



Queensland

Transport Infrastructure Act 1994

Transport Infrastructure (State-controlled Roads) Regulation 2017

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Transport Infrastructure (State-controlled Roads) Regulation 2017

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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 1 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.

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

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- (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—

[s 10C]

- (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

[s 10F]

- (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

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- (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

[s 11]

- (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.

Part 4 **Public utility plant on State-controlled roads**

11 **Chief executive's requirements—Act, s 79**

For section 79 of the Act, each of the following matters in relation to public utility plant on a State-controlled road is prescribed—

- (a) the location of the plant on the road, including the alignment and depth of the plant on the road;
- (b) traffic control while the plant is being constructed, augmented, altered or maintained;
- (c) the dates, times and location of access to the road;
- (d) construction works likely to adversely affect the road;
- (e) relocation of the plant, including who must pay the costs of the relocation;
- (f) reinstatement of the road after the plant has been constructed, augmented, altered or maintained;

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- (g) public risk insurance to be held by the owner of the plant in relation to the construction, augmentation, alteration or maintenance of the plant;
 - (h) the indemnification of the department from risks associated with the construction, augmentation, alteration or maintenance of the plant and the presence of the plant on the road.

Part 5 **Ancillary works and encroachments**

14 Chief executive may require information about application

- (1) This section applies to an application for an approval mentioned in section 50(2)(a) of the Act.
- (2) The chief executive 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.
- (3) The chief executive may refuse the application if the applicant fails, without reasonable excuse, to comply with the notice within the stated period.
- (4) In this section—
information includes a document.

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

- (1) This section applies if, under section 50(2)(a) 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—

[s 16]

- (a) the plans and specifications approved by the chief executive when giving the approval;
- (b) any conditions fixed under section 50(6) 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
 - (b) alter, damage, remove or otherwise interfere with survey equipment.

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

Part 7

Transitional provision for Transport Infrastructure and Other Legislation Amendment Regulation 2019

- 17 Existing applications for approval for ancillary works and encroachments**
- (1) This section applies if an application for the chief executive's approval under section 50 of the Act was made but not decided before the commencement.
 - (2) Section 14 of this regulation as in force immediately before the commencement continues to apply in relation to the application as if the *Transport Infrastructure and Other Legislation Amendment Regulation 2019* had not been made.

Schedule 1 Dictionary

section 3

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.

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

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 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.

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

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.

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

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.

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.

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