



Queensland

# Transport Infrastructure (State-controlled Roads) and Other Legislation Amendment Regulation 2020

## Subordinate Legislation 2020 No. 203

made under the

*State Penalties Enforcement Act 1999*

*Transport Infrastructure Act 1994*

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Transport Infrastructure (State-controlled Roads) and Other Legislation Amendment  
Regulation 2020

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Infrastructure (State-controlled Roads) and Other Legislation Amendment Regulation 2020*.

## Part 2 Amendment of State Penalties Enforcement Regulation 2014

### 2 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

### 3 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1, entry for *Transport Infrastructure (State-controlled Roads) Regulation 2017*, entries for sections 10(1), (2) and (5)—  
*omit, insert—*

s 10(2)	2
s 10(3)	2
s 10A(3)	2
s 10B	2
s 10C(4)	2
s 10D(1)	2
s 10F(1)	2
s 10G(4)	2

## **Part 3**                                  **Amendment of Transport Infrastructure (State-controlled Roads) Regulation 2017**

### **4**            **Regulation amended**

This part amends the *Transport Infrastructure (State-controlled Roads) Regulation 2017*.

### **5**            **Replacement of pt 3**

Part 3—  
*omit, insert—*

## **Part 3**                                  **Fatigue management— designated rest areas and camping**

### **Division 1**                          **Designated rest areas**

#### **10**   **Heavy vehicle rest areas**

- (1) The chief executive may erect a sign, or place a marking—
  - (a) designating an area on, or near, a State-controlled road as a heavy vehicle rest area; and
  - (b) permitting the driver and a passenger of a heavy vehicle to use the rest area for managing the driver's fatigue; and
  - (c) otherwise regulating the use of the rest area, including, for example, by stating that the rest area must not be used by a person other than the driver and a passenger of a heavy

vehicle for a purpose mentioned in paragraph (b).

- (2) A driver or passenger of a heavy vehicle must comply with the sign or marking when the driver or passenger is using the rest area.

Maximum penalty—20 penalty units

- (3) A road user, other than a driver or passenger of a heavy vehicle, must not use the rest area unless the road user has a reasonable excuse.

Maximum penalty—20 penalty units.

### **10A General vehicle rest areas**

- (1) The chief executive may erect a sign, or place a marking—
- (a) designating an area on, or near, a State-controlled road as a general vehicle rest area; and
  - (b) regulating the use of the rest area, including, for example, by stating—
    - (i) that the use of the rest area, or a part of the rest area, by particular vehicles or road users is permitted, restricted or prohibited; and
    - (ii) the maximum period that a person may use the rest area.
- (2) If a period is not stated under subsection (1)(b)(ii) for a rest area, the maximum period for which a person may stay at the rest area is 20 hours within the 24 hour period starting when the person first entered the rest area.
- (3) A road user must comply with—
- (a) the sign or marking for the rest area; and

- (b) if a period is not stated under subsection (1)(b)(ii)—subsection (2).

Maximum penalty—20 penalty units.

### **10B Prohibited conduct—designated rest area**

A road user at a designated rest area must not—

- (a) deposit—
  - (i) litter at the rest area other than in a container provided for depositing litter; or
  - (ii) commercial or residential waste at the rest area; or
- (b) damage any wall, fence, building, barrier, sign, receptacle or other structure on, or attached to, the rest area; or
- (c) light a fire or use a fire pit at, or in, the rest area; or
- (d) dispose of any human waste at the rest area, other than in a facility provided by the chief executive for the purpose; or
- (e) for a general vehicle rest area—
  - (i) operate a generator or engine-driven equipment between 7p.m and 7a.m; or
  - (ii) do any other activity or use any other machinery or appliance that unreasonably interferes with another person's use or enjoyment of the rest area.

Maximum penalty—20 penalty units.

### **10C Chief executive may direct road user to leave designated rest area**

- (1) This section applies if the chief executive believes—
  - (a) a road user is committing an offence against this division in relation to a designated rest area; or
  - (b) an emergency situation exists on, or near, a designated rest area.

*Examples of an emergency situation—*

a bush fire, unsafe or unsanitary conditions exist on, or near, the designated rest area

- (2) The chief executive may direct a road user to immediately—
  - (a) leave the designated rest area; and
  - (b) remove all of the road user's property from the designated rest area.
- (3) When giving the direction, the chief executive must warn the road user it is an offence to fail to comply with the direction.
- (4) The road user must comply with the direction unless the road user has a reasonable excuse.

Maximum penalty—20 penalty units.

## **Division 2      Camping**

### **10D Camping generally prohibited**

- (1) A person must not camp on a State-controlled road.  
Maximum penalty—20 penalty units.
- (2) However, a person does not commit an offence under subsection (1) if—

- (a) the person camps on a State-controlled road other than a motorway or toll road; and
  - (b) any of the following apply—
    - (i) the person complies with section 10E; or
    - (ii) camping on the State-controlled road is permitted under another Act; or
- Example—*
- A condition contained in a special event permit issued under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* may permit camping on a State-controlled road.
- (iii) the person has a reasonable excuse for camping on the State-controlled road.
- (3) In this section—
- toll road*** see section 92 of the Act.

### **10E Permitted camping**

- (1) A person may camp on a State-controlled road other than a motorway or toll road only if—
  - (a) there is no sign or marking prohibiting camping at the area; and
  - (b) the person camps for the purpose of managing the person’s fatigue; and
  - (c) the person camps between the hours of 4p.m. and 8a.m.; and
  - (d) the person’s camp site is located—
    - (i) outside a built-up area; and
    - (ii) at least 200m from any kerb, channel or footpath; and



- (iii) at least 100m from either an entry or exit of a designated rest area; and
  - (iv) at least 100m from a construction site on a State-controlled road, gravel stockpile, pit or quarry; and
  - (v) at least 100m from a residence; and
  - (vi) at least 100m from the high-water mark of any Queensland waters; and
  - (vii) at least 9m from the nearest traffic lane on a State-controlled road; and
- (e) camping on the State-controlled road is not otherwise prohibited under another Act.

*Example—*

The *Stock Route Management Act 2002*, section 178 prohibits a person from camping, without a reasonable excuse, within 300m of a water facility on a stock route network.

- (2) In this section—

***built-up area*** see the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, schedule 5.

***high-water mark***, for Queensland waters, see section 283I of the Act.

## **10F Prohibited conduct—camp site**

- (1) A person who camps on a State-controlled road must not, while camping—
- (a) deposit—
    - (i) litter other than in a container provided for depositing litter; or
    - (ii) commercial or residential waste; or
  - (b) damage any fence, building, barrier, sign, receptacle or other structure; or

- (c) operate a generator or engine-driven equipment; or
- (d) light a fire or use a fire pit; or
- (e) dispose of any human waste other than in a facility provided by the chief executive for the purpose; or
- (f) detach any trailer that is attached to the person's vehicle; or
- (g) interfere with a State-controlled road or the operation or use of the road; or
- (h) do any activity or use any machinery or appliance that unreasonably interferes with another person's use or enjoyment of the area.

Maximum penalty—20 penalty units.

(2) In this section—

*interfere* includes any of the following things that may affect the safe operation, or use, of a State-controlled road—

- (a) attach a thing to a tree or a thing established or used by the chief executive for the operation or use of the road;
- (b) erect any thing or structure that overhangs any portion of a traffic lane on the road;
- (c) do any other activity, or erect a thing or structure that is reasonably likely to—
  - (i) create a hazard on the road; or
  - (ii) restrict or obstruct the movement, or field of vision, of a road user.

### **10G Chief executive may direct person to leave camp site**

(1) This section applies if the chief executive

believes—

- (a) a person is committing an offence against this division in relation to an area used for camping; or
- (b) an emergency situation exists on, or near, an area used for camping.

*Examples of an emergency situation—*

a bush fire, unsafe or unsanitary conditions exist on, or near, the area

- (2) The chief executive may direct a person to immediately—
  - (a) leave the area; and
  - (b) remove all of the person’s property from the area.
- (3) When giving the direction, the chief executive must warn the person it is an offence to fail to comply with the direction.
- (4) The person must comply with the direction unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

## 6 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definitions *camp*, *motorised caravan*, *motor vehicle* and *trailer*—

*omit.*

- (2) Schedule 1—

*insert—*

***camp***—

- (a) has the meaning given under the *Recreation Areas Management Act 2006*, schedule; but
- (b) does not include the use of a designated rest area under part 3, division 1.

***camp site*** means an area on a State-controlled road where a person camps.

***commercial truck*** means a vehicle, other than a general vehicle or fatigue-regulated heavy vehicle—

- (a) with a GVM over 4.5t and designed to carry goods; or
- (b) with a GVM over 4.5t designed to carry goods and is towing a trailer or a combination of trailers.

***designated rest area*** means an area on or near a State-controlled road designated—

- (a) as a heavy vehicle rest area under section 10; or
- (b) as a general vehicle rest area under section 10A.

***escort vehicle***, for a heavy vehicle, see the Heavy Vehicle National Law (Queensland), section 5.

***fatigue-regulated heavy vehicle*** has the meaning given under the Heavy Vehicle National Law (Queensland), section 7.

***general vehicle rest area*** means an area designated under section 10A as a general vehicle rest area.

***general vehicle*** means—

- (a) a bicycle; or
- (b) a motorbike; or
- (c) a vehicle other than a heavy vehicle, escort vehicle or pilot vehicle; or
- (d) a recreational vehicle.

***heavy vehicle*** means—

- (a) a commercial truck; or

- (b) a fatigue-regulated heavy vehicle; or
- (c) an escort vehicle or pilot vehicle accompanying a commercial truck.

***heavy vehicle rest area*** means an area designated under section 10 as a heavy vehicle rest area.

***pilot vehicle***, for a heavy vehicle, see the Heavy Vehicle National Law (Queensland), section 5.

***recreational vehicle*** includes—

- (a) a campervan; and
- (b) a caravan; and
- (c) a motorhome.

***road user*** see the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, section 14.

***traffic lane*** means a part of a State-controlled road allocated for the use of a single line of vehicles.

ENDNOTES

- 1 Made by the Governor in Council on 17 September 2020.
- 2 Notified on the Queensland legislation website on 18 September 2020.
- 3 The administering agency is the Department of Transport and Main Roads.

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