

Queensland



Subordinate Legislation 1994 No. 300

Transport Infrastructure Act 1994

Transport Infrastructure (Roads) Act 1991

**TRANSPORT INFRASTRUCTURE
(STATE-CONTROLLED ROADS)
REGULATION 1994**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
2	Definition	3
PART 2—REGULATING TRAFFIC ON ROADS		
3	Regulating traffic	3
4	Camping	5
PART 3—REMOVING VEHICLES FROM ROADS		
5	Removing abandoned vehicles from motorways	6
6	Removing stationary vehicles from freeway	6
7	Removal expenses	6
8	Notice to owner	7
9	Release of vehicles on payment	8
10	Disposal of removed vehicles	8
PART 4—TOLLS		
11	Tolls	9
12	Payment of tolls	9

PART 5—MISCELLANEOUS

13	Work associated with road works	9
14	Approval for ancillary works and encroachments	10
15	Presumptions about advertising signs or devices	11

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

16	Amended regulation	11
17	Amendment of s 24 (Moving illegally moored ships)	11
18	Expiry of this Part	11

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

19	Amended regulation	12
20	Amendment of Pt 2 (Roads)	12
21	Expiry of this Part	12

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Transport Infrastructure (State-controlled Roads) Regulation 1994*.

Definition

2. In this regulation—

“freeway” means the South East Arterial road from William Jolly Bridge to Klumpp Road Bridge.

PART 2—REGULATING TRAFFIC ON ROADS

Regulating traffic

3.(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—
 - (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 45 of the Act; or
 - (iv) for a State-controlled road that is not a motorway or access-limited road—the person is moving the 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.

Camping

4.(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) If the chief executive has provided a rest or recreation facility on a State-controlled road, a person must not camp at the facility for longer than 48 hours.

Maximum penalty—20 penalty units.

(5) When calculating whether a person has camped on a road or at a facility for longer than a stated period, the periods the person camped on the road or at the facility over a continuous 4 week period may be added.

(6) 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), (3) or (4); or
- (b) creates a nuisance on the road.

(7) A person who fails to comply with the chief executive’s requirement commits an offence.

Maximum penalty—20 penalty units.

PART 3—REMOVING VEHICLES FROM ROADS

Removing abandoned vehicles from motorways

5.(1) This section applies if—

- (a) the chief executive believes, on reasonable grounds, a vehicle on a motorway has been abandoned; and
- (b) the chief executive—
 - (i) cannot immediately find the person in charge of the vehicle; or
 - (ii) if the person can be found—believes, on reasonable grounds, the person is unwilling or unable to move the vehicle immediately.

(2) The chief executive may take the steps that are reasonable and necessary to have the vehicle removed from the motorway.

Removing stationary vehicles from freeway

6.(1) This section applies if—

- (a) a vehicle on the freeway is immobilised by a breakdown or fuel shortage; and
- (b) the chief executive believes, on reasonable grounds, it is necessary to remove the vehicle having regard to the safety or convenience of people using the freeway.

(2) The chief executive may arrange for a service or towing vehicle to be called to the vehicle.

(3) Unless the person in charge of the vehicle refuses, the service or towing vehicle operator may take the steps that are reasonable and necessary to mobilise the vehicle or have it removed from the freeway.

Removal expenses

7.(1) In this section—

“removal expenses” means the reasonable expenses of—

- (a) calling a service or towing vehicle to a vehicle on the freeway; or
- (b) mobilising a vehicle on the freeway; or
- (c) removing a vehicle from a motorway or the freeway.

(2) The chief executive may recover the removal expenses from—

- (a) the person who was in charge of the vehicle immediately before it was removed from the motorway or freeway; or
- (b) if the person’s identity cannot be discovered—the vehicle’s owner unless the vehicle was being used on the freeway without the owner’s consent.

Notice to owner

8.(1) In this section—

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

(2) When practicable, but within 14 days after removing a vehicle from a motorway or the freeway, the chief executive must give its owner a written notice—

- (a) stating that it has been removed; and
- (b) explaining how it may be recovered; and
- (c) stating that it may be sold if it is not recovered.

(3) If the owner cannot be identified or located within the 14 days, the notice may be given by publishing it in a newspaper circulating generally in the State.

(4) The chief executive need not give the notice required by this section if the vehicle has insufficient value to justify giving the notice or it is otherwise impracticable to give the notice.

Release of vehicles on payment

9. The chief executive must release a removed vehicle to its owner if the removal expenses are paid.

Disposal of removed vehicles

10.(1) The chief executive may dispose of a vehicle removed from a motorway or the freeway if—

- (a) the person notified of the vehicle's whereabouts does not pay the removal expenses within 2 months of the notification; or
- (b) if the chief executive decides not to give a notice about its removal—at least 2 months have passed since the decision.

(2) The chief executive may only dispose of the vehicle—

- (a) by selling it; or
- (b) if the proceeds of its sale are not likely to cover the removal expenses and the reasonable expenses that would be incurred by the chief executive in selling it—in the way the chief executive believes appropriate.

(3) If the vehicle 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 vehicle (the “**sale expenses**”);
- (b) the removal expenses;
- (c) any balance to the owner.

(4) If the sale proceeds are less than the removal and sale expenses, the difference is a debt payable to the State by the person who is liable for the removal expenses.

(5) The chief executive may waive the whole or any part of the expenses.

(6) Compensation is not recoverable against the chief executive or the State for a payment under this section.

PART 4—TOLLS

Tolls

11.(1) The Minister may, by Gazette notice, levy tolls on a State-controlled road and fix or alter the tolls.

(2) The Gazette notice must state—

- (a) the road on which tolls are to be levied; and
- (b) the date the levying of tolls starts; and
- (c) the types of vehicles liable, and not liable, for a toll; and
- (d) the amount of the toll for each type of vehicle; and
- (e) conditions about a toll.

Payment of tolls

12.(1) The driver of a vehicle that is liable for a toll on a State-controlled road must pay the toll before passing a place where the toll is payable (a “**toll booth**”).

(2) A person must not obstruct a vehicle attempting to pass a toll booth if the vehicle is not liable for a toll or the appropriate toll has been paid for the vehicle.

Maximum penalty—20 penalty units.

PART 5—MISCELLANEOUS

Work associated with road works

13.(1) In association with road works on a State-controlled road or a 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 and 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 doing things mentioned in subsection (1); or
 - (b) alter, damage, remove or otherwise interfere with survey equipment.

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

Approval for ancillary works and encroachments

14.(1) This section applies if a person wants to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road to which section 45(2) of the Act applies and section 45(4) of the Act does not apply.

(2) The person must apply in writing for the chief executive’s approval, giving full particulars of the proposed location, nature and use of the ancillary works and encroachments.

(3) If the chief executive requires, the application must be accompanied by the plans, specifications or other documents the chief executive requires.

(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 45(5) of the Act.

Maximum penalty for subsection (4)—20 penalty units.

Presumptions about advertising signs or devices

15.(1) This section applies to a prosecution for an offence against section 45(3) of the Act about an advertising sign or device.

(2) Each person whose product or service is advertised on the sign or device is taken to maintain and operate the sign, unless the person proves otherwise.

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

Amended regulation

16. This Part amends the *Transport Infrastructure (Ports) Regulation 1994*.

Amendment of s 24 (Moving illegally moored ships)

17. Section 24(1)(b), ‘authorised person’—
omit, insert—
‘authorised officer’.

Expiry of this Part

18. This Part expires at the end of the day it commences.

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

Amended regulation

19. This Part amends the *Transport Infrastructure (Roads) Regulation 1991*.

Amendment of Pt 2 (Roads)

20.(1) Part 2, Division 1, heading—

omit.

(2) Sections 2.01 and 2.03—

omit.

(3) Part 2, Divisions 2 to 4—

omit.

Expiry of this Part

21. This Part expires at the end of the day it commences.

ENDNOTES

1. Made by the Governor in Council on 11 August 1994.
2. Notified in the Gazette on 12 August 1994.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.