



Queensland

Transport Infrastructure (State-controlled Roads) Regulation 2017

Subordinate Legislation 2017 No. 169

made under the

Transport Infrastructure Act 1994

State Penalties Enforcement Act 1999

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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—
 - (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.

[s 6]

- (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 Camping

10 Camping on or near State-controlled road

- (1) If a conspicuous sign prohibiting camping on, or on an area near, a State-controlled road is erected by the chief executive on or near the road or area, a person must not camp on the part of the road or area to which the sign relates.

Maximum penalty—20 penalty units.

- (2) If a conspicuous sign limiting camping on, or on an area near, a State-controlled road to a stated period is erected by the chief executive on or near the road or area, a person must not camp on the part of the road or area to which the sign relates for longer than the stated period.

Maximum penalty—20 penalty units.

- (3) In working out whether a person has camped on, or on an area near, a State-controlled road for longer than the stated period, the periods for which the person has camped on the road or area over a continuous 4 week period must be added together.

- (4) The chief executive may require a person to leave a State-controlled road, or an area near the road, with the person's property if the person—

- (a) contravenes subsection (1) or (2); or
- (b) creates a nuisance on or near the road.

- (5) The person must comply with the requirement under subsection (4) unless the person has a reasonable excuse.

Maximum penalty for subsection (5)—20 penalty units.

[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

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 16(2) (other than an offence that constitutes an assault)	2

Authorised person for service of infringement notices—

- (a) an employee of the Brisbane City Council appointed as an authorised person under the *City of Brisbane Act 2010*, section 199; or
- (b) an employee of a local government appointed as an authorised person under the *Local Government Act 2009*, section 202; or
- (c) an authorised officer under the *Transport Operations (Road Use Management) Act 1995*, section 20

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.

ENDNOTES

- 1 Made by the Governor in Council on 24 August 2017.
- 2 Notified on the Queensland legislation website on 25 August 2017.
- 3 The administering agency is the Department of Transport and Main Roads.

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