



Queensland

Transport Infrastructure Act 1994

Transport Infrastructure (Rail) Regulation 2006

Reprinted as in force on 30 October 2006

Reprint No. 1

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Information about this reprint

This regulation is reprinted as at 30 October 2006.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to omit provisions that are no longer required (s 40).

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.

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.



Queensland

Transport Infrastructure (Rail) Regulation 2006

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Transport Infrastructure (Rail) Regulation 2006

[reprinted as in force on 30 October 2006]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Infrastructure (Rail) Regulation 2006*.

2 Commencement

This regulation commences on 30 October 2006.

3 Definitions

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

Part 2 General obligations

Division 1 Nuisance behaviour

4 Consuming food or drink

A person must not consume food or drink on rolling stock displaying a sign indicating that the consumption of food or drink is not allowed on rolling stock.

Maximum penalty—20 penalty units.

5 Placing things in, and bringing things onto, rolling stock

- (1) A person must not put anything in an aisle of rolling stock used to transport passengers if the thing is likely to cause an obstruction or injury to another person.

Maximum penalty—20 penalty units.

- (2) A person must not bring a sizeable object onto rolling stock used to transport passengers without the permission of the railway operator for the rolling stock.

Maximum penalty—20 penalty units.

- (3) A person must not—

- (a) put the person's feet, whether or not covered by footwear, on a seat of rolling stock; or
(b) occupy more than 1 seat of rolling stock.

Maximum penalty—20 penalty units.

- (4) In this section—

sizeable object means a thing that, because of its shape or size, can not be put on rolling stock—

- (a) under a seat; or
(b) in an overhead rack; or
(c) in a designated storage area.

6 Playing musical instrument or operating sound equipment

- (1) A person on a railway or rolling stock must not—

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

Maximum penalty—20 penalty units.

- (2) This section does not apply if—

- (a) earphones are attached to the musical instrument or sound equipment and the sound level from the earphones is not likely to be a nuisance; or

- (b) the person is playing the musical instrument or operating the sound equipment with the permission of the railway manager for the railway or the railway operator for the rolling stock.
- (3) In this section—
sound equipment means an amplifier, radio, tape recorder or other device that emits sound.

7 Other nuisance behaviour

- (1) A person must not smoke in—
- (a) rolling stock; or
 - (b) an area of a railway displaying a sign indicating that smoking is not allowed in the area.

Maximum penalty—20 penalty units.

- (2) A person must not spit on—
- (a) rolling stock used to transport passengers; or
 - (b) a railway platform, or a structure or thing on a railway platform; or

Examples of a structure or thing on a railway platform—

- station office
 - lift
 - toilet block
 - ticket-vending machine
 - help phone
- (c) a bridge, path, ramp or stairs, providing access to, or adjoining, a railway platform.

Maximum penalty—20 penalty units.

Division 2 Other general obligations

8 Alcohol

- (1) A person must not drink alcohol on a railway unless—

- (a) the alcohol is supplied by, or with the permission of, the railway manager for the railway; and
- (b) the person drinks it in an area the railway manager sets aside for drinking it.

Maximum penalty—10 penalty units.

- (2) A person must not drink alcohol on rolling stock unless—
 - (a) the alcohol is supplied by, or with the permission of, the railway operator for the rolling stock; and
 - (b) the person drinks it in an area the railway operator sets aside for drinking it.

Maximum penalty—10 penalty units.

9 Animals

- (1) This section does not apply to—
 - (a) a person with a visual, hearing or other disability who has an assisting animal under the person's control; or
 - (b) a person having control of an animal on a railway crossing; or
 - (c) a person who is transporting an animal as freight.
- (2) A person must not allow an animal under the person's control to go onto a railway.

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.

10 Coloured lights

- (1) If a railway manager or railway operator reasonably believes that a coloured light displayed on or near a railway interferes with the safe operation of the railway, the railway manager or

railway operator may direct the person displaying the light to remove or screen the light.

- (2) The person must comply with the direction unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (3) In this section—

coloured light does not include a traffic light.

11 Entering or leaving railway or rolling stock

- (1) A person must not enter or leave a railway, other than through an entrance or exit provided by the railway manager for the railway for the purpose of entering or exiting the railway, unless—

- (a) the person is engaged in the operation, maintenance or construction of the railway; or
- (b) the person is entering or exiting the railway in another way with the permission of the railway manager for the railway.

Maximum penalty—20 penalty units.

- (2) A person must not—

- (a) enter or leave rolling stock that is moving; or
- (b) open an external door of rolling stock that is moving, other than a door connecting rolling stock.

Maximum penalty—20 penalty units.

- (3) A person must not enter rolling stock that is not used to transport passengers, unless the person is engaged in the operation, maintenance or loading of the rolling stock.

Maximum penalty—40 penalty units.

12 Litter

A person must not leave litter on a railway or rolling stock, other than in a container provided for the purpose of depositing litter.

Maximum penalty—10 penalty units.

13 Riding on, or putting body part outside of, rolling stock

(1) A person must not ride on the outside of rolling stock.

Maximum penalty—40 penalty units.

(2) A person must not put a part of the person's body out of—

(a) a window of rolling stock; or

(b) a door of rolling stock, unless the person is getting off the rolling stock onto a platform.

Maximum penalty—20 penalty units.

14 Selling, seeking business or conducting survey

(1) A person on a railway or rolling stock must not publicly and personally—

(a) sell anything; or

(b) seek business; or

(c) conduct a survey.

Maximum penalty—20 penalty units.

(2) This section does not apply if the person acts in a way mentioned in subsection (1)(a) to (c) with the permission of the railway manager for the railway or the railway operator for the rolling stock.

15 Wilful damage or defacing

(1) A person must not wilfully damage or deface a railway or rolling stock.

Example of wilfully damaging a railway or rolling stock—

causing damage to a railway or rolling stock by lighting a fire

Example of defacing a railway or rolling stock—

fixing a poster on a railway or rolling stock

Maximum penalty—40 penalty units.

- (2) Without limiting subsection (1), a person must not put graffiti on a railway or rolling stock.

Maximum penalty—40 penalty units.

Part 3

Access to railway crossings and railway tracks

16 Railway crossings

- (1) A person must not enter a railway crossing if—
- (a) a warning signal is operating, sounding or has just sounded in the vicinity of the crossing; or
 - (b) there is danger of a train hitting the person.

Maximum penalty—20 penalty units.

- (2) If an authorised person reasonably believes that, to ensure safety at a railway crossing at a particular time, a person should not enter the crossing, the authorised person may direct the person not to enter.

- (3) A person given a direction under subsection (2) must obey the direction, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (4) A person must not stay on a railway crossing for longer than is reasonably necessary for the person to cross from 1 side of the crossing to the other.

Maximum penalty—20 penalty units.

- (5) A person who opens a gate at a railway crossing must close and secure the gate as soon as practicable after opening it,

unless the person is operating the gate in another way with the permission of the railway manager for the railway.

Maximum penalty—20 penalty units.

17 Railway tracks

A person must not go onto a railway track unless the person—

- (a) is crossing from 1 side of the track to the other using a railway crossing; or
- (b) is engaged in the operation, maintenance or construction of the railway; or
- (c) has the permission of the railway manager for the railway to go onto the railway track.

Maximum penalty—20 penalty units.

Part 4 Removal and disposal of particular property

18 Property abandoned or left on railway

- (1) This section applies if property is—
 - (a) abandoned on a railway; or
 - (b) left on a railway against a direction of the railway manager for the railway.
- (2) The railway manager may take steps that are reasonable and necessary to move the property.
- (3) In this section—

direction, of a railway manager, includes—

 - (a) a direction of an employee of the railway manager; and
 - (b) a direction of the railway manager indicated on a sign displayed on the railway.

19 Property abandoned or left on rolling stock

- (1) This section applies if property is—
 - (a) abandoned on rolling stock; or
 - (b) left on rolling stock against a direction of the railway operator for the rolling stock.
- (2) The railway operator may take steps that are reasonable and necessary to move the property.
- (3) In this section—

direction, of a railway operator, includes—

 - (a) a direction of an employee of the railway operator; and
 - (b) a direction of the railway operator indicated on a sign displayed on rolling stock.

20 Notifying owner that property moved

- (1) Within 14 days after moving property under section 18 or 19, the railway manager or railway operator (the *moving entity*) must give the owner of the property a written notice stating—
 - (a) that the property has been moved; and
 - (b) how the property may be recovered; and
 - (c) if the moving entity reasonably considers the property has been abandoned—
 - (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 mentioned in subsection (1), the notice may be given by publishing it in a newspaper circulating generally in the State.
- (3) The moving entity 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.

21 Moving expenses

The moving entity may recover the entity's 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
- (b) if the person mentioned in paragraph (a) can not be identified—the property's owner, unless the property was being used on the railway or rolling stock without the owner's consent.

22 Releasing property when expenses paid

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

23 Disposing of property

- (1) The moving entity may dispose of the property the entity reasonably considers to have been abandoned if—
 - (a) the entity's moving expenses are not paid within 2 months after giving notice to the property's owner that the property has been moved; or
 - (b) the entity decides not to give a notice under section 20(3) and at least 2 months have passed since the decision.
- (2) The moving entity may dispose of the property—
 - (a) by selling it; or
 - (b) if the proceeds of its sale are not likely to cover the entity's moving expenses and the reasonable expenses that would be incurred by the entity in selling it—in the way the entity believes 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 moving entity 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 combined sale expenses and moving expenses, the difference between the combined expenses and the proceeds is a debt payable to the moving entity by the person who is liable for the moving expenses.
- (5) If the property is not sold, the moving expenses and the expenses reasonably incurred by the moving entity in disposing of the property are a debt payable to the entity by the person who is liable for the moving expenses.
- (6) The moving entity may waive part or all of the expenses.

Part 5 Vehicles

24 Using vehicles in a way likely to damage or obstruct

A person must not use a vehicle in a way likely to damage or obstruct a railway.

Maximum penalty—40 penalty units.

25 Driving vehicle on a bridge, platform or in a subway

- (1) A person must not drive a vehicle, other than a wheelchair, on a bridge or platform, or in a subway, that is—
 - (a) at a railway; and
 - (b) designed for pedestrians.Maximum penalty—20 penalty units.
- (2) This section does not apply if the person is—
 - (a) engaged in the operation, maintenance or construction of the railway; or

- (b) loading luggage onto rolling stock with the permission of the railway manager for the railway or the railway operator for the rolling stock.

26 Driving and parking vehicles generally

- (1) This section does not apply to—
 - (a) rolling stock; or
 - (b) a vehicle being driven on, or that is parked on, a non-railway road.
- (2) A person must not drive a vehicle on a railway at more than—
 - (a) the speed indicated on a sign displayed on the railway; or
 - (b) if no sign is displayed—20km/h.

Maximum penalty—20 penalty units.

- (3) A person must not park a vehicle on a railway other than in a designated parking space.

Maximum penalty—20 penalty units.

- (4) A person driving a vehicle on a railway must obey a direction indicated on a sign displayed on the railway 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 a railway must obey a direction given by an employee at the railway about driving or parking the vehicle, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (6) In this section—

employee, at a railway, means an employee of the railway manager for the railway.

27 Heavy vehicles

- (1) A person must not drive a vehicle on a railway crossing if—

- (a) the axle mass for any single axle of the vehicle is over 12t; or
- (b) the total of all axle masses for any 9m of the vehicle's length is over 48t; or
- (c) the total of all axle masses for the vehicle is over 105t.

Maximum penalty—20 penalty units.

- (2) In this section—

axle group means 1 axle or consecutive axles connected by a load-sharing suspension system or steering system.

axle mass means the total mass transmitted to the road by the tyres fitted to an axle group.

28 High vehicles

- (1) A person must not drive a vehicle on a railway crossing if the vehicle is higher than—
- (a) a height barrier for the crossing; or
 - (b) if the crossing is at a place where the SEQ electrified track crosses an access road—4.1m; or
 - (c) if the crossing is at a place where the SEQ electrified track crosses another road—5m; or
 - (d) if the crossing is at a place where another electrified railway track crosses an access road—4.3m; or
 - (e) otherwise—5.2m.

Maximum penalty—20 penalty units.

- (2) In this section—

access road means a road other than a non-railway road.

SEQ electrified track means the electrified railway track between Brisbane Central station and any of the following places—

- (a) 2km north of Caboolture station;
- (b) Acacia Ridge terminal;
- (c) Cleveland station;

- (d) Eagle Farm station;
- (e) Exhibition station;
- (f) Ferny Grove station;
- (g) Ipswich station;
- (h) Moolabin terminal;
- (i) Robina station;
- (j) Shorncliffe station.

29 Long vehicles

- (1) This section does not apply to a road train driven in accordance with the current guideline—
 - (a) issued under the *Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005*, section 48; and
 - (b) titled ‘Guideline for multi-combination vehicles in Queensland’.
- (2) A person must not drive a vehicle longer than 35m on a railway crossing.
Maximum penalty—20 penalty units.
- (3) In this section—
road train has the meaning given by the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

30 Wide vehicles

A person must not drive a vehicle on a railway crossing if the vehicle is wider than—

- (a) 5.5m; or
- (b) the distance between the posts of a height barrier for the crossing.

Maximum penalty—20 penalty units.

31 Written permission to act contrary to ss 26–30

- (1) A railway manager for a railway may give a person written permission to do an act or make an omission contrary to all or any of sections 26 to 30.
- (2) A person does not contravene all or any of sections 26 to 30 by doing the act or making the omission stated in the permission.
- (3) In considering whether to give a permission, the railway manager must have regard to the following matters—
 - (a) disruption to rail traffic;
 - (b) cost to the person, the railway manager, a railway operator or another person affected by the permission;
 - (c) damage to the railway;
 - (d) another matter that adversely affects the operation of the railway.

32 Conditions on railway manager's permission

- (1) A railway manager who gives a permission under section 31 may impose a relevant condition about the following matters on the permission—
 - (a) the time the permission may be used;
 - (b) raising, dismantling, taking away or cutting power to the railway manager's overhead electricity lines;
 - (c) repairing, replacing or reconstructing—
 - (i) the railway manager's overhead electricity lines; or
 - (ii) other property of the railway manager; or
 - (iii) the part of a road surface that the railway manager is required to maintain in good order and repair;
 - (d) paying the railway manager's costs or loss, including for repair of damage to property, that is reasonable in the circumstances and arises from the permission;
 - (e) paying the railway manager an amount for—
 - (i) administration involved in the application for the permission; or

- (ii) facilitating the use of a railway crossing.
- (2) For subsection (1)(e), the railway manager may only fix an amount that—
 - (a) is reasonable in the circumstances; and
 - (b) is not more than the reasonable cost of doing something mentioned in the subsection.

Part 6 Annual levy

33 Annual levy payable by railway manager or railway operator

- (1) Schedule 1 prescribes the basis on which the annual levy payable by a railway manager or railway operator under section 127 of the Act is imposed.
- (2) If a person becomes accredited as a railway manager or railway operator during the year—
 - (a) the person must pay the part of the levy that is proportionate to the number of days for which the person is accredited in the year; and
 - (b) the person must pay the part of the levy when the person is accredited.

34 Payment of levy by instalments

- (1) This section applies if a notice given to an accredited person under section 127(3) of the Act allows the person to pay the amount of the levy mentioned in the notice by instalments.
- (2) The accredited person must pay the amount of each instalment by the dates stated in the notice.

35 Adjustment if amount used for calculating levy underestimated or overestimated

- (1) If an amount used to work out an annual levy in accordance with schedule 1 has been underestimated, the chief executive

may require the accredited person to pay the difference between the amount of the levy paid and the amount of the levy worked out using the actual amount.

- (2) If an amount used to work out an annual levy in accordance with schedule 1 has been overestimated, the chief executive must credit the accredited person with the difference between the amount of the levy paid and the amount of the levy worked out using the actual amount.

Part 7 Miscellaneous

36 Conditions on permission of railway manager or railway operator

If a railway manager or railway operator gives a permission under this regulation, the permission—

- (a) may be given on conditions; and
- (b) operates only while the conditions are complied with.

37 Evidence of signs

Evidence that a sign was displayed on a railway or rolling stock is evidence the sign was displayed with the authority of the railway manager for the railway or the railway operator for the rolling stock.

38 Commercial activities

- (1) This section applies for the purposes of the *Transport Infrastructure Act 1994*, section 486.

Note—

The *Transport Infrastructure Act 1994*, section 486 deals with the application of the *Freedom of Information Act 1992* and the *Judicial Review Act 1991* to particular documents and decisions of a transport GOC.

- (2) An activity performed by Queensland Rail under its community service obligations is taken not to be an activity conducted on a commercial basis.
- (3) Every other activity of Queensland Rail is taken to be an activity conducted on a commercial basis.

Part 8 Transitional provisions

40 Definitions for pt 8

In this part—

commencement means the commencement of this section.

repealed regulation means the *Transport Infrastructure (Rail) Regulation 1996*.

41 Permission to do an act or make an omission

- (1) This section applies to a permission to do an act or make an omission—
 - (a) given to a person by a railway manager or railway operator under the repealed regulation before the commencement; and
 - (b) in force immediately before the commencement.
- (2) The permission is taken to have been given under this regulation.
- (3) A person does not contravene a provision of this regulation by doing the act or making the omission while the permission is in force.

42 Property abandoned or left on railway or rolling stock

- (1) This section applies to property, moved by a railway manager or railway operator under part 3 of the repealed regulation, which has not been completely dealt with by the railway

manager or railway operator under that part before the commencement.

- (2) The railway manager or railway operator may continue to deal with the property as if the repealed regulation had not been repealed.

Part 9 Repeal

43 Repeal

The Transport Infrastructure (Rail) Regulation 1996 SL No. 173 is repealed.

Schedule 1 Annual levy

section 33(1)

The annual levy payable by a person who is a railway manager or a railway operator is calculated on the following basis—

- (a) if the total amount of the person's estimated annual revenue from a following source (*estimated revenue*)—
 - (i) the management of 1 or more railways;
 - (ii) the operation of any rolling stock on 1 or more railways;
 - (iii) both the management of 1 or more railways and the operation of rolling stock on 1 or more railways;
 is not more than \$250000—nil;
- (b) if the total amount of the person's estimated revenue is more than \$250000 but not more than \$500000—\$5750;
- (c) if the total amount of the person's estimated revenue is more than \$500000—
 - (i) \$66 for each estimated kilometre of track the person is accredited to manage as a railway manager for the year; and
 - (ii) 8c for each estimated kilometre of track to be used for transporting passengers or freight under the person's accreditation as a railway operator for the year.

Examples of kilometres of track used for transporting passengers or freight—

- 1 If a train uses 300km of track to transport passengers or freight from point A to point B, and then makes a return journey to point A without passengers or freight, the number of kilometres of track used to transport the passengers or freight is 2 x 300km (being 600km).
- 2 If the train mentioned in example 1 makes 30 return journeys between point A and point B each day of the

Schedule 1 (continued)

year, the number of kilometres of track used to transport passengers or freight for the year is $2 \times 300\text{km} \times 30 \times 365$ (being 6570000km).

Schedule 2 Dictionary

section 3

commencement, for part 8, see section 40.

drive, a vehicle, includes ride the vehicle.

loading includes unloading.

local government franchised road has the meaning given by section 105B of the Act.

local government tollway has the meaning given by section 105B of the Act.

moving entity see section 20(1).

moving expenses see section 21.

non-railway road means a—

- (a) franchised road; or
- (b) local government franchised road; or
- (c) local government road; or
- (d) local government tollway; or
- (e) State-controlled road; or
- (f) toll road.

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

property includes a vehicle and goods.

railway includes car parks and bus stations under a railway manager's control.

repealed regulation, for part 8, see section 40.

toll road means a road, or part of a road, declared under section 93 of the Act to be a toll road.

vehicle includes a load on the vehicle.

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). However, no amendments have commenced operation on or before that day. Future amendments of the Transport Infrastructure (Rail) 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
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

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	30 October 2006	

5 List of legislation

Transport Infrastructure (Rail) Regulation 2006 SL No. 237

made by the Governor in Council on 28 September 2006

notfd gaz 29 September 2006 pp 481–2

ss 1–2 commenced on date of notification

remaining provisions commenced 30 October 2006 (see s 2)

exp 1 September 2017 (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.

6 List of annotations

Amendment of State Penalties Enforcement Regulation 2000

s 39 om R1 (see RA s 40)