respect to the matters specified in Schedule 1 including regulating or controlling persons and things in respect of those matters.

(5) The regulations—

(a) may adopt wholly or partly and specifically or by reference and with any alteration, amendment, modification or variation any of the standards, rules, codes, specifications or methods of any association, body or institution whether in force or recommended at the time of adoption or as amended from time to time;

(b) may impose functions or confer powers in connection with the regulations on a department of the government of the State, public authority or local authority;

(c) may provide that certain provisions are to take effect during a specified period or a specified period of each year.

(6) The regulations may prescribe—

- (a) that any offences under this Act are to be offences in respect of which a notice may be given or posted to an offender or affixed to a vehicle advising that a prescribed penalty may be paid for such offence within a prescribed period without involving court proceedings; and
- (b) the amounts that are payable by way of penalties in respect of offences so prescribed which sums of money may be prescribed differently in relation to different offences or differently in relation to any such offence according to previous like offences or the time, place or circumstance related to the commission of the offence; and
- (c) the form of, and the particulars to be contained in, the notice; and
- (d) the manner in which the notice may be given or posted to a person or affixed to a vehicle.

(7) Regulations under subsection (6) in respect of the notice referred to therein may prescribe that the notice may also advise that an amount (determined by the Corporation) up to but not exceeding double the amount of any fee or fees due for any purpose under this Act that may be paid within the same period as that prescribed in respect of the prescribed penalty, without involving court proceedings.

(9) A regulation made regulating or controlling persons, animals or vehicles on declared roads is not to be inconsistent with the *Traffic Act 1949* but any regulation that is inconsistent is to have effect except to the extent of the inconsistency.

**Reference to the Corporation or Director–General to be references to the chief executive**

**9.25** A reference in this Act other than in Part 5 to the Corporation or the Director–General is a reference to the chief executive of the department.



## **SCHEDULE 1**

### **SUBJECT MATTER FOR REGULATIONS**

section 9.24

#### **ADMINISTRATION**

Functions and powers of the Corporation, chief executive, officers, employees, delegates and authorised officers to facilitate and enforce the carrying into effect of the provisions of this Act.

#### **DECLARED ROADS**

Management of the various classifications of declared roads.

Protection of transport infrastructure and land under the control of the Corporation.

Consequences of damage or interference to declared roads or road transport infrastructure.

Control of naturally occurring materials on declared roads.

Regulation, restriction and control of access to declared roads.

Creation and operation of declared roads subject to limitation of access.

Creation and operation of motorways.

Regulation of advertising on or in the vicinity of declared roads.

Regulation of persons, animals, vehicles and rubbish on declared roads.

#### **PROPERTY PROVISIONS**

Provision of service centres, rest areas, scenic areas within Queensland.

## SCHEDULE 1 (continued)

SURVEYS, INVESTIGATIONS, ENVIRONMENTAL  
ASSESSMENTS, PLANNING AND DESIGN

Production, keeping, maintenance and display of maps for the purpose of this Act.

## CONSTRUCTION AND MAINTENANCE

Construction of works for and maintenance of transport infrastructure.

Planning, design and construction by local authorities of works for road transport infrastructure, maintenance of road transport infrastructure by local authorities and supervision of construction of works for road transport infrastructure by local authorities.

Temporary occupation of land under this Act.

Regulation of traffic (including for safety purposes) during construction of works for or maintenance of road transport infrastructure.

Creation or diversion of watercourses on a declared road or affecting a declared road.

Regulation of ancillary works and encroachments.

Requirements for construction, augmentation, alteration and maintenance of statutory utilities on declared roads.

## FINANCIAL PROVISIONS

Financial contributions to or payments by local authorities for construction of works for and maintenance of transport infrastructure.

Interest payable on moneys outstanding under the Act.

Tolls payable through use of transport infrastructure.

## GENERAL PROVISIONS

Penalties for failure to comply with the regulations.

Exemptions from the operation of the regulations.

## SCHEDULE 1 (continued)

Forms to be used for the purposes of this Act and the purposes for which those forms must be used respectively.

Fees, charges, allowances, royalties, costs or expenses payable to or to be paid by the Corporation.

Provision and dealing with notices, requisitions and other documents or writings.

Compensation payable under this Act.

Granting and managing vehicle registrations and permits.

Management and operation of a register of vehicles including—

initial registration;

renewal of registration;

cancellation or suspension of registration;

transfer of registration;

identification of current registration;

identification of vehicles for registration purposes;

identification of persons applying for registration or transfer of registration of vehicles;

duties of persons in whose names vehicles are registered;

sale of information contained in the register;

inspection of vehicles and records;

appointment of the Corporation as an agent for bodies providing statutorily required insurance cover;

appointment, functions and powers of agents of the Corporation.

Conditions upon which vehicles may be used on roads.

Prohibition of use of unregistered or non-complying vehicles.

Notification of transfers and sales of unregistered vehicles.

Use of unregistered vehicles by dealers and others.

Use, regulation and control of dealers' plates.

## SCHEDULE 1 (continued)

Regulation and control of the transportation of heavy or over-dimension loads on roads.

Display of notices.

All matters required or permitted by or under this Act to be prescribed where the manner of prescription is not specified.

**SCHEDULE 3****SAVINGS, TRANSITIONAL AND VALIDATION**

section 1.4

**References to the Commissioner of Main Roads****4.** A reference in any—

- (a) Act; or
- (b) proclamation, order in council, regulation, rule, by-law or ordinance; or
- (c) licence, approval, authority, permit, direction, determination, order, notice, prohibition or other act of executive or administrative authority; or
- (d) agreement, deed or other document, instrument or writing of any kind;

in existence immediately before the commencement of section 1.4—

- (e) to the corporation sole under the name the Commissioner of Main Roads is to be construed as a reference to the Corporation; and
- (f) to the Commissioner of Main Roads as a natural person is to be construed as a reference to the chief executive.

**References to the Main Roads Fund****5.** A reference in any—

- (a) Act; or
- (b) proclamation, order in council, regulation, rule, by-law or ordinance; or
- (c) agreement, deed or other document or writing of any kind;

in existence immediately before the commencement of section 1.4 to the Main Roads Fund maintained under the repealed Acts is to be construed as

## SCHEDULE 3 (continued)

a reference to the funds of the Department.

**Transfer of assets and liabilities**

**7.(1)** On the commencement of section 1.4—

- (a) all moneys that immediately before that commencement are standing at credit in a fund or account administered by the Commissioner of Main Roads together with interest accrued and due thereon vest in the Corporation; and
- (b) all moneys and liquidated and unliquidated claims that immediately before that commencement were payable to or recoverable by the Commissioner of Main Roads are payable to and recoverable by the Corporation; and
- (c) all real and personal property of the Commissioner of Main Roads is divested from the Commissioner of Main Roads and vested in the Corporation; and
- (e) all actions, suits and proceedings by or against the Commissioner of Main Roads pending or existing immediately prior to that commencement may be continued or discontinued by or against the Corporation which is to be substituted as a party thereto in place of the Commissioner of Main Roads; and
- (f) all debts owing and moneys payable by and liquidated or unliquidated claims recoverable against the Commissioner of Main Roads and subsisting immediately before that commencement become and are debts owing or moneys payable by or, as the case may be, claims recoverable against the Corporation.

**(2)** The Registrar of Titles and all other persons charged with the keeping of a register with respect to dealings with property vested in the Corporation by this clause are, upon request made or on behalf of the Corporation, to make in that register all endorsements necessary to record the vesting in the Corporation of the property in question pursuant to this clause.

**(3)** Despite any Act to the contrary, a request made for the purposes of subclause (2) is not liable to stamp duty and no fees or charges are payable

## SCHEDULE 3 (continued)

in respect thereof.

**Acts etc. under repealed Acts continue under this Act**

8. Every registration, certificate, licence, permit, order, approval, exemption, direction, notification, notice, delegation or other act or authority granted, issued, made and published, given or done under the repealed Acts and in force immediately before the commencement of section 1.4 continues in force as if it were granted, issued, made and published, given or done under this Act until it expires by effluxion of the time limited for its operation at the time it was granted, issued, made and published, given or done or is revoked, cancelled, suspended or surrendered in accordance with this Act.

**Existing officers and employees**

12. A person who immediately before the commencement of section 1.4 holds an office or a position to which that person was appointed under or for the purposes of the repealed Acts continues to hold that office or position or the corresponding office or position under or for the purposes of this Act until that person vacates or is lawfully removed from that office or position and, where that office or position has been held immediately before that commencement subject to and in accordance with the *Public Service Management and Employment Act 1988*, the same or the corresponding office or position is held subject to and in accordance with that Act.

**ENDNOTES****1 Index to Endnotes**

	Page
2 Date to which amendments incorporated . . . . .	38
3 Table of previous reprints . . . . .	38
4 List of legislation . . . . .	38
5 List of annotations . . . . .	39
6 Table of changed names and titles . . . . .	46
7 Table of obsolete and redundant provisions . . . . .	46
8 Table of renumbered provisions . . . . .	46
9 Provisions that have not commenced and are not incorporated into reprint . .	47

**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 28 April 1994. Future amendments of the Transport Infrastructure (Roads) Act 1991 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

**3 Table of previous reprints**

Reprint No.	Amendments included	Reprint date
1	none	1 June 1992

**4 List of legislation****Transport Infrastructure (Roads) Act 1991 No. 29**

date of assent 5 June 1991

ss 1.1–1.2 commenced on date of assent

remaining provisions commenced 14 July 1991 (SL No. 16 Gaz 13 July 1991 p 1527)

as amended by—



**Nature Conservation Act 1992 No. 20 s 159 Sch 2**

date of assent 22 May 1992  
not yet proclaimed into force

**Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 68 s 3 Sch 2**

date of assent 7 December 1992  
commenced on date of assent

**Transport Legislation Amendment Act 1993 No. 5 Pt 2**

date of assent 26 March 1993  
commenced on date of assent

**Traffic Amendment Act 1994 No. 7 Pt 5**

date of assent 7 March 1994  
not yet proclaimed into force

**Transport Infrastructure Act 1994 No. 8 Ch 1, s 90 Sch 3**

date of assent 7 March 1994  
Sch 3 amendment 5 not yet proclaimed into force  
remaining provisions commenced 15 April 1994 (1994 SL No. 128)

## 5 List of annotations

**Key to abbreviations in list of annotations**

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

**Repeals**

s 1.3 om 1992 No. 68 s 3 Sch 2

**Savings and transitional**

s 1.4 om 1992 No. 68 s 3 Sch 2

**Interpretation**

s 1.5 amd 1992 No. 68 s 3 Sch 2

def **“ancillary works and encroachments”** om 1994 No. 8 s 90 Sch 3  
 def **“area”** sub 1992 No. 68 s 90 s 3  
 om (see RA s 39)  
 def **“chief executive”** ins 1992 No. 68 s 3 Sch 2  
 def **“construction”** om 1994 No. 8 s 90 Sch 3  
 def **“declared road”** om 1994 No. 8 s 90 Sch 3  
 def **“department”** om 1992 No. 68 s 3 Sch 2  
 def **“Director-General”** om 1992 No. 68 s 3 Sch 2  
 def **“employee”** amd 1992 No. 68 s 3 Sch 2  
 def **“land”** om 1994 No. 8 s 90 Sch 3  
 def **“local authority”** om 1992 No. 68 s 3 Sch 2  
 def **“maintenance”** om 1994 No. 8 s 90 Sch 3  
 def **“means of access”** om 1994 No. 8 s 90 Sch 3  
 def **“Minister”** om 1992 No. 68 s 3 Sch 2  
 def **“motorway”** om 1994 No. 8 s 90 Sch 3  
 def **“repealed Acts”** ins 1992 No. 68 s 3 Sch 2  
 def **“road transport infrastructure”** om 1994 No. 8 s 90 Sch 3  
 def **“statutory utility”** om 1994 No. 8 s 90 Sch 3  
 def **“transport infrastructure”** om 1994 No. 8 s 90 Sch 3  
 def **“utility”** om 1994 No. 8 s 90 Sch 3  
 def **“watercourse”** om 1994 No. 8 s 90 Sch 3  
 def **“works for road transport infrastructure”** om 1994 No. 8 s 90  
 Sch 3

### **Division 1—General powers of Corporation and chief executive**

**Div hdg** amd 1992 No. 68 s 3 Sch 2

#### **Administration of Act**

**s 2.1** amd 1992 No. 68 s 3 Sch 2  
 om 1994 No. 8 s 90 Sch 3

#### **Corporation is the Crown**

**s 2.2** om 1994 No. 8 s 90 Sch 3

#### **Legal capacities of Corporation**

**s 2.3** om 1994 No. 8 s 90 Sch 3

#### **Functions and powers of Corporation and chief executive**

**prov hdg** amd 1992 No. 68 s 3 Sch 2

**s 2.4** amd 1992 No. 68 s 3 Sch 2; 1994 No. 8 s 90 Sch 3

#### **Mode of making or entering into contracts or agreements**

**s 2.6** amd 1992 No. 68 s 3 Sch 2  
 om 1994 No. 8 s 90 Sch 3

### **Division 2—Delegations**

**Div hdg** om 1994 No. 8 s 90 Sch 3

#### **Delegations**

**s 2.7** amd 1992 No. 68 s 3 Sch 2  
 om 1994 No. 8 s 90 Sch 3

### **Division 3—General**

**Div hdg** om 1994 No. 8 s 90 Sch 3

**Authentication of documents**

s 2.8 om 1994 No. 8 s 90 Sch 3

**Statutory instruments that are subordinate legislation**

s 2.9 sub 1992 No. 68 s 3 Sch 2  
om 1994 No. 8 s 90 Sch 3

**Application of certain provisions of Local Government Act 1936–1990**

s 2.10 amd 1992 No. 68 s 3 Sch 2  
om 1994 No. 8 s 90 Sch 3

**Continuation of powers of local authorities**

s 2.11 om 1994 No. 8 s 90 Sch 3

**Power to require information from local authorities**

s 2.12 om 1994 No. 8 s 90 Sch 3

**Division 4—Driver Training Fund**

Div hdg ins 1993 No. 5 Pt 2 s 3

**Driver Training Fund**

s 2.14 ins 1993 No. 5 Pt 2 s 3

**Use of the fund**

s 2.15 ins 1993 No. 5 Pt 2 s 3

**Investment of the fund**

s 2.16 ins 1993 No. 5 Pt 2 s 3

**PART 3—DECLARED ROADS**

Pt hdg om 1994 No. 8 s 90 Sch 3

**Division 1—Declaration of declared roads**

Div hdg om 1994 No. 8 s 90 Sch 3

**Declaration of declared roads**

s 3.1 om 1994 No. 8 s 90 Sch 3

**Declaration of new road or deviation to be declared road**

s 3.2 amd 1992 No. 68 s 3 Sch 2  
om 1994 No. 8 s 90 Sch 3

**Declared roads on Crown reserves, State forests etc.**

s 3.3 om 1994 No. 8 s 90 Sch 3

**Local authorities to be notified**

s 3.4 om 1994 No. 8 s 90 Sch 3

**Division 2—Vesting of property in declared roads etc.**

Div hdg om 1994 No. 8 s 90 Sch 3

**Property in declared roads etc.**

s 3.5 amd 1992 No. 68 s 3 Sch 2  
om 1994 No. 8 s 90 Sch 3

**Damage to road transport infrastructure etc.**

s 3.6 om 1994 No. 8 s 90 Sch 3

**Division 3—Control of access to and from land contiguous with declared roads****Div hdg** om 1994 No. 8 s 90 Sch 3**Control of access****s 3.7** om 1994 No. 8 s 90 Sch 3**Division 4—Declared roads subject to limitation of access****Div hdg** om 1994 No. 8 s 90 Sch 3**Notification limiting access to declared roads etc.****s 3.8** amd 1992 No. 68 s 3 Sch 2  
om 1994 No. 8 s 90 Sch 3**When notification takes effect****s 3.9** om 1994 No. 8 s 90 Sch 3**Corporation may prevent access****s 3.10** om 1994 No. 8 s 90 Sch 3**Where existing means of access becomes limited, Corporation to provide means of access****s 3.11** om 1994 No. 8 s 90 Sch 3**Consent of Corporation required for others to provide means of access****s 3.12** om 1994 No. 8 s 90 Sch 3**Division 5—Compensation concerning access****Div hdg** om 1994 No. 8 s 90 Sch 3**Compensation for loss or damage where access affected****s 3.13** om 1994 No. 8 s 90 Sch 3**Cases where compensation not payable****s 3.14** om 1994 No. 8 s 90 Sch 3**Compensation, if no agreement, to be determined by Land Court****s 3.15** om 1994 No. 8 s 90 Sch 3**Division 6—Dealing with contiguous land subject to approval of corporation****Div hdg** om 1994 No. 8 s 90 Sch 3**Local authority to approve subdivision of land contiguous with declared roads only with Corporation's approval****s 3.16** om 1994 No. 8 s 90 Sch 3**Division 7—Motorways on declared roads****Div hdg** om 1994 No. 8 s 90 Sch 3**Notification of motorways****s 3.17** amd 1992 No. 68 s 3 Sch 2  
om 1994 No. 8 s 90 Sch 3**Prevention of access****s 3.18** om 1994 No. 8 s 90 Sch 3**PART 4—FRANCHISED MOTORWAYS****Pt hdg** om 1994 No. 8 s 90 Sch 3

**Franchised motorways not declared roads**s 4.1 om 1994 No. 8 s 90 Sch 3**PART 5—PROPERTY PROVISIONS****Pt hdg** om 1994 No. 8 s 90 Sch 3**General power regarding property**s 5.1 om 1994 No. 8 s 90 Sch 3**Acquisition of land by Corporation**s 5.2 amd 1992 No. 20 s 159 Sch 2  
om 1994 No. 8 s 90 Sch 3**Purposes for acquisition of land**s 5.3 amd 1992 No. 20 s 159 Sch 2; 1992 No. 68 s 3 Sch 2  
om 1994 No. 8 s 90 Sch 3**Taking of land by the Corporation for purposes other than a declared road or deviation from an existing road**s 5.4 om 1994 No. 8 s 90 Sch 3**Power of Corporation to lease or dispose of land**s 5.5 om 1994 No. 8 s 90 Sch 3**Dealing with old roads**s 5.6 om 1994 No. 8 s 90 Sch 3**Creation and widening of reservation for declared road**s 5.7 amd 1992 No. 68 s 3 Sch 2  
om 1994 No. 8 s 90 Sch 3**No compensation for works after notice of intention to resume**s 5.8 amd 1992 No. 68 s 3 Sch 2  
om 1994 No. 8 s 90 Sch 3**PART 6—SURVEYS, INVESTIGATIONS, ENVIRONMENTAL ASSESSMENTS, PLANNING AND DESIGN****Pt hdg** om 1994 No. 8 s 90 Sch 3**Powers of Corporation regarding surveys, investigations, environmental assessments, planning and design**s 6.1 om 1994 No. 8 s 90 Sch 3**Power to enter land for surveys, etc.**s 6.2 amd 1992 No. 68 s 3 Sch 2  
om 1994 No. 8 s 90 Sch 3**Destruction, etc. of survey equipment**s 6.3 om 1994 No. 8 s 90 Sch 3**PART 7—CONSTRUCTION AND MAINTENANCE****Pt hdg** om 1994 No. 8 s 90 Sch 3**Division 1—Road transport infrastructure on declared roads****Div hdg** om 1994 No. 8 s 90 Sch 3

**Power to construct works for and maintain road transport infrastructure on declared roads**

s 7.1 om 1994 No. 8 s 90 Sch 3

**Works by local authorities on declared roads**

s 7.2 om 1994 No. 8 s 90 Sch 3

**Construction and maintenance on declared roads by others**

s 7.3 om 1994 No. 8 s 90 Sch 3

**Cost sharing arrangements regarding declared roads**

s 7.4 om 1994 No. 8 s 90 Sch 3

**Restrictions on roads joining declared roads**

s 7.5 om 1994 No. 8 s 90 Sch 3

**Temporary occupation and use of land**

s 7.6 om 1994 No. 8 s 90 Sch 3

**Temporary road on land**

s 7.7 om 1994 No. 8 s 90 Sch 3

**Notice of entry**s 7.8 amd 1992 No. 68 s 3 Sch 2  
om 1994 No. 8 s 90 Sch 3**Compensation for physical damage from entry etc.**

s 7.9 om 1994 No. 8 s 90 Sch 3

**Fencing declared roads**

s 7.10 om 1994 No. 8 s 90 Sch 3

**Watercourses in connection with road transport infrastructure**

s 7.11 om 1994 No. 8 s 90 Sch 3

**Division 2—Ancillary works and encroachments etc. on declared roads**

Div hdg om 1994 No. 8 s 90 Sch 3

**Ancillary works and encroachments**

s 7.12 om 1994 No. 8 s 90 Sch 3

**Erection of buildings on declared roads**s 7.13 amd 1992 No. 68 s 3 Sch 2  
om 1994 No. 8 s 90 Sch 3**Division 3—Statutory utilities on declared roads**

Div hdg om 1994 No. 8 s 90 Sch 3

**Location and requirements**

s 7.14 om 1994 No. 8 s 90 Sch 3

**Specification of Corporation's requirements regarding statutory utilities**

s 7.15 om 1994 No. 8 s 90 Sch 3

**Information by owner of statutory utility to Corporation**

s 7.16 om 1994 No. 8 s 90 Sch 3

**Liability for damages or expenses**

s 7.17 om 1994 No. 8 s 90 Sch 3

**Corporation and owner of statutory utility may share costs**

s 7.18 om 1994 No. 8 s 90 Sch 3

**Application of Division to statutory utilities under Electricity Act**

s 7.19 om 1994 No. 8 s 90 Sch 3

**Division 4—Other transport infrastructure**

Div hdg om 1994 No. 8 s 90 Sch 3

**Agreements regarding transport infrastructure**

s 7.20 om 1994 No. 8 s 90 Sch 3

**PART 8—FINANCIAL PROVISIONS**

Pt hdg om 1994 No. 8 s 90 Sch 3

**Financial arrangements and investments**

s 8.1 om 1994 No. 8 s 90 Sch 3

**Authorised officers**

s 9.1 amd 1992 No. 68 s 3 Sch 2

**General power to obtain information**

s 9.7 amd 1992 No. 68 s 3 Sch 2

**Proceedings for offences**

s 9.16 amd 1992 No. 68 s 3 Sch 2

**Conduct of directors, servants and agents**

s 9.18 amd 1992 No. 68 s 3 Sch 2

**Traffic improvement fee**s 9.21A ins 1994 No. 7 Pt 5 s 48**Service of documents**

s 9.22 amd 1992 No. 68 s 3 Sch 2

**Evidentiary provisions**

s 9.23 amd 1992 No. 68 s 3 Sch 2

**Regulations**

s 9.24 amd 1992 No. 68 s 3 Sch 2

**Reference to the Corporation or Director-General to be references to the chief executive**

s 9.25 ins 1994 No. 8 s 90 Sch 3

**SCHEDULE 1—SUBJECT MATTERS FOR REGULATIONS**

amd 1992 No. 68 s 3 Sch 2

**SCHEDULE 2**

om (see RA s 40)

**SCHEDULE 3—SAVINGS, TRANSITIONAL AND VALIDATION**

amd 1992 No. 68 s 3 Sch 2; (see RA s 38)

**6 Table of changed names and titles**TABLE OF CHANGED NAMES AND TITLES  
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
local authority	local government	Local Government Act 1993 s 755(1)(a)

**7 Table of obsolete and redundant provisions**TABLE OF OBSOLETE AND REDUNDANT PROVISIONS  
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
def “area” (of a local authority)	Acts Interpretation Act 1954 s 36 def “area” (of a local government) (see also Local Government Act 1993 s 755(1)(a) and (b))

**8 Table of renumbered provisions**TABLE OF RENUMBERED PROVISIONS  
under Reprints Act 1992 s 43

Original	Renumbered as
3.2(1)(a)	3.2(1)
3.2(1)(b)	3.2(1A)
3.2(2)(a)	3.2(2)
3.2(2)(b)	3.2(2A)
3.3(2) (2nd sentence)	3.2(3)
3.7(1) (2nd sentence)	3.7(1A)
3.12 (1st sentence)	3.12(1)
3.12 (2nd sentence)	3.12(2)
3.17(4) (2nd sentence)	3.17(5)
5.7(4)(a)	5.7(4)
5.7(4)(i)	5.7(4)(a)
5.7(4)(ii)	5.7(4)(b)
5.7(4)(b)	5.7(4A)



5.7(4)(b)(i)	5.7(4A)(a)
5.7(4)(b)(ii)	5.7(4A)(b)
5.7(4)(b)(iii)	5.7(4A)(c)
5.7(4)(b)(iii)(A)	5.7(4A)(c)(i)
5.7(4)(b)(iii)(B)	5.7(4A)(c)(ii)
7.8(1)(a)	7.8(1)
7.8(1)(b)	7.8(1A)
7.8(1)(b)(i)	7.8(1A)(a)
7.8(1)(b)(ii)	7.8(1A)(b)
7.8(1)(b)(iii)	7.8(1A)(c)
7.14(2) (2nd sentence)	7.14(3)
7.16(2)(a)	7.16(2)
7.16(2)(b)	7.16(3)
8.1 (1st sentence)	8.1(1)
8.1 (2nd sentence)	8.1(2)
9.7(6) (2nd sentence)	9.7(6A)
9.7(7) (2nd sentence)	9.7(7A)
9.18(2) (2nd sentence)	9.18(2A)
9.18(4) (2nd sentence)	9.18(4A)

## **9 Provisions that have not commenced and are not incorporated into reprint**

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992 s 5(c)).

**Nature Conservation Act 1992 s 159 Sch 2 reads as follows—**

### **1. Section 5.3(2)(e)—**

*omit, insert—*

‘(e) provision of access in respect of—

- (i) a protected area under the *Nature Conservation Act 1992*; or
- (ii) a scenic reserve; or
- (iii) a marine park; or’.

**2. Section 5.2(5), (6) and (7)—**

*omit, insert—*

‘(5) The Corporation may recommend to the appropriate authority that land taken for a purpose mentioned in—

- (a) subsection (2)(e)(i)—be dedicated or declared under the *Nature Conservation Act 1992* as part of the area for which access is provided; or
- (b) subsection (2)(e)(ii) or (iii) or subsection (2)(f)—
  - (i) be reserved and set apart under the *Land Act 1962* for a public purpose and placed under the control of the Corporation as trustee of the land; or
  - (ii) be leased or otherwise dealt with under the *Land Act 1962*.

‘(6) The Corporation may, with the approval of the Minister, take or lease any land or acquire an easement over land to provide access to land mentioned in subsection (2)(e) or (f), and maintain any private road works existing on the land.’.

**Traffic Amendment Act 1994 Pt 5 s 48 reads as follows—**

**Insertion of new s 9.21A**

**48.** After section 9.21—

*insert—*

**‘Traffic improvement fee**

‘**9.21A** A person registering a motor vehicle must pay the traffic improvement fee prescribed by regulation.’.

**Transport Infrastructure Act 1994 s 90 Sch 3 cl 5 reads as follows—**

**5. Part 5—**

*omit.*