

Queensland



*Transport Infrastructure (Railways) Act 1991*

# **TRANSPORT INFRASTRUCTURE (RAILWAYS) REGULATION 1994**

**Reprinted as in force on 27 October 1994  
(Regulation not amended up to this date)**

**Reprint No. 1**

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the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This regulation is reprinted as at 27 October 1994.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to omit provisions that are no longer required (s 40).

**See Endnotes for information about—**

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint.**

# Queensland



## TRANSPORT INFRASTRUCTURE (RAILWAYS) REGULATION 1994

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# TRANSPORT INFRASTRUCTURE (RAILWAYS) REGULATION 1994

[reprinted as in force on 27 October 1994<sup>2</sup>]

## PART 1—PRELIMINARY

### Short title

1. This regulation may be cited as the *Transport Infrastructure (Railways) Regulation 1994*<sup>3-4</sup>.

### Definitions

2. In this regulation—

“**approved form**” means a form approved by the chief executive.

“**axle mass**” has the meaning given by section 1.02 of the *Transport Infrastructure (Roads) Regulation 1991*.

“**Brisbane Suburban Line**” means the electrified railway line between Brisbane Central station and a following place—

- (a) 2 km north of Caboolture station;
- (b) Acacia Ridge terminal;
- (c) Beenleigh station;
- (d) Cleveland station;
- (e) Eagle Farm station;
- (f) Exhibition station;
- (g) Ferny Grove station;
- (h) Ipswich station;
- (i) Moolabin terminal;

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(j) Shorncliffe station.

“**carriage**” means a railway carriage.

“**drive**” a vehicle includes ride the vehicle.

“**employee**” means a Queensland Railways’ employee.

“**sign**” means a sign erected or displayed by, or with the authority of, Queensland Railways.

“**vehicle**” has the meaning given by section 9 of the *Traffic Act 1949* and includes a load on the vehicle.

## **PART 2—DANGEROUS GOODS**

### **Code prescribed—Act, s 88(1)**

3. The Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG Code) published by the Commonwealth of Australia is prescribed as the Code.

### **Explosives Code prescribed—Act, s 88(1)**

4. The Australian Code for the Transport of Explosives by Road and Rail (Australian Explosives Code) published by the Commonwealth of Australia is prescribed as the Explosives Code.



## **PART 3—CONDUCT ON RAILWAYS**

### ***Division 1—Permission for acts otherwise prohibited***

#### **Exemption of persons with Queensland Railways' permission**

**5.** A person does not contravene a provision of this Part (other than section 6(1)) by an act or omission for which the person has—

- (a) for an act or omission prohibited by Division 5—Queensland Railways' written permission; or
- (b) otherwise—Queensland Railways' permission.

### ***Division 2—Tickets***

#### **Concessions on tickets**

**6.(1)** A person must not obtain a concession on a ticket by making a false or misleading statement.

Maximum penalty—20 penalty units.

**(2)** A person given a concession must comply with the conditions on which it is given.

Maximum penalty—20 penalty units.

#### **Platform tickets**

**7.** A person must not go onto platform 1, 2 or 10 at Roma Street station, Brisbane, unless the person—

- (a) has a ticket for a journey on a train about to leave the platform; or
- (b) has just obtained a platform ticket and accompanies onto the platform a person who has a ticket for the journey.

Maximum penalty—2 penalty units.

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### **Property in tickets**

8. A ticket issued to a person stays the property of Queensland Railways and cannot be validly transferred to someone else.

### ***Division 3—General conduct on railways***

#### **Alcohol**

9. A person on rolling stock or a railway must not consume alcohol unless the alcohol is—

- (a) supplied by Queensland Railways; and
- (b) consumed at a place set aside by Queensland Railways for drinking alcohol.

Maximum penalty—10 penalty units.

#### **Animals**

10.(1) A person must not—

- (a) bring an animal into a passenger compartment of a carriage, unless it is a guide dog accompanying a blind or aurally deficient person; or
- (b) allow an animal under the person's control to stray onto a railway; or
- (c) ride or drive an animal across a railway line, other than by using a bridge, level crossing or road subway; or
- (d) ride or drive an animal on a level crossing if—
  - (i) a warning signal given by Queensland Railways is operating, sounding or has just sounded in the vicinity of the crossing; or
  - (ii) there is danger of a train striking the animal or person; or
  - (iii) the person is told not to do so by an employee; or

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- (e) bring an animal with an infectious disease onto rolling stock or a railway.

Maximum penalty—5 penalty units.

(2) The person does not commit an offence against subsection (1)(e) if, when the animal is brought onto the rolling stock or railway—

- (a) the person does not believe the animal is suffering from an infectious disease; and
- (b) there is no reasonable ground for suspecting the animal has an infectious disease.

### **Bulky luggage**

**11.(1)** A person must not bring into a carriage anything of a size or shape that prevents it being put in an overhead rack, designated storage area or under a seat, of the carriage.

Maximum penalty—2 penalty units.

(2) A person must not put anything in the aisle of a carriage that is likely to obstruct or injure someone else.

Maximum penalty—2 penalty units.

### **Coloured lights**

**12.** A person must not display a coloured light on a railway.

Maximum penalty—20 penalty units.

### **Conduct that could injure**

**13.(1)** A person must not—

- (a) board or leave a carriage other than through a proper entrance or exit; or
- (b) open a door of a moving carriage, other than a door connecting carriages; or

- (c) board or leave a moving carriage; or
- (d) board rolling stock not designed for passengers; or
- (e) ride on the outside of a train.

Maximum penalty—20 penalty units.

(2) A person must not put a part of the person's body out of a carriage window or a door of a moving carriage.

Maximum penalty—20 penalty units.

### **Crossing of railway lines by pedestrians**

**14.(1)** A person must not cross a railway line other than by using a bridge, level crossing, pedestrian subway or road subway.

Maximum penalty—20 penalty units.

(2) A person must not enter, or stay, on a level crossing if—

- (a) a warning signal given by Queensland Railways is operating, sounding or has just been sounded in the vicinity of the crossing; or
- (b) there is danger of the train striking the person; or
- (c) the person is told not to do so by an employee.

Maximum penalty—20 penalty units.

### **Dirtying of seats**

**15.** A person must not put anything on a carriage seat that is likely to dirty the seat, including, for example, the person's feet or shoes.

Maximum penalty—5 penalty units.

### **Consuming food or drink on certain trains not allowed**

**16.** A person must not consume, or leave, food or drink in a train travelling from Brisbane Central station to a following station—

- (a) Beenleigh;
- (b) Caboolture;
- (c) Cleveland;
- (d) Ferny Grove;
- (e) Gympie North;
- (f) Ipswich;
- (g) Pinkenba;
- (h) Robina;
- (i) Rosewood;
- (j) Shorncliffe.

Maximum penalty—5 penalty units.

### **Gates**

**17.** A person must close and secure a gate at a level crossing as soon as practicable after the person has opened it.

Maximum penalty—20 penalty units.

### **Graffiti and posters**

**18.** A person must not draw, write or place a poster, placard or other notice on rolling stock or a railway.

Maximum penalty—5 penalty units.

### **Interfering with railways**

**19.** A person must not move, operate, or otherwise interfere with, rolling stock or a brake, lever, signal, switch or other railway equipment or machinery.

Maximum penalty—20 penalty units.

### **Litter**

**20.** A person must not leave wastepaper or other rubbish on a railway or in a carriage, other than in a container supplied by Queensland Railways for the purpose.

Maximum penalty—5 penalty units.

### **Loitering**

**21.** A person must not obstruct or inconvenience someone else by loitering on a railway.

Maximum penalty—5 penalty units.

### **Misuse of emergency systems**

**22.** A person must not activate, or interfere with, an emergency system in a carriage, other than in an emergency.

Maximum penalty—5 penalty units.

### **Misuse of fire systems**

**23.** A person must not—

- (a) open, or interfere with, a fire exit door on a railway, other than to allow a person to leave if there is a fire or other emergency; or
- (b) activate, or interfere with, a fire detection system on rolling stock or a railway.

Maximum penalty—20 penalty units.

### **Objects propelled**

**24.** A person on a railway or in a carriage must not propel anything.

Maximum penalty—20 penalty units.

### **Polluting water**

**25.(1)** A person must not pollute water on a railway or in a carriage.

Maximum penalty—10 penalty units.

**(2)** Subsection (1) does not apply if—

- (a) the water is made available for public use; and
- (b) the pollution is no more than is necessary for the particular purpose for which the water is made available.

### **Radios and sound equipment**

**26.(1)** A person on a railway or in a carriage must not operate a radio, tape recorder or another device emitting sound.

Maximum penalty—5 penalty units.

**(2)** Subsection (1) does not apply if earphones are attached to the device and the sound level from the earphones is unlikely to be a nuisance.

### **Sales and business**

**27.** A person on a railway or in a carriage must not publicly sell anything or publicly seek business.

Maximum penalty—2 penalty units.

### **Sewage**

**28.(1)** A person must not leave sewage on, or cause it to flow onto, rolling stock or a railway.

Maximum penalty—10 penalty units.

**(2)** Subsection (1) does not apply to a person using a toilet supplied by Queensland Railways.

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**Smoking**

**29.** A person must not smoke in a carriage, or in a part of a railway, displaying a sign indicating that smoking is not allowed in the carriage or in the part of the railway.

Maximum penalty—5 penalty units.

**Spitting**

**30.** A person on a railway or in a carriage must not spit.

Maximum penalty—5 penalty units.

**Statistical surveys**

**31.** A person on a railway or in a carriage must not publicly conduct a survey.

Maximum penalty—2 penalty units.

***Division 4—Vehicles generally***

**Division does not apply to roads**

**32.** This Division does not apply to a road within the meaning of section 9 of the *Traffic Act 1949*.

**Drivers to obey directions and warning signals**

**33.** The driver of a vehicle on a railway, including at a level crossing<sup>1</sup>—

- (a) must obey an employee's lawful direction about driving the vehicle; and
- (b) must obey a direction indicated on a sign erected on the railway or

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<sup>1</sup> Under section 59(2) of the Act drivers of vehicles and pedestrians must give way to trains at level crossings.



at the level crossing; and

- (c) must not drive, or allow the vehicle to stay, on the level crossing if—
  - (i) a warning signal given by Queensland Railways is operating, sounding or has just sounded in the vicinity of the crossing; or
  - (ii) there is danger of a train striking the vehicle.

Maximum penalty—5 penalty units.

### **Parking of vehicles**

**34.(1)** A vehicle's driver must comply with a lawful direction by an employee or a direction indicated on a sign about parking a vehicle on a railway.

Maximum penalty—5 penalty units.

- (2)** A vehicle's driver may only park the vehicle on a railway—
  - (a) to engage in business with Queensland Railways; or
  - (b) to bring a passenger to a railway to board a train; or
  - (c) to pick up a person who has arrived at a railway by train; or
  - (d) for transporting the vehicle by rail.

Maximum penalty—5 penalty units.

### **Vehicles on pedestrian bridges and in subways**

**35.** A person must not drive a vehicle (other than a wheelchair) on a bridge or in a subway designed for pedestrians that is on, or under, a railway.

Maximum penalty—5 penalty units.

### **Speed of vehicles**

**36.** A person must not drive a vehicle on a railway at more than—

- (a) the speed indicated on a sign erected on the railway; or
- (b) if no sign is erected—20 km per hour.

Maximum penalty—5 penalty units.

### ***Division 5—Over-dimensional vehicles and vehicles likely to damage or obstruct***

### **Heavy vehicles**

**37.** A person must not drive on a level crossing or bridge over a railway line a vehicle for which—

- (a) the total of all axle masses for the vehicle is over 105 t; or
- (b) the total of all axle masses for any 9 m of the vehicle's length is over 48 t; or
- (c) the axle mass for any single axle is over 12 t.

Maximum penalty—20 penalty units.

### **High vehicles**

**38.(1)** A person must not drive a vehicle on a bridge over a railway line if the vehicle is higher than 5.2 m.

Maximum penalty—20 penalty units.

**(2)** A person must not drive a vehicle on a level crossing—

- (a) on the Brisbane Suburban Line—if the vehicle is higher than 5 m; or
- (b) on another line—if the vehicle is higher than 5.2 m.

Maximum penalty—20 penalty units.

**(3)** A person must not drive a vehicle on a level crossing—

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- (a) where the Brisbane Suburban Line crosses an access road—if the vehicle is higher than 4.1 m; or
- (b) where another electrified line crosses an access road—if the vehicle is higher than 4.3 m.

Maximum penalty—20 penalty units.

(4) A person must not drive a vehicle on a level crossing if the vehicle is higher than a height barrier for the crossing.

Maximum penalty—20 penalty units.

(5) In this section—

“**access road**” means a road other than a road within the meaning of the *Transport Infrastructure (Roads) Act 1991*.

### **Long vehicles**

**39.(1)** A person must not drive a vehicle longer than 35 m on a level crossing or bridge over a railway line.

Maximum penalty—20 penalty units.

(2) However, subsection (1) does not apply to a road train driven under a permit for the road train under the *Traffic Act 1949*.

### **Wide vehicles**

**40.(1)** A person must not drive a vehicle wider than 5.5 m on a level crossing or bridge over a railway line.

Maximum penalty—20 penalty units.

(2) A person must not drive a vehicle on a level crossing if the vehicle is wider than the distance between the posts of a height barrier for the crossing.

Maximum penalty—20 penalty units.

### **Using vehicles in a way likely to damage or obstruct**

**41.** A person must not use a vehicle in a way likely to damage or obstruct a level crossing or bridge over a railway line.

Maximum penalty—20 penalty units.

### **Written permission to be obtained before acting contrary to Div 5**

**42.** A person must obtain Queensland Railways' written permission in the approved form before doing an act or making an omission contrary to this Division.

### **Queensland Railways' written permission may be on conditions**

**43.(1)** Queensland Railways may impose a relevant condition about the following matters on the written permission—

- (a) the time a permission may be used;
- (b) raising, dismantling, taking away or cutting power to Queensland Railways' overhead electricity lines;
- (c) repairing, replacing or reconstructing—
  - (i) Queensland Railways' overhead electricity lines; or
  - (ii) other Queensland Railways' property; or
  - (iii) the part of a road surface Queensland Railways has a duty to maintain in good order and repair;
- (d) paying Queensland Railways an amount for—
  - (i) administration involved in the application for permission; or
  - (ii) facilitating the use of the level crossing or bridge mentioned in this Division;
- (e) paying Queensland Railways' costs or loss, including repair of damage to its property, arising from the permission.

**(2)** For subsection (1)(d), Queensland Railways may only fix an amount

it considers reasonable and that is not more than the reasonable cost of doing a thing mentioned in subsection (1)(d)(i) or (ii).

### ***Division 6—Evidence***

#### **Evidence**

**44.** Evidence that a sign was erected or displayed at a place is evidence the sign was erected or displayed with the authority of Queensland Railways.

## **PART 4—DAMAGES**

#### **Prescribed amounts—animals—Act, s 69**

**45.** Part 1 of the Schedule sets out the prescribed amount for an animal.

#### **Prescribed amount—luggage—Act, s 70**

**46.** Part 2 of the Schedule sets out the prescribed amount for a passengers' luggage.

**SCHEDULE****PRESCRIBED AMOUNTS**

sections 45 and 46

**PART 1—ANIMALS**

	\$
1. Each head of cattle .....	400.00
2. A horse .....	200.00
3. A pig .....	48.00
4. A sheep .....	12.00
5. A dog .....	10.00
6. Another animal .....	10.00

**PART 2—LUGGAGE**

	\$
Passenger's luggage .....	200.00

## ENDNOTES

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### 2            **Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Transport Infrastructure (Railways) Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3            **List of legislation**

**Transport Infrastructure (Railways) Regulation 1994 SL No. 371**  
notfd Gaz 21 October 1994 pp 731–2  
commenced on date of notification

## 4 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
exp	=	expires/expired
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

### **PART 5—REPEALS**

**Pt 5 (s 47)** om R1 (see RA s 40)