

Queensland



Transport Infrastructure Act 1994

TRANSPORT INFRASTRUCTURE (STATE-CONTROLLED ROADS) REGULATION 1994

**Reprinted as in force on 26 October 2001
(includes amendments up to SL No. 193 of 2001)**

Reprint No. 2A

**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 regulation is reprinted as at 26 October 2001. 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 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints 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**
- **editorial changes made in earlier reprints.**

Queensland



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

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

[as amended by all amendments that commenced on or before 26 October 2001]

PART 1—PRELIMINARY

1 Short title

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

2 Definition

In this regulation—

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

PART 2—REGULATING TRAFFIC ON ROADS

3 Regulating traffic

(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 State-controlled road if—

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- (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.

Maximum penalty—20 penalty units.

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(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.

4 Camping

(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 commits an offence.

Maximum penalty—20 penalty units.

PART 3—REMOVING VEHICLES FROM ROADS

5 Removing abandoned vehicles from motorways

(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.

6 Removing stationary vehicles from freeway

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

7 Removal expenses

(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

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- (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.

8 Notice to owner

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

9 Release of vehicles on payment

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

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10 Disposal of removed vehicles

(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.

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

PART 4—TOLL ROADS

11 Toll roads

The roads, or parts of roads, stated in schedule 1 are toll roads.

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12 When tolls become payable

Tolls are payable for the use of the toll roads declared under section 11 on and from 25 June 2001.

13 Types of vehicles liable for tolls

The types of vehicles liable for tolls are stated in schedule 2.

14 Setting tolls

The Minister may, by gazette notice, set—

- (a) the toll payable for each type of vehicle at each toll plaza on a toll road; and
- (b) subject to section 12, the date from which the set toll is payable.

15 Setting administration charge

The Minister may, by gazette notice, for each toll set under section 14, set the administration charge for the Act, chapter 5, part 7.

PART 5—MISCELLANEOUS

16 Work associated with road works

(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.

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(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.

17 Approval for ancillary works and encroachments

(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—

- (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.

18 Declaration of ancillary works and encroachments

(1) All encroachments not already ancillary works and encroachments under the Act, section 22(a) or (b) are declared to be ancillary works and encroachments.

(2) Without limiting subsection (1), the encroachments declared to be ancillary works and encroachments include the things or activities mentioned in schedule 3.

SCHEDULE 1

ROADS OR PARTS OF ROADS THAT ARE TOLL ROADS

section 11

1 Gateway Bridge

The Gateway Bridge crossing the Brisbane River between Eagle Farm and Queensport and approach roadworks extending to the vicinity of Cullen Avenue, Eagle Farm and Lytton Road, Queensport.

2 Gateway Motorway extension

The Gateway Motorway extension between the South East Freeway at Eight Mile Plains and the Logan Motorway at Drewvale.

3 Logan Motorway

The Logan Motorway connecting Gables on the Cunningham Arterial Road and Loganholme on the Pacific Highway.

SCHEDULE 2

TYPES OF VEHICLES LIABLE FOR TOLLS

section 13

- | | |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Class 1 | motorbikes |
| Class 2 | vehicles, other than motorbikes, with not more than 2 axles and cars towing trailers |
| Class 3 | vehicles with dual wheels that are either— <ul style="list-style-type: none">(a) trucks with not more than 2 axles towing trailers;
or(b) trucks or buses with 3 or more axles |

SCHEDULE 3

ENCROACHMENTS THAT ANCILLARY WORKS AND ENCROACHMENTS INCLUDE

section 18(2)

Beehives
Earthworks
Excavations
Property name signs
Retaining walls
Solar panels and wind generators
Stays
Structural anchors
Construction and demolition activities
Crushing and sorting rock
Extracting water, gravel and other natural resources
Fossicking
Graffiti removal
Grazing of stock
Painting
Promotional activities, for example, by a radio station
Roadside refurbishment
Sidewalk activities, for example, conducting a cafe

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 26 October 2001. 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	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
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	19 August 1994
2	to SL No. 108 of 1995	1 February 1996

5 List of legislation

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

made by the Governor in Council on 11 August 1994
notfd gaz 12 August 1994 pp 1732–3
commenced on date of notification
exp 1 September 2004 (see SIA s 54)

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

Transport Infrastructure (State-controlled Roads) and Another Regulation Amendment Regulation (No. 1) 2001 SL No. 79 pts 1–2

notfd gaz 22 June 2001 pp 706–8
ss 1–2 commenced on date of notification
remaining provisions commenced 25 June 2001 (see s 2)

Transport Infrastructure (State-Controlled Roads) Amendment Regulation (No. 1) 2001 SL No. 193

notfd gaz 19 October 2001 pp 627–8
commenced on date of notification

6 List of annotations

Part 4—Toll roads

pt hdg sub 2001 SL No. 79 s 5

Toll roads

s 11 sub 2001 SL No. 79 s 5

When tolls become payable

s 12 sub 2001 SL No. 79 s 5

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Types of vehicles liable for tolls

s 13 ins 2001 SL No. 79 s 5

Setting tolls

s 14 ins 2001 SL No. 79 s 5

Setting administration charge

s 15 prev s 15 om 1995 SL No. 108 s 3
pres s 15 ins 2001 SL No. 79 s 5

Work associated with road works

s 16 (prev s 13) renum 2001 SL No. 79 s 4

Approval for ancillary works and encroachments

s 17 (prev s 14) renum 2001 SL No. 79 s 4

Declaration of ancillary works and encroachments

s 18 ins 2001 SL No. 193 s 3

SCHEDULE 1—ROADS OR PARTS OF ROADS THAT ARE TOLL ROADS

ins 2001 SL No. 79 s 6

SCHEDULE 2—TYPES OF VEHICLES LIABLE FOR TOLLS

ins 2001 SL No. 79 s 6

**SCHEDULE 3—ENCROACHMENTS THAT ANCILLARY WORKS AND
ENCROACHMENTS INCLUDE**

ins 2001 SL No. 193 s 4