



Queensland

*Transport Infrastructure Act 1994*

# **Transport Infrastructure (State-controlled Roads) Regulation 2017**

**Current as at 1 September 2017**





Queensland

# Transport Infrastructure (State-controlled Roads) Regulation 2017

## Contents

---

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Short title . . . . . 3
2	Commencement . . . . . 3
3	Definitions . . . . . 3
<b>Part 2</b>	<b>Regulating traffic on roads</b>
4	Prohibition on access to motorway . . . . . 3
5	Prohibition on access to State-controlled road . . . . . 3
6	Prohibition on types of traffic on motorway . . . . . 4
7	Prohibition on animals on State-controlled road other than motorway . . . . . 4
8	Compliance with prohibitions . . . . . 5
9	No animals on motorway other than in non-prohibited vehicles . . . . . 5
<b>Part 3</b>	<b>Camping</b>
10	Camping on or near State-controlled road . . . . . 6
<b>Part 4</b>	<b>Public utility plant on State-controlled roads</b>
11	Chief executive's requirements—Act, s 79 . . . . . 7
<b>Part 5</b>	<b>Ancillary works and encroachments</b>
12	Declaration of ancillary works and encroachments . . . . . 7
13	Chief executive's approval for particular ancillary works and encroachments . . . . . 8
14	Chief executive may require documents or information . . . . . 8
15	Construction to be according to approved plans and specifications and approval conditions . . . . . 9
<b>Part 6</b>	<b>Chief executive's powers for carrying out road works</b>
16	Chief executive's powers for carrying out road works . . . . . 9
<b>Schedule 1</b>	<b>Encroachments declared to be ancillary works and encroachments</b>
11	
<b>Schedule 2</b>	<b>Dictionary . . . . . 12</b>



---

# Transport Infrastructure (State-controlled Roads) Regulation 2017

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Infrastructure (State-controlled Roads) Regulation 2017*.

### 2 Commencement

This regulation commences on 1 September 2017.

### 3 Definitions

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

## Part 2 Regulating traffic on roads

### 4 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 the road is 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.

### 5 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—

[s 6]

---

- (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.

## **6 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 an official traffic sign may state—*

no tractors beyond this point

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

## **7 Prohibition on animals on State-controlled road other than motorway**

- (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 an appropriate sign erected on the State-controlled road.

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

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 *Stock Route Management Act 2002*—
  - (i) a stock route travel permit;
  - (ii) a stock route agistment permit.

## **8 Compliance with prohibitions**

- (1) A person given notice of a prohibition under section 4, 5, 6 or 7 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.

## **9 No animals on motorway other than in non-prohibited vehicles**

- (1) A person must not, unless the person has a reasonable excuse—

- (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.

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







[s 13]

---

**13 Chief executive's approval for particular ancillary works and encroachments**

- (1) This section applies to an application for the chief executive's approval under section 50(2) of the Act to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road.
- (2) The application for approval must—
  - (a) be made in writing; and
  - (b) give full particulars of the proposed location, nature and use of the ancillary works and encroachments.

**14 Chief executive may require documents or information**

- (1) The chief executive—
  - (a) may require the application to be accompanied by plans, specifications or other documents the chief executive reasonably requires to decide the application; or
  - (b) may, by notice given to the applicant, require the applicant to give the chief executive further information the chief executive reasonably requires to decide the application within a reasonable period of at least 28 days stated in the notice.
- (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 comply with the notice under subsection (1)(b) within the stated period.

**15 Construction to be according to approved plans and specifications and approval conditions**

- (1) This section applies if, under section 50(2) of the Act, the chief executive gives a person an approval to construct ancillary works and encroachments on a State-controlled road.
- (2) The person must construct the ancillary works and encroachments according to the following—
  - (a) the plans and specifications approved by the chief executive when giving the approval;
  - (b) any conditions fixed under section 50(5) of the Act to which the approval is subject.

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

**Part 6 Chief executive's powers for carrying out road works**

**16 Chief executive's powers for carrying out road works**

- (1) In relation to carrying out 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
  - (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

[s 16]

---

- (b) alter, damage, remove or otherwise interfere with survey equipment.

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

---

**Schedule 1**      **Encroachments declared to be  
*ancillary works and  
encroachments***

section 12

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  
remotely piloted aircraft  
retaining walls  
roadside refurbishment  
sidewalk activities, for example, conducting a cafe  
solar panels  
stays  
structural anchors  
wind generators

## Schedule 2 Dictionary

### section 3

**camp**, on part of a State-controlled road, includes each of the following—

- (a) to stay overnight on the part of the road, using a motor vehicle, trailer, tent or other structure, or bedding ordinarily used for camping;
- (b) to leave in position overnight on the part of the road, either attended or unattended, a motor vehicle, trailer, tent or other structure, or bedding ordinarily used for camping.

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

**motorised caravan** means a motor vehicle designed mainly for people to live in.

**motor vehicle** means a vehicle propelled by a motor that forms part of the vehicle, and includes a motorised caravan.

**remotely piloted aircraft** means an RPA as defined by the *Civil Aviation Safety Regulations 1998* (Cwlth).

**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.

**trailer** means a vehicle that is built to be towed by a motor vehicle, and includes a caravan and a camper trailer.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation

## 2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
<b>AIA</b>	= Acts Interpretation Act 1954	<b>(prev)</b>	= previously
<b>amd</b>	= amended	<b>proc</b>	= proclamation
<b>amd</b>	= amendment	<b>prov</b>	= provision
<b>t</b>			
<b>ch</b>	= chapter	<b>pt</b>	= part
<b>def</b>	= definition	<b>pubd</b>	= published
<b>div</b>	= division	<b>R[X]</b>	= Reprint No. [X]
<b>exp</b>	= expires/expired	<b>RA</b>	= Reprints Act 1992
<b>gaz</b>	= gazette	<b>reloc</b>	= relocated
<b>hdg</b>	= heading	<b>renu</b>	= renumbered
		<b>m</b>	
<b>ins</b>	= inserted	<b>rep</b>	= repealed
<b>lap</b>	= lapsed	<b>(retro</b>	= retrospectively
		<b>)</b>	
<b>notf</b>	= notified	<b>rv</b>	= revised version
<b>d</b>			
<b>num</b>	= numbered	<b>s</b>	= section
<b>o in</b>	= order in council	<b>sch</b>	= schedule
<b>c</b>			

Endnotes

---

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>om</b>	= omitted	<b>sdiv</b>	= subdivision
<b>orig</b>	= original	<b>SIA</b>	= Statutory Instruments Act 1992
<b>p</b>	= page	<b>SIR</b>	= Statutory Instruments Regulation 2012
<b>para</b>	= paragraph	<b>SL</b>	= subordinate legislation
<b>prec</b>	= preceding	<b>sub</b>	= substituted
<b>pres</b>	= present	<b>unnu</b>	= unnumbered
		<b>m</b>	
<b>prev</b>	= previous		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
1 September 2017	none	RA ss 7(1)(k), 40



## 4 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Transport Infrastructure (State-controlled Roads) Regulation 2017 SL No. 169**

made by the Governor in Council on 24 August 2017

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 25 August 2017

ss 1–2 commenced on date of notification

pt 1 hdg, s 3, pts 2–7, schs 1–2 commenced 1 September 2017 (see s 2)

exp 1 September 2027 (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.

© State of Queensland 2017