



Queensland

*Transport Infrastructure Act 1994*

# Transport Infrastructure (State-controlled Roads) Regulation 2006

Current as at 1 July 2016

## **Reprint note**

This is the last reprint before expiry. Expired on 31 August 2017. See SIA s 56A(2) and SIR s 3 sch 2 pt 2.





Queensland

# Transport Infrastructure (State-controlled Roads) Regulation 2006

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	3
2	Definitions .....	3
<b>Part 2</b>	<b>Regulating traffic on roads</b>	
3	Prohibition on access to motorway .....	3
4	Prohibition on access to State-controlled road .....	3
5	Prohibition on types of traffic on motorway .....	4
6	Prohibition on animals on non-motorway State-controlled road .	4
7	Compliance with prohibitions .....	5
8	No animals on motorway, other than in non-prohibited vehicles .	5
<b>Part 3</b>	<b>Camping</b>	
9	Camping .....	6
<b>Part 4</b>	<b>Public utility plant on State-controlled roads</b>	
10	Chief executive's requirements .....	7
<b>Part 5</b>	<b>Ancillary works and encroachments</b>	
11	Declaration of ancillary works and encroachments .....	8
12	Application for approval for ancillary works and encroachments	8
13	Information to decide application for approval .....	8
14	Construction to be according to approved plans and specifications and approval conditions .....	9
<b>Part 6</b>	<b>Chief executive's powers in association with road works</b>	
15	Chief executive's powers .....	9
<b>Part 7</b>	<b>Repeal and transitional provisions</b>	
16	Repeal .....	10
17	Transitional provision for applications for approval for ancillary works and encroachments .....	10

Contents

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<b>Schedule 1</b>	<b>Encroachments that ancillary works and encroachments include</b>	
	11	
<b>Schedule 2</b>	<b>Dictionary .....</b>	<b>12</b>

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# Transport Infrastructure (State-controlled Roads) Regulation 2006

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Infrastructure (State-controlled Roads) Regulation 2006*.

### 2 Definitions

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

## Part 2 Regulating traffic on roads

### 3 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 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.

### 4 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

[s 5]

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- (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.

## **5 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 the official traffic sign may state—*

no tractors beyond this point

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

## **6 Prohibition on animals on non-motorway State-controlled road**

- (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 appropriate signs erected on the State-controlled road.

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

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.

## **7 Compliance with prohibitions**

- (1) A person given notice of a prohibition under section 3, 4, 5 or 6 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.

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

- (1) A person must not—
  - (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**

### **9                      Camping**

- (1) If a conspicuous sign prohibiting camping is 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.

- (2) If a conspicuous sign limiting camping to a stated period is 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 for longer than the stated period.

Maximum penalty—20 penalty units.

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

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

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

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

Maximum penalty—20 penalty units.



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

### **10 Chief executive’s requirements**

The following matters in relation to public utility plant on a State-controlled road are prescribed for section 79 of the Act—

- (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;
- (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**

### **11 Declaration of ancillary works and encroachments**

- (1) Encroachments, other than public utility plant, that are not things or activities mentioned in the Act, schedule 6, definition *ancillary works and encroachments* are ancillary works and encroachments for the purpose of that definition.
- (2) Without limiting subsection (1), the things or activities mentioned in schedule 1 are also ancillary works and encroachments.

### **12 Application for approval for ancillary works and encroachments**

- (1) This section applies to a person who wants to apply under section 50(2) of the Act for approval to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road.
- (2) The application must be written and give full particulars of the proposed location, nature and use of the ancillary works and encroachments.

### **13 Information to decide application for approval**

- (1) The chief executive may—
  - (a) require the application to be accompanied by the plans, specifications or other documents the chief executive considers are reasonably needed to decide the application; or
  - (b) require the applicant to give the chief executive the additional information the chief executive considers is reasonably needed to decide the application within a stated reasonable time of at least 28 days.
- (2) The chief executive may refuse the application if—

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- (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 give the additional information required under subsection (1)(b) within the stated reasonable time.

#### **14 Construction to be according to approved plans and specifications and approval conditions**

A person given approval under section 50(2) of the Act to construct ancillary works and encroachments must construct the ancillary works and encroachments according to—

- (a) the plans and specifications approved by the chief executive in giving the approval; and
- (b) any conditions fixed under section 50(5) of the Act to which the approval is subject.

Maximum penalty—20 penalty units.

## **Part 6 Chief executive's powers in association with road works**

### **15 Chief executive's powers**

- (1) In association with 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

[s 16]

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- (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                      Repeal and transitional provisions**

### **16      Repeal**

The Transport Infrastructure (State-controlled Roads) Regulation 1994 SL No. 300 (the *repealed regulation*) is repealed.

### **17      Transitional provision for applications for approval for ancillary works and encroachments**

- (1) This section applies if—
  - (a) an application has been made under section 17 of the repealed regulation for ancillary works and encroachments; and
  - (b) the application has not been decided before the commencement of this section.
- (2) The application may be decided, and the ancillary works and encroachments must be constructed, as if section 17 of the repealed regulation had not been repealed.

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**Schedule 1      Encroachments that ancillary  
works and encroachments  
include**

section 11(2)

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  
Retaining walls  
Roadside refurbishment  
Sidewalk activities, for example, conducting a cafe  
Solar panels  
Stays  
Structural anchors  
Wind generators

## Schedule 2 Dictionary

### section 2

**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.

**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
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

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

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

### **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>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	7 July 2006	
1A	2012 SL No. 159	21 September 2012	



Current as at	Amendments included	Notes
1 July 2016	2016 SL No. 75	

## 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 2006 SL No. 174**

made by the Governor in Council on 6 July 2006  
 notfd gaz 7 July 2006 pp 1167–9  
 commenced on date of notification  
 exp 31 August 2017 (see SIA s 56A(2) and SIR s 3 sch 2 pt 2)  
 amending legislation—

#### **Transport Legislation Amendment Regulation (No. 2) 2012 SL No. 159 pts 1–2**

notfd gaz 21 September 2012 pp 96–7  
 commenced on date of notification

#### **Biosecurity Regulation 2016 SL No. 75 ss 1–2, 129 sch 12**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 17 June 2016  
 ss 1–2 commenced on date of notification  
 s 129 sch 12 commenced 1 July 2016 immediately after the commencement of the  
 Natural Resources and Mines Legislation (Fees) Amendment Regulation (No. 1)  
 2016, pt 11 (see s 2)

## 5 List of annotations

### **Prohibition on animals on non-motorway State-controlled road**

s 6 amd 2016 SL No. 75 s 129 sch 12

### **SCHEDULE 2—DICTIONARY**

def *camp* ins 2012 SL No. 159 s 3  
 def *motorised caravan* ins 2012 SL No. 159 s 3  
 def *motor vehicle* ins 2012 SL No. 159 s 3  
 def *trailer* ins 2012 SL No. 159 s 3

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