



Queensland

Transport Infrastructure Act 1994

Transport Infrastructure (State-controlled Roads) Regulation 2006

Reprinted as in force on 7 July 2006

Reprint No. 1^{*}

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the Office of the Queensland Parliamentary Counsel
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* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. At the same time, footnotes that merely cite a cross-reference to this legislation, or other legislation, were omitted (see AIA, s 14(7)).

Information about this reprint

This regulation is reprinted as at 7 July 2006.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, 'lodgement' has replaced 'lodgment').

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 (State-controlled Roads) Regulation 2006

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Definitions	3
Part 2	Regulating traffic on roads	
3	Prohibition on access to motorway	3
4	Prohibition on access to State-controlled road	4
5	Prohibition on types of traffic on motorway	4
6	Prohibition on animals on non-motorway State-controlled road . .	4
7	Compliance with prohibitions	5
8	No animals on motorway, other than in non-prohibited vehicles .	5
Part 3	Camping	
9	Camping	6
Part 4	Public utility plant on State-controlled roads	
10	Chief executive's requirements	7
Part 5	Ancillary works and encroachments	
11	Declaration of ancillary works and encroachments	8
12	Application for approval for ancillary works and encroachments .	8
13	Information to decide application for approval	8
14	Construction to be according to approved plans and specifications and approval conditions	9
Part 6	Chief executive's powers in association with road works	
15	Chief executive's powers	9
Part 7	Repeal and transitional provisions	
16	Repeal	10
17	Transitional provision for applications for approval for ancillary works and encroachments	10

Contents

Schedule 1	Encroachments that ancillary works and encroachments include	11
Schedule 2	Dictionary	12

Endnotes

1	Index to endnotes	13
2	Date to which amendments incorporated	13
3	Key	13
4	Table of reprints	14
5	List of legislation	14

Transport Infrastructure (State-controlled Roads) Regulation 2006

[reprinted as in force on 7 July 2006]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Infrastructure (State-controlled Roads) Regulation 2006*.

2 Definitions

The dictionary in schedule 2 defines particular words used in this regulation.

Part 2 Regulating traffic on roads

3 Prohibition on access to motorway

- (1) The chief executive may, by notice under subsection (2), prohibit access by all traffic to a motorway from a road, whether or not a State-controlled road.
- (2) The public must be given notice of the prohibition by a sign or barricade erected at or near where the road joins the motorway.

[s 4]

4 Prohibition on access to State-controlled road

- (1) The chief executive may, by notice under subsection (2), prohibit access by all traffic to a State-controlled road or future State-controlled road if—
 - (a) the road is being constructed or is proposed to be constructed; or
 - (b) road works are being, or are proposed to be, carried out on the road.
- (2) The public must be given notice of the prohibition by a sign or barricade erected at each entrance, or proposed entrance, to the road.

5 Prohibition on types of traffic on motorway

- (1) The chief executive may, by notice under subsection (2), prohibit a particular type of traffic being on a motorway.
- (2) The public must be given notice of the prohibition by an official traffic sign erected at each entrance to the motorway.

Example of what the official traffic sign may state—

no tractors beyond this point

- (3) However, the prohibition does not apply to traffic that is a vehicle that is on another vehicle that is not prohibited on the motorway.

6 Prohibition on animals on non-motorway State-controlled road

- (1) The chief executive may, by notice under subsection (2), prohibit a person—
 - (a) taking an animal onto, or allowing an animal to be taken onto, a State-controlled road other than a motorway; or
 - (b) having control of an animal on a State-controlled road other than a motorway.
- (2) The public must be given notice of the prohibition by appropriate signs erected on the State-controlled road.

Example of what a sign may state for subsection (1)(b)—

no animals beyond this point

- (3) However, the prohibition does not apply if—
- (a) the person is restraining the animal on a lead; or
 - (b) the animal is in a vehicle that is not prohibited on the State-controlled road; or
 - (c) the animal is on the road under an approval of the chief executive under section 50(2) of the Act; or
 - (d) the State-controlled road is not a limited access road and the person is travelling the animal or grazing the animal under either of the following permits under the *Land Protection (Pest and Stock Route Management) Act 2002*—
 - (i) a stock route travel permit;
 - (ii) a stock route agistment permit.

7 Compliance with prohibitions

- (1) A person given notice of a prohibition under section 3, 4, 5 or 6 must comply with the prohibition, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) However, subsection (1) does not apply if the person has the chief executive's written permission to engage in the prohibited conduct.

8 No animals on motorway, other than in non-prohibited vehicles

- (1) A person must not—
- (a) take an animal onto, or allow an animal to be taken onto, a motorway; or
 - (b) have control of an animal on a motorway.

Maximum penalty—20 penalty units.

[s 9]

- (2) However, subsection (1) does not apply if the animal is in or on a vehicle that is not prohibited on the motorway.

Part 3 Camping

9 Camping

- (1) If a conspicuous sign prohibiting camping is 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.

- (2) If a conspicuous sign limiting camping to a stated period is 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 for longer than the stated period.

Maximum penalty—20 penalty units.

- (3) In working out 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 must be added together.

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

- (a) contravenes subsection (1) or (2); or
- (b) creates a nuisance on the road.

- (5) The person must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

[s 11]

Part 5 **Ancillary works and encroachments**

11 **Declaration of ancillary works and encroachments**

- (1) Encroachments, other than public utility plant, that are not things or activities mentioned in the Act, schedule 6, definition *ancillary works and encroachments* are ancillary works and encroachments for the purpose of that definition.
- (2) Without limiting subsection (1), the things or activities mentioned in schedule 1 are also ancillary works and encroachments.

12 **Application for approval for ancillary works and encroachments**

- (1) This section applies to a person who wants to apply under section 50(2) of the Act for approval to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road.
- (2) The application must be written and give full particulars of the proposed location, nature and use of the ancillary works and encroachments.

13 **Information to decide application for approval**

- (1) The chief executive may—
 - (a) require the application to be accompanied by the plans, specifications or other documents the chief executive considers are reasonably needed to decide the application; or
 - (b) require the applicant to give the chief executive the additional information the chief executive considers is reasonably needed to decide the application within a stated reasonable time of at least 28 days.
- (2) The chief executive may refuse the application if—

-
- (a) the application is not accompanied by the plans, specifications or other documents required under subsection (1)(a); or
 - (b) the applicant fails, without reasonable excuse, to give the additional information required under subsection (1)(b) within the stated reasonable time.

14 Construction to be according to approved plans and specifications and approval conditions

A person given approval under section 50(2) of the Act to construct ancillary works and encroachments must construct the ancillary works and encroachments according to—

- (a) the plans and specifications approved by the chief executive in giving the approval; and
- (b) any conditions fixed under section 50(5) of the Act to which the approval is subject.

Maximum penalty—20 penalty units.

Part 6 Chief executive's powers in association with road works

15 Chief executive's powers

- (1) In association with road works on a State-controlled road or 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 or bore into land to decide the nature of the land; and
 - (e) take samples of the land; and

[s 16]

- (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 acting under subsection (1); or
 - (b) alter, damage, remove or otherwise interfere with survey equipment.

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

Part 7 **Repeal and transitional provisions**

16 **Repeal**

The Transport Infrastructure (State-controlled Roads) Regulation 1994 SL No. 300 (the *repealed regulation*) is repealed.

17 **Transitional provision for applications for approval for ancillary works and encroachments**

- (1) This section applies if—
 - (a) an application has been made under section 17 of the repealed regulation for ancillary works and encroachments; and
 - (b) the application has not been decided before the commencement of this section.
- (2) The application may be decided, and the ancillary works and encroachments must be constructed, as if section 17 of the repealed regulation had not been repealed.

Schedule 1 Encroachments that ancillary works and encroachments include

section 11(2)

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

Schedule 2 Dictionary

section 2

future State-controlled road see section 42(11) of the Act.

official traffic sign see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

State-controlled road includes—

- (a) for part 2—a temporary deviation from a State-controlled road; or
- (b) for part 3—land under the chief executive’s control.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	13
3 Key	13
4 Table of reprints	14
5 List of legislation	14

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Transport Infrastructure (State-controlled Roads) Regulation 2006 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	7 July 2006	

5 List of legislation

Transport Infrastructure (State-controlled Roads) Regulation 2006 SL No. 174

made by the Governor in Council on 6 July 2006

notfd gaz 7 July 2006 pp 1167–9

commenced on date of notification

exp 1 September 2016 (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.