



Queensland

Transport Infrastructure Act 1994

Transport Infrastructure (State-controlled Roads) Regulation 1994

Reprinted as in force on 27 January 2006

Reprint No. 2E

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

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2006 SL No. 174 s 16

Information about this reprint

This regulation is reprinted as at 27 January 2006. 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. Also see list of legislation for any uncommenced amendments.

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 reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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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 27 January 2006]

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

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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.

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

- (5) 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) or (3); or
- (b) creates a nuisance on the road.

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- (6) The person must comply with the chief executive's requirement unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Part 4A Public utility plant on State-controlled roads

15A Chief executive's requirements

For the Act, section 59A, the chief executive may make requirements about the following matters in relation to public utility plant on a State-controlled road—

- (a) the location of the plant on the road, including the alignment and depth of the plant on the road;
- (b) traffic control while the plant is being constructed, augmented, altered or maintained;
- (c) the dates, times and location of access to the road;
- (d) construction works likely to adversely affect the road;
- (e) relocation of the plant, including who is to pay the costs of the relocation;
- (f) reinstatement of the road after the plant has been constructed, augmented, altered or maintained;
- (g) public risk insurance to be held by the owner of the plant in relation to the construction, augmentation, alteration or maintenance of the plant;
- (h) the indemnification of the department from risks associated with the construction, augmentation, alteration or maintenance of the plant and the presence of the plant on the road.

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- (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 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 27 January 2006. 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)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

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4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	12 August 1994	19 August 1994
2	1995 SL No. 108	21 April 1995	1 February 1996
2A	2001 SL No. 193	19 October 2001	26 October 2001

Reprint No.	Amendments included	Effective	Notes
2B	2002 SL No. 237	13 September 2002	
2C	2003 SL No. 295	28 November 2003	
2D	2004 SL No. 229	1 December 2004	
2E	2006 SL No. 4	27 January 2006	

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 31 August 2006 (see SIA s 56A(2) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

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

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**Transport Infrastructure (State-controlled Roads) Amendment Regulation (No. 1)
2002 SL No. 237**

notfd gaz 13 September 2002 pp 131–2
commenced on date of notification

**Transport Infrastructure (State-controlled Roads) Amendment Regulation (No. 1)
2003 SL No. 295**

notfd gaz 28 November 2003 pp 1032–5
commenced on date of notification

**Transport Operations (Road Use Management) and Other Legislation Amendment
Regulation (No. 1) 2004 SL No. 229 pts 1, 3**

notfd gaz 29 October 2004 pp 734–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 December 2004 (see s 2)

**Transport Infrastructure (State-controlled Roads) Amendment Regulation (No. 1)
2006 SL No. 4**

notfd gaz 25 January pp 217–8
ss 1–2 commenced on date of notification
remaining provisions commenced 27 January 2006 (see s 2)

6 List of annotations

Camping

s 4 amd 2003 SL No. 295 s 3

PART 3—REMOVING VEHICLES FROM ROADS

pt 3 (ss 5–10) om 2004 SL No. 229 s 7

PART 4—TOLL ROADS

pt hdg sub 2001 SL No. 79 s 5
om 2006 SL No. 4 s 4

Toll roads

s 11 sub 2001 SL No. 79 s 5
om 2006 SL No. 4 s 4

When tolls become payable

s 12 sub 2001 SL No. 79 s 5
om 2006 SL No. 4 s 4

Types of vehicles liable for tolls

s 13 ins 2001 SL No. 79 s 5
om 2006 SL No. 4 s 4

Setting tolls

s 14 ins 2001 SL No. 79 s 5
om 2006 SL No. 4 s 4

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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
 om 2006 SL No. 4 s 4

PART 4A—PUBLIC UTILITY PLANT ON STATE-CONTROLLED ROADS

- pt 4A (s 15A)** ins 2002 SL No. 237 s 3

PART 5—MISCELLANEOUS**Work associated with road works**

- s 16** prev s 16 exp 12 August 1994 (see prev s 18)
 pres s 16 (prev s 13) renum 2001 SL No. 79 s 4

Approval for ancillary works and encroachments

- s 17** prev s 17 exp 12 August 1994 (see prev s 18)
 pres s 17 (prev s 14) renum 2001 SL No. 79 s 4

Declaration of ancillary works and encroachments

- s 18** prev s 18 exp 12 August 1994 (see prev s 18)
 pres s 18 ins 2001 SL No. 193 s 3

**PART 6—AMENDMENT OF TRANSPORT INFRASTRUCTURE (PORTS)
REGULATION 1994**

- pt hdg** exp 12 August 1994 (see prev s 18)

**PART 7—AMENDMENT OF TRANSPORT INFRASTRUCTURE (ROADS)
REGULATION 1991**

- pt 7 (ss 19–21)** exp 12 August 1994 (see s 21)

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

- ins 2001 SL No. 79 s 6
 om 2006 SL No. 4 s 4

SCHEDULE 2—TYPES OF VEHICLES LIABLE FOR TOLLS

- ins 2001 SL No. 79 s 6
 om 2006 SL No. 4 s 4

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

- ins 2001 SL No. 193 s 4