

Queensland



Transport Infrastructure Act 1994

Transport Infrastructure (Roads) Act 1991

TRANSPORT INFRASTRUCTURE (STATE-CONTROLLED ROADS) REGULATION 1994

**Reprinted as in force on 1 February 1996
(includes amendments up to SL No. 108 of 1995)**

Reprint No. 2

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

Information about this reprint

This regulation is reprinted as at 1 February 1996. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- use aspects of format and printing style consistent with current drafting practice (s 35).

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

Also see endnotes for information about when provisions commenced.

Queensland



**TRANSPORT INFRASTRUCTURE
(STATE–CONTROLLED ROADS)
REGULATION 1994**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
2	Definition	3
PART 2—REGULATING TRAFFIC ON ROADS		
3	Regulating traffic	3
4	Camping	5
PART 3—REMOVING VEHICLES FROM ROADS		
5	Removing abandoned vehicles from motorways	6
6	Removing stationary vehicles from freeway	6
7	Removal expenses	7
8	Notice to owner	7
9	Release of vehicles on payment	8
10	Disposal of removed vehicles	8
PART 4—TOLLS		
11	Tolls	9
12	Payment of tolls	9
PART 5—MISCELLANEOUS		
13	Work associated with road works	10
14	Approval for ancillary works and encroachments	10
ENDNOTES		
1	Index to Endnotes	12

*Transport Infrastructure (State-controlled
Roads) Regulation 1994*

2	Date to which amendments incorporated	12
3	Key	12
4	Table of earlier reprints	13
5	List of legislation	13
6	List of annotations	13

*Transport Infrastructure (State-controlled
Roads) Regulation 1994*

**TRANSPORT INFRASTRUCTURE
(STATE-CONTROLLED ROADS)
REGULATION 1994**

[as amended by all amendments that commenced on or before 1 February 1996]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Transport Infrastructure (State-controlled Roads) Regulation 1994*.

Definition

2. In this regulation—

“freeway” means the South East Arterial road from William Jolly Bridge to Klumpp Road Bridge.

PART 2—REGULATING TRAFFIC ON ROADS

Regulating traffic

3.(1) In this section—

“State-controlled road” includes a temporary deviation from a State-controlled road.

(2) The chief executive may prohibit—

- (a) access by all traffic to a motorway from a road (whether or not a State-controlled road); or
- (b) access by all traffic to a proposed State-controlled road or

*Transport Infrastructure (State-controlled
Roads) Regulation 1994*

State-controlled road if—

- (i) the road is being, or is proposed to be, constructed; or
 - (ii) road works are being, or are proposed to be, carried out on the road; or
 - (c) certain types of traffic being on a motorway; or
 - (d) animals being on a State-controlled road, other than a motorway.
- (3)** The chief executive may notify the public of the prohibition by—
- (a) in the circumstances mentioned in subsection (2)(a) and (b)—a sign or barricade erected at the entrances to the motorway or road; or
 - (b) in the circumstances mentioned in subsection (2)(c)—an official traffic sign erected at each entrance to the motorway; or
 - (c) in the circumstances mentioned in subsection (2)(d)—appropriate signs erected on the State-controlled road.
- (4)** A person must comply with a prohibition unless—
- (a) if the person is on a motorway—the person is in a vehicle that is not prohibited; or
 - (b) if the person takes a prohibited vehicle on a motorway—the vehicle is on another vehicle that is not prohibited; or
 - (c) if the person takes an animal on a State-controlled road—
 - (i) the animal is on a lead; or
 - (ii) the animal is in a vehicle that is not prohibited; or
 - (iii) for a State-controlled road that is not a motorway—has the chief executive’s written approval under section 47 of the Act; or
 - (iv) for a State-controlled road that is not a motorway or access-limited road—the person is moving the animal under the *Rural Lands Protection Regulation 1989*; or
 - (d) the person has the chief executive’s written permission; or
 - (e) the person has a reasonable excuse.

*Transport Infrastructure (State-controlled
Roads) Regulation 1994*

Maximum penalty—20 penalty units.

(5) A person must not take an animal on, or allow an animal to be taken on, a motorway, unless the animal is in a vehicle that is not prohibited on the motorway.

Maximum penalty—20 penalty units.

Camping

4.(1) In this section—

“**State-controlled road**” includes land under the chief executive’s control.

(2) If a conspicuous sign, prohibiting camping, has been erected by the chief executive on or near a State-controlled road, a person must not camp on the part of the road to which the sign relates.

Maximum penalty—20 penalty units.

(3) If a conspicuous sign, limiting camping to a stated period, has been erected by the chief executive on or near a State-controlled road, a person must not camp for longer than the period on the part of the road to which the sign relates.

Maximum penalty—20 penalty units.

(4) If the chief executive has provided a rest or recreation facility on a State-controlled road, a person must not camp at the facility for longer than 48 hours.

Maximum penalty—20 penalty units.

(5) When calculating whether a person has camped on a road or at a facility for longer than a stated period, the periods the person camped on the road or at the facility over a continuous 4-week period may be added.

(6) The chief executive may require a person to leave a State-controlled road with the person’s property, if the person—

- (a) contravenes subsection (2), (3) or (4); or
- (b) creates a nuisance on the road.

(7) A person who fails to comply with the chief executive’s requirement

*Transport Infrastructure (State-controlled
Roads) Regulation 1994*

commits an offence.

Maximum penalty—20 penalty units.

PART 3—REMOVING VEHICLES FROM ROADS

Removing abandoned vehicles from motorways

5.(1) This section applies if—

- (a) the chief executive believes, on reasonable grounds, a vehicle on a motorway has been abandoned; and
- (b) the chief executive—
 - (i) can not immediately find the person in charge of the vehicle; or
 - (ii) if the person can be found—believes, on reasonable grounds, the person is unwilling or unable to move the vehicle immediately.

(2) The chief executive may take the steps that are reasonable and necessary to have the vehicle removed from the motorway.

Removing stationary vehicles from freeway

6.(1) This section applies if—

- (a) a vehicle on the freeway is immobilised by a breakdown or fuel shortage; and
- (b) the chief executive believes, on reasonable grounds, it is necessary to remove the vehicle having regard to the safety or convenience of people using the freeway.

(2) The chief executive may arrange for a service or towing vehicle to be called to the vehicle.

(3) Unless the person in charge of the vehicle refuses, the service or

*Transport Infrastructure (State-controlled
Roads) Regulation 1994*

towing vehicle operator may take the steps that are reasonable and necessary to mobilise the vehicle or have it removed from the freeway.

Removal expenses

7.(1) In this section—

“removal expenses” means the reasonable expenses of—

- (a) calling a service or towing vehicle to a vehicle on the freeway; or
- (b) mobilising a vehicle on the freeway; or
- (c) removing a vehicle from a motorway or the freeway.

(2) The chief executive may recover the removal expenses from—

- (a) the person who was in charge of the vehicle immediately before it was removed from the motorway or freeway; or
- (b) if the person’s identity can not be discovered—the vehicle’s owner unless the vehicle was being used on the freeway without the owner’s consent.

Notice to owner

8.(1) In this section—

“owner” of a registered vehicle means the person in whose name the vehicle is registered.

(2) When practicable, but within 14 days after removing a vehicle from a motorway or the freeway, the chief executive must give its owner a written notice—

- (a) stating that it has been removed; and
- (b) explaining how it may be recovered; and
- (c) stating that it may be sold if it is not recovered.

(3) If the owner can not be identified or located within the 14 days, the notice may be given by publishing it in a newspaper circulating generally in the State.

(4) The chief executive need not give the notice required by this section if

*Transport Infrastructure (State-controlled
Roads) Regulation 1994*

the vehicle has insufficient value to justify giving the notice or it is otherwise impracticable to give the notice.

Release of vehicles on payment

9. The chief executive must release a removed vehicle to its owner if the removal expenses are paid.

Disposal of removed vehicles

10.(1) The chief executive may dispose of a vehicle removed from a motorway or the freeway if—

- (a) the person notified of the vehicle's whereabouts does not pay the removal expenses within 2 months of the notification; or
- (b) if the chief executive decides not to give a notice about its removal—at least 2 months have passed since the decision.

(2) The chief executive may only dispose of the vehicle—

- (a) by selling it; or
- (b) if the proceeds of its sale are not likely to cover the removal expenses and the reasonable expenses that would be incurred by the chief executive in selling it—in the way the chief executive believes appropriate.

(3) If the vehicle is sold, the sale proceeds must be applied in making payments in the following order—

- (a) the expenses reasonably incurred by the chief executive in selling the vehicle (the “**sale expenses**”);
- (b) the removal expenses;
- (c) any balance to the owner.

(4) If the sale proceeds are less than the removal and sale expenses, the difference is a debt payable to the State by the person who is liable for the removal expenses.

(5) The chief executive may waive the whole or any part of the expenses.

*Transport Infrastructure (State-controlled
Roads) Regulation 1994*

(6) Compensation is not recoverable against the chief executive or the State for a payment under this section.

PART 4—TOLLS

Tolls

11.(1) The Minister may, by gazette notice, levy tolls on a State-controlled road and fix or alter the tolls.

(2) The gazette notice must state—

- (a) the road on which tolls are to be levied; and
- (b) the date the levying of tolls starts; and
- (c) the types of vehicles liable, and not liable, for a toll; and
- (d) the amount of the toll for each type of vehicle; and
- (e) conditions about a toll.

Payment of tolls

12.(1) The driver of a vehicle that is liable for a toll on a State-controlled road must pay the toll before passing a place where the toll is payable (a “**toll booth**”).

(2) A person must not obstruct a vehicle attempting to pass a toll booth if the vehicle is not liable for a toll or the appropriate toll has been paid for the vehicle.

Maximum penalty—20 penalty units.

PART 5—MISCELLANEOUS

Work associated with road works

13.(1) In association with road works on a State-controlled road or a proposed State-controlled road, the chief executive may—

- (a) survey or investigate land; and
- (b) set up trigonometrical stations, survey instruments, survey pegs, marks or poles (“**survey equipment**”); and
- (c) inspect, alter, repair or remove survey equipment; and
- (d) dig and bore into land to decide the nature of the land; and
- (e) take samples of the land; and
- (f) set out the lines of road works on land.

(2) A person must not, unless the person has a reasonable excuse—

- (a) obstruct a person doing things mentioned in subsection (1); or
- (b) alter, damage, remove or otherwise interfere with survey equipment.

Maximum penalty for subsection (2)—20 penalty units.

Approval for ancillary works and encroachments

14.(1) This section applies if a person wants to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road to which section 47(2) of the Act applies and section 47(4) of the Act does not apply.

(2) The person must apply in writing for the chief executive’s approval, giving full particulars of the proposed location, nature and use of the ancillary works and encroachments.

(3) If the chief executive requires, the application must be accompanied by the plans, specifications or other documents the chief executive requires.

(4) The ancillary works and encroachments must be constructed according to—

*Transport Infrastructure (State-controlled
Roads) Regulation 1994*

- (a) the plans and specifications approved by the chief executive; and
- (b) any conditions determined by the chief executive under section 47(5) of the Act.

Maximum penalty for subsection (4)—20 penalty units.

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	12
3	Key	12
4	Table of previous reprints	13
5	List of legislation	13
6	List of annotations	13

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 February 1996. Future amendments of the Transport Infrastructure (State-controlled Roads) Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Reprint date
1	none	19 August 1994

5 List of legislation

Transport Infrastructure (State-controlled Roads) Regulation 1994 SL No. 300

notfd Gaz 12 August 1994 pp 1732–3
commenced on date of notification

as amended by—

Transport Infrastructure (State-controlled Roads) Amendment Regulation (No. 1) 1995 SL No. 108

notfd gaz 21 April 1995 pp 1718–21
commenced on date of notification

6 List of annotations

Presumptions about advertising signs or devices

s 15 om 1995 SL No. 108 s 3