



Transport Infrastructure Act 1994

Transport Infrastructure (Busway) Regulation 2002

Current as at 5 June 2006

Reprint note

This is the last reprint before repeal. Repealed on 29 September 2014 by 2014 SL No. 218 s 24.

Information about this reprint

This regulation is reprinted as at 5 June 2006. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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.

This page is specific to this reprint. See previous reprint 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.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Transport Infrastructure (Busway) Regulation 2002

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Transport Infrastructure (Busway) Regulation 2002

[as amended by all amendments that commenced on or before 5 June 2006]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Infrastructure (Busway) Regulation 2002*.

2 Definitions

In this regulation—

moving expenses, for part 3, see section 19.

Part 2 General obligations

3 Wilful damage or defacing

A person must not wilfully damage or deface a busway or busway transport infrastructure.

Example of wilfully damaging a busway or busway transport infrastructure—

Putting graffiti on a busway or busway transport infrastructure.

Example of defacing a busway or busway transport infrastructure—

Putting up a poster on a busway or busway transport infrastructure.

Maximum penalty—40 penalty units.

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4 Driving and parking vehicles

- (1) A person must not drive a vehicle, other than a bus operating on a busway, on busway transport infrastructure at more than—
 - (a) the speed indicated on a sign displayed by the chief executive on the infrastructure; or
 - (b) if no sign is erected, 10km/h.

Maximum penalty—20 penalty units.

- (1A) A person must not drive a vehicle, other than a wheelchair, on an area of a busway or busway transport infrastructure designed for pedestrian use.

Maximum penalty—20 penalty units.

- (2) Subsection (1) and (1A) do not apply to a person driving in the course of the person's duty as an employee of an emergency service in an emergency situation.
- (3) A person must not park a vehicle, other than a bus, on busway transport infrastructure except in a space where the chief executive has authorised parking.

Maximum penalty—20 penalty units.

- (4) A person driving a vehicle on busway transport infrastructure must obey a direction indicated on a sign displayed by the chief executive on the infrastructure about driving or parking the vehicle, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (5) A person driving a vehicle on busway transport infrastructure must obey a busway safety officer's direction about driving or parking the vehicle, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (6) In this section—

emergency service means—

- (a) the Queensland Ambulance Service; or

- (b) the Queensland Fire and Rescue Service; or
- (c) the Queensland Police Service; or
- (d) the State Emergency Services.

5 Entering or leaving busway or busway transport infrastructure

A person must not enter or leave a busway or busway transport infrastructure other than through an entrance or exit provided by the chief executive for the purpose of entering or exiting the busway or busway transport infrastructure.

Maximum penalty—20 penalty units.

6 Person not to enter route unless authorised

A person who is not on a bus operating on a busway must not enter a route designed and constructed for, or dedicated to, the priority movement of buses for passenger transport purposes, unless the person is authorised by the chief executive to enter the route.

Maximum penalty—20 penalty units.

8 Creating disturbance on busway or busway transport infrastructure

- (1) A person must not create a disturbance on a busway or busway transport infrastructure, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person on a bus operating on the busway or busway transport infrastructure.
- (3) In this section—

create a disturbance includes deposit, drop or throw a matter, substance or thing on a busway or busway transport infrastructure that is likely to injure a person or damage a vehicle or busway transport infrastructure.

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10 Animals

- (1) This section does not apply—
 - (a) to a person with a visual, hearing or other disability who has an assisting animal under the person’s control; or
 - (b) to a person having control of an animal on a busway or busway transport infrastructure if the animal is being controlled in a way stated on a sign displayed by the chief executive.
- (2) A person must not allow an animal under the person’s control to go onto a busway or busway transport infrastructure.

Maximum penalty—20 penalty units.

- (3) In this section—

assisting animal, for a person, means—

 - (a) a guide dog for the person; or
 - (b) an animal, other than a guide dog, trained to assist the person with a disability to alleviate the effect of the disability.

11 Litter

- (1) A person must not leave litter on a busway or busway transport infrastructure except in a container provided for the purpose of depositing litter.

Maximum penalty—10 penalty units.
- (2) Subsection (1) does not apply to a person on a bus operating on a busway or busway transport infrastructure.

12 Alcohol

- (1) A person must not drink alcohol on a busway or busway transport infrastructure, unless the person drinks it at a place the chief executive sets aside for drinking it.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to a person on a bus operating on the busway or busway transport infrastructure.

13 Smoking

A person must not smoke in an area of a busway or busway transport infrastructure where the chief executive has displayed a sign indicating that smoking is not allowed in the area.

Maximum penalty—10 penalty units.

14 Selling, seeking business or conducting survey

- (1) A person on a busway or busway transport infrastructure must not, without the chief executive's permission, publicly and personally—

- (a) sell anything; or
- (b) seek business; or
- (c) conduct a survey.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to a person on a bus operating on the busway or busway transport infrastructure.

15 Playing musical instrument or operating sound equipment

- (1) A person on a busway or busway transport infrastructure must not, without the chief executive's permission—

- (a) play a musical instrument; or
- (b) operate sound equipment.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to a person on a bus operating on the busway or busway transport infrastructure.

- (3) Also, subsection (1) does not apply if—

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- (a) earphones are attached to the instrument or equipment;
and
 - (b) the sound level from the earphones is not likely to be a nuisance.
- (4) In this section—
sound equipment means an amplifier, radio, tape recorder or other device that emits sound.

16 Official traffic signs

- (1) A sign displayed by the chief executive on busway transport infrastructure under this part may be in the form of an official traffic sign and, if it is, it is taken to contain the indication given by the corresponding official traffic sign.
- (2) In this section—
official traffic sign means an official traffic sign as defined under the *Transport Operations (Road Use Management) Act 1995*.

Part 3 Moving property

17 Moving property abandoned, parked or left on busway or busway transport infrastructure

- (1) This section applies if a vehicle or other property—
- (a) is abandoned on a busway or busway transport infrastructure; or
 - (b) is parked or left on a busway or busway transport infrastructure against the chief executive's directions.
- (2) The chief executive may take steps that are reasonable and necessary to move the property.
- (3) In this section—

direction, of the chief executive, includes—

- (a) a direction given by a busway safety officer; and
- (b) a direction indicated on a sign displayed on the busway or busway transport infrastructure by the chief executive.

18 Notifying owner that property moved

- (1) Within 14 days after moving the property, the chief executive must give its owner a written notice stating—
 - (a) the property has been moved; and
 - (b) how the property may be recovered; and
 - (c) if the chief executive considers, on reasonable grounds, the property has been abandoned on a busway or busway transport infrastructure—
 - (i) the property is abandoned property; and
 - (ii) if the property is not recovered within 2 months, the property may be sold.
- (2) 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.
- (3) The chief executive need not give the notice if—
 - (a) the property has insufficient value to justify giving the notice; or
 - (b) it is otherwise impracticable to give the notice.

19 Moving expenses

The chief executive may recover the reasonable expenses of moving the property, securely storing it and publishing any newspaper notice for it (the *moving expenses*) from—

- (a) the person who was in charge of the property immediately before it was moved; or

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- (b) if the person in charge can not be identified, the property's owner, unless the property was being used on the busway or busway transport infrastructure without the owner's consent.

20 Releasing property when expenses paid

The chief executive must release the property to its owner or in accordance with its owner's written directions if the moving expenses are paid.

21 Disposing of property

- (1) The chief executive may dispose of property the chief executive considers, on reasonable grounds, to have been abandoned on a busway or busway transport infrastructure if—
 - (a) the moving expenses are not paid within 2 months of giving notice under section 18 to the owner that the property has been moved; or
 - (b) if the chief executive decides not to give a notice under section 18, at least 2 months have passed since the decision.
- (2) The chief executive may dispose of the property—
 - (a) by selling it; or
 - (b) if the proceeds of its sale are not likely to cover the reasonable expenses that would be incurred by the chief executive in selling it, in the way the chief executive considers appropriate.
- (3) If the property 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 property (the *sale expenses*);
 - (b) the moving expenses;
 - (c) any balance to the owner.

- (4) If the sale proceeds are less than the sale and moving expenses, the difference between the expenses and the proceeds—
 - (a) is a debt payable to the chief executive by the person who is liable for the moving expenses; and
 - (b) may be recovered as a debt by action against the person in a court of competent jurisdiction.
- (5) If the property is not sold, the moving expenses and the expenses reasonably incurred by the chief executive in disposing of the property—
 - (a) are a debt payable to the chief executive by the person who is liable for the moving expenses; and
 - (b) may be recovered as a debt by action against the person in a court of competent jurisdiction.
- (6) The chief executive may waive part or all of the expenses.

Part 4 Other matters

22 Authorisation conditions—Act, s 339(2)(b)

For section 339(2)(b) of the Act, a condition may relate to the operational efficiency of a busway.

Example of a condition relating to the operational efficiency of a busway—

a condition limiting the times when an authorised busway user may use the busway

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 5 June 2006. Future amendments of the Transport Infrastructure (Busway) Regulation 2002 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
num	= numbered	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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

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 included	Effective	Notes
1	none	20 December 2002	
1A	2006 SL No. 105	5 June 2006	

5 List of legislation

Transport Infrastructure (Busway) Regulation 2002 SL No. 363

made by the Governor in Council on 19 December 2002

notfd gaz 20 December 2002 pp 1359–63

commenced on date of notification

exp 1 September 2013 (see SIA s 54)

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 (Busway) and Other Legislation Amendment Regulation (No. 1) 2006 SL No. 105 pts 1–2

notfd gaz 2 June 2006 pp 572–6

ss 1–2 commenced on date of notification

remaining provisions commenced 5 June 2006 (see s 2)

6 List of annotations

Definitions

s 2 def “**busway safety officer**” om 2006 SL No. 105 s 4

Wilful damage or defacing

s 3 amd 2006 SL No. 105 s 5

Driving and parking vehicles

s 4 amd 2006 SL No. 105 s 6

Entering or leaving busway or busway transport infrastructure

prov hdg amd 2006 SL No. 105 s 7

s 5 amd 2006 SL No. 105 s 7

Direction to ensure orderly movement

s 7 om 2006 SL No. 105 s 8

Endnotes

Creating disturbance on busway or busway transport infrastructure

prov hdg amd 2006 SL No. 105 s 9

s 8 amd 2006 SL No. 105 s 9

Direction to leave busway

s 9 om 2006 SL No. 105 s 10

Animals

s 10 amd 2006 SL No. 105 s 11

Litter

s 11 amd 2006 SL No. 105 s 12

Alcohol

s 12 amd 2006 SL No. 105 s 13

Smoking

s 13 amd 2006 SL No. 105 s 14

Selling, seeking business or conducting survey

s 14 amd 2006 SL No. 105 s 15

Playing musical instrument or operating sound equipment

s 15 amd 2006 SL No. 105 s 16

PART 3—MOVING PROPERTY

pt hdg sub 2006 SL No. 105 s 17

Moving property abandoned, parked or left on busway or busway transport infrastructure

prov hdg amd 2006 SL No. 105 s 18(1)

s 17 amd 2006 SL No. 105 s 18(2)–(3)

Notifying owner that property moved

s 18 amd 2006 SL No. 105 s 19

Moving expenses

s 19 amd 2006 SL No. 105 s 20

Disposing of property

s 21 amd 2006 SL No. 105 s 21

PART 4—OTHER MATTERS

pt hdg sub 2006 SL No. 105 s 22

Authorisation conditions—Act s 339(2)(b)

s 22 sub 2006 SL No. 105 s 22

Appointment conditions and limit on powers

s 23 om 2006 SL No. 105 s 22

Issue of identity card

s 24 om 2006 SL No. 105 s 22

Production or display of identity card

s 25 om 2006 SL No. 105 s 22

Powers of busway safety officer

s 26 om 2006 SL No. 105 s 22

When busway safety officer ceases to hold office

s 27 om 2006 SL No. 105 s 22

Resignation

s 28 om 2006 SL No. 105 s 22

Return of identity card

s 29 om 2006 SL No. 105 s 22

**PART 5—AMENDMENT OF STATE PENALTIES ENFORCEMENT
REGULATION 2000**

pt 5 (ss 30–31) om R1 (see RA ss 7(1)(k) and 40)

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