

Queensland

Summary Offences Act 2005

Summary Offences Regulation 2006

Current as at 1 September 2010

Reprint note—
This is the last reprint before repeal. Repealed on 1 September 2016 by 2016 SL No. 124 s 17.

Queensland

Summary Offences Regulation 2006

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Summary Offences Regulation 2006

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Summary Offences Regulation 2006*.

2 Commencement

This regulation commences on 1 July 2006.

3 Definitions

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

Part 2 Driving of motorbikes on public land

4 Unlawful driving of motorbike on public land

(1) For section 11A of the Act, a person must not drive a motorbike on public land unless—

(a) the public land is an area of public land prescribed under this regulation (***motorbike control land***) and the person is—

(i) in possession of a motorbike access authority, issued under section 5, authorising the motorbike to be driven on the public land; and

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(ii) acting under the direction or written permission of a government entity or another person who is authorised to control or manage the public land; or

(b) the person is a police officer performing the functions of a police officer; or

(c) the person is an employee, contractor or volunteer of a government entity or a local government, performing his or her functions as an employee, contractor or volunteer of the government entity or local government; or

(d) the person is an employee or volunteer of a contractor of a government entity or a local government, performing his or her functions as an employee or volunteer of the contractor; or

(e) the person is acting under a lease, licence or authority, issued under an Act, that requires or authorises access to the public land for engaging in activities mentioned in the lease, licence or authority.

(2) A person is in possession of a motorbike access authority for subsection (1)(a)(i) if the motorbike access authority is—

(a) for a motorbike access authority issued in the form of a written document—carried by the person; or

(b) for a motorbike access authority issued in the form of a label capable of being attached to a motorbike—attached to the motorbike being driven by the person.

Note—

The Act, section 11A defines public land to mean public land as defined under a regulation or local law, but does not include a road.

5 Application for motorbike access authority

(1) A person may apply to the chief executive responsible for the control or management of motorbike control land for an authority authorising a particular motorbike to be driven on the motorbike control land (***motorbike access authority***).

(2) The chief executive must consider the application and issue, or refuse to issue, a motorbike access authority.

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(3) When deciding whether to issue, or refuse to issue, a motorbike access authority, the chief executive must consider the following matters—

(a) whether the applicant has given the chief executive sufficient information to decide the application;

(b) whether the issue of the motorbike access authority is consistent with a management strategy used by the government entity responsible for the control or management of the motorbike control land to—

(i) minimise environmental damage relating to the use of motorbikes on the motorbike control land; or

(ii) regulate access to the motorbike control land; or

(iii) minimise a serious risk to the health or safety of a person on the motorbike control land;

(c) any other matters relevant to the effective use, control or management of the motorbike control land.

(4) The chief executive may impose a condition on a motorbike access authority, including a condition that if the motorbike control land it applies to stops being motorbike control land, it no longer has effect.

6 Reconsideration of application for motorbike access authority

(1) If the chief executive refuses to issue a motorbike access authority to a person, the chief executive must give the person a written notice stating the reasons for the refusal.

(2) The person may, within 14 days after being given the written notice, apply to the chief executive for a reconsideration of the refusal.

(3) If the decision to refuse to issue the motorbike access authority was made by a person (***original decision maker***) other than the chief executive, the reconsideration must be conducted by another person in a more senior office than the original decision maker.

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7 Form of motorbike access authority

(1) A motorbike access authority must be in the form of—

(a) a written document; or

(b) a label capable of being attached to a motorbike.

(2) A motorbike access authority must state the following information—

(a) the period it is current;

(b) the motorbike control land it applies to;

(c) in relation to the motorbike it applies to—

(i) the model of the motorbike; and

(ii) the engine, chassis or frame number of the motorbike; and

(iii) the registration number, if any, of the motorbike under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* or a corresponding law within the meaning of the *Transport Operations (Road Use Management) Act 1995*;

(d) a unique identifying number;

(e) any conditions on which it is issued.

8 Application for land to be prescribed as motorbike control land

(1) A government entity may apply to the Minister for a stated area of public land to be prescribed as motorbike control land for the purposes of the Act, section 11A.

(2) Before the area is prescribed as motorbike control land, the Minister must ensure that the requirements of sections 9 to 11 have been complied with.

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9 Requirements of application

(1) An application by a government entity responsible for an area of public land to be prescribed as motorbike control land must be—

(a) in the approved form; and

(b) accompanied by—

(i) a plan clearly showing the location and boundaries of the area; and

(ii) if the government entity receives a submission about the application from an interested person—a copy of the submission, a summary of the submission and any comment the applicant wishes to make about the submission.

(2) The approved form must require the applicant to state the following information—

(a) the real property description and boundaries of the area;

(b) how the area is currently used;

(c) why the area should be prescribed as motorbike control land;

(d) when the area should be prescribed as motorbike control land;

(e) the results of consultation conducted under section 10(1)(a);

(f) whether the applicant has conducted any other consultation, and the nature and results of the consultation;

(g) the nature and extent of noise that may occur if the area is prescribed as motorbike control land;

(h) the nature and extent of environmental damage that may occur if the area is prescribed as motorbike control land, and how the environmental damage may be minimised;

(i) how the area will be maintained;

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(j) how access will be made to the area and how this access will be regulated;

(k) whether there is anything in the area that may create a serious risk to the health or safety of a person in the area, and how the risk may be minimised.

10 Consultation and notification

(1) Before an application is made under section 8(1), the applicant must—

(a) consult about the applicant's proposal for an area of public land to be prescribed as motorbike control land with—

(i) the district officer of the police district for the area; and

(ii) the local government for the area; and

(iii) a person, or a representative of a person, who is living in or adjacent to, or carrying on business in or adjacent to, the area; and

(b) publish a notice of the applicant's intention to apply to the Minister for the area to be prescribed as motorbike control land.

(2) The notice mentioned in subsection (1)(b) must comply with section 11 and be published in a newspaper circulating generally in the area or, if there is no newspaper circulating generally in the area, a newspaper circulating generally in the State.

(3) In addition, the applicant must take other reasonably necessary steps to ensure persons who may reasonably be expected to be affected by the proposal are notified of the proposal in a way that gives them—

(a) the information that must be included in the notice; and

(b) at least as much time as is given under the notice to make written submissions supporting or opposing the proposal.

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Examples of steps that may be taken under subsection (3)—

- notifying people of the proposal by television advertisement
- arranging for a letter box drop of leaflets about the proposal
- erecting a notice at or near the area about the proposal

11 Information to be included in notice

The notice of intention to apply to the Minister for an area of public land to be prescribed as motorbike control land must include the following information—

(a) a sketch or plan clearly showing the location and boundaries of the area;

(b) a street address or description clearly identifying the area;

(c) when the area may be prescribed as motorbike control land;

(d) the reason why the government entity proposes that the area should be prescribed as motorbike control land;

(e) that interested persons may give written submissions supporting or opposing the application to the government entity making the application;

(f) a day, at least 1 month after the first publication of the advertisement, by which submissions must be made;

(g) an address to which submissions must be sent.

12 Publication of information about motorbike control land

(1) This section applies if a government entity makes an application to the Minister under section 8 in relation to an area of public land and the area is prescribed as motorbike control land.

(2) As soon as practicable after the area is prescribed as motorbike control land, the government entity must publish a notice in a newspaper circulating generally in the area or, if there is no newspaper circulating generally in the area, a

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newspaper circulating generally in the State, that includes the following information—

(a) a sketch or plan clearly showing the location and boundaries of the area;

(b) a street address or description clearly identifying the area;

(c) that the area is prescribed as motorbike control land.

(3) For the period that the area is prescribed as motorbike control land, the government entity must—

(a) allow the public, during business hours, to inspect a copy of a plan which clearly shows the location and boundaries of the area; and

(b) display a sign, on or near each entrance to the area, which states that the area is motorbike control land and clearly shows the boundaries of the area; and

(c) publish the information mentioned in subsection (2)(a) to (c) on the government entity's web site on the Internet.

13 If area stops being motorbike control land

Before an area of public land stops being motorbike control land, a government entity that has issued a motorbike access authority applying to the area must give the holder of the motorbike access authority written notice of when the area is to stop being motorbike control land.

14 Government entity to conduct review

(1) At least every 3 years, the government entity responsible for the control or management of an area of motorbike control land must conduct a review.

(2) The purpose of the review is to decide whether the number and location of prescribed areas of motorbike control land, in the vicinity of the area controlled or managed by the

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government entity, are sufficient to meet the needs of the community in that vicinity.

(3) When conducting the review, the government entity must consult any other entity that may have a legitimate interest in the area.

Part 3 Sale of spray paint to minors

15 Display of prohibition sign

For section 23D of the Act, a prohibition sign must be displayed so that the sign is clearly visible at the point of sale to a person purchasing spray paint.

16 Prescribed requirements for prohibition sign

(1) For section 23D of the Act, definition *prohibition sign*, the prescribed requirements for a sign about the supply of spray paint to minors are that the sign must—

(a) be at least 210mm x 148mm; and

(b) display only the following words in the following order in a way that can be easily read—

'The supply by sale of spray paint to minors is prohibited.

Penalties apply.

Acceptable evidence of age may be required.'

(2) The words required to be displayed under subsection (1)(b) must—

(a) be at least 8mm high; and

(b) be in black on a white background.

Editor's note—

Acts Interpretation Act 1954, section 36—

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word includes any drawing, expression, figure and symbol.

(3) Subsection (1) does not prevent the sign displaying a reference to the State, the department or the Act.

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Schedule Dictionary

section 3

government entity means a government entity under the *Public Service Act 2008*, section 24.

motorbike access authority see section 5(1).

motorbike control land see section 4(1)(a).

public land means land that is controlled or managed by the State.

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1 Index to endnotes

2 Date to which amendments incorporated

3 Key

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 September 2010. Future amendments of the **Summary Offences Regulation 2006** may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key		Explanation	Key		Explanation
AIA	=	**Acts Interpretation Act 1954**	**(prev)**	=	**previously**
amd	=	**amended**	**proc**	=	**proclamation**
amdt	=	**amendment**	**prov**	=	**provision**
ch	=	**chapter**	**pt**	=	**part**
def	=	**definition**	**pubd**	=	**published**
div	=	**division**	**R[X]**	=	**Reprint No. [X]**
exp	=	**expires/expired**	**RA**	=	**Reprints Act 1992**
gaz	=	**gazette**	**reloc**	=	**relocated**
hdg	=	**heading**	**renum**	=	**renumbered**

Key		Explanation	Key		Explanation
ins	=	**inserted**	**rep**	=	**repealed**
lap	=	**lapsed**	**(retro)**	=	**retrospectively**
notfd	=	**notified**	**rv**	=	**revised edition**
num	=	**numbered**	**s**	=	**section**
o in c	=	**order in council**	**sch**	=	**schedule**
om	=	**omitted**	**sdiv**	=	**subdivision**
orig	=	**original**	**SIA**	=	**Statutory Instruments Act 1992**
p	=	**page**	**SIR**	=	**Statutory Instruments Regulation 2002**
para	=	**paragraph**	**SL**	=	**subordinate legislation**
prec	=	**preceding**	**sub**	=	**substituted**
pres	=	**present**	**unnum**	=	**unnumbered**
prev	=	**previous**			

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2006	
1A	2007 SL No. 179	3 September 2007	

Reprint No.	Amendments included	Effective	Notes
1B	2008 SL No. 209	1 July 2008	
1C	2010 SL No. 191	1 September 2010	

5 List of legislation

Summary Offences Regulation 2006 SL No. 156
made by the Governor in Council on 29 June 2006
notfd gaz 30 June 2006 pp 1060–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2006 (see s 2)
Note—An explanatory note was prepared.
amending legislation—

Summary Offences and Another Regulation Amendment Regulation (No. 1) 2007 SL No. 179 ss 1, 2(2), pt 3
notfd gaz 27 July 2007 pp 1645–6
ss 1–2 commenced on date of notification
remaining provisions commenced 3 September 2007 (see s 2(2))

Public Service Regulation 2008 SL No. 209 ss 1–2, 20 sch 2
notfd gaz 27 June 2008 pp 1268–78
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2008 (see s 2)

Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010 SL No. 191 ss 1–2, 133 sch 7
notfd gaz 23 July 2010 pp 1196–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 2010 (see s 2)

6 List of annotations

PART 1—PRELIMINARY
pt hdg ins 2007 SL No. 179 s 7

PART 2—DRIVING OF MOTORBIKES ON PUBLIC LAND
pt hdg ins 2007 SL No. 179 s 8

Form of motorbike access authority
s 7 amd 2010 SL No. 191 s 133 sch 7

PART 3—SALE OF SPRAY PAINT TO MINORS
pt 3 (ss 15–16) ins 2007 SL No. 179 s 9

SCHEDULE—DICTIONARY

def *government entity* amd 2008 SL No. 209 s 20 sch 2

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