

**Road Planning and Design Manual
Edition 2**

Volume 1: Legislation

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1 Legislative accountability

The Department of Transport and Main Roads (otherwise known as the 'department' within this document) receives its authority from the Acts of the Queensland Parliament that define its responsibilities, powers and enable it to function. In addition, other Acts of the Queensland Parliament and the Commonwealth of Australia impact on the activities of the department.

In all circumstances, the department must act in accordance with the prevailing laws of the State and Commonwealth.

1.1 Principal legislation

The department's principal legislative obligations are found within Queensland's *Transport Infrastructure Act 1994*. The obligations about government supported transport infrastructure, are as stated in Chapter 3, Section 9 of the Act:

9 Obligations about government supported transport infrastructure

The chief executive must ensure that:

- a) *the construction, maintenance and operation of all government supported transport infrastructure for which the chief executive is responsible is carried out in a way that, within the objective of this chapter:*
 - i. *takes into account best practice and national benchmarks, and*
 - ii. *promotes the safe transport of persons and goods, and*
 - iii. *reduces adverse environmental impacts, and*
 - iv. *encourages efficient and competitive behaviour in the construction and maintenance of transport infrastructure, and*
- b) *the construction, maintenance and operation of all government supported transport infrastructure for which the chief executive is responsible is carried out in accordance with standards:*
 - i. *published by the chief executive, and*
 - ii. *designed, within overall transport objectives, to achieve efficiency, affordable quality and cost effectiveness, and*
- c) *contracts that are let for the construction, maintenance or operation of transport infrastructure are designed in a way that encourages efficient performance by the contractor.*

The department also has clear obligations under the *Transport Operations (Road Use Management) Act 1995*, regarding the provision of infrastructure. No practitioner should design or install any facility that requires or encourages road users to contravene the *Queensland Road Rules*, as contained within the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*. The *Road Planning and Design Manual* is consistent with the Queensland road rules at the time of publication.

The principal Acts applying to the normal activities of the department are summarised in Table 1.1.

Table 1.1: Principal legislation affecting the department

Legislation	Objective or purpose of legislation	Administering authority	Output documents
<i>Transport Infrastructure Act</i> 1994	To provide a regime that allows for and encourages effective integrated planning and efficient management of a system of transport infrastructure.	Department	Transport infrastructure strategies and implementation programs
<i>Transport Operations (Road Use Management) Act</i> 1995	To provide for the effective and efficient management of road use in the State.	Department	Road use management strategies and implementation programs
<i>Transport Planning and Coordination Act</i> 1994	To improve the economic trade and regional development performance of Queensland, and the quality of life of Queenslanders, by achieving overall transport effectiveness and efficiency through strategic planning and management of transport resources.	Department	Transport Coordination Plan
<i>Planning Act</i> 2016	To establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning (planning), development assessment and related matters that facilitates the achievement of ecological sustainability.	Department of Infrastructure, Local Government and Planning	<p>Subordinate legislation:</p> <ul style="list-style-type: none"> • The Planning Regulation 2017 <p>State planning instruments:</p> <ul style="list-style-type: none"> • State Planning Policy • Regional Plans <p>Local government:</p> <ul style="list-style-type: none"> • Local planning schemes • Local government infrastructure plans • Temporary local planning instrument • Planning scheme policy <p>Statutory instruments:</p> <ul style="list-style-type: none"> • Ministers guidelines and rules • Development assessment rules • State development assessment provisions
<i>Environmental Protection Act</i> 1994	To protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends ('ecological sustainable development').	Department of Environment and Heritage Protection	Environmental Protection Policies, Environmental authorities, Environmental Management programs, Codes of Practice
<i>Environment Protection and Biodiversity Conservation Act</i> 1999	To establish a legislative framework for commonwealth environmental law, with an emphasis on the protection of those aspects of the environment that are of 'national environment significance'.	Commonwealth of Australia	Management Plans

1.2 Railway legislation

The following Act details 'railway' legislative requirements:

- *Transport (Rail Safety) Act 2010 (State)*

1.3 General legislation

Planners, designers and all engineering consultant contractors, when preparing road infrastructure designs for construction in Queensland, must be aware of and comply with the requirements of applicable legislation. Designers have responsibilities under legislation to design sustainable and safe environments. The following list of Acts (which may not be complete) of legislative requirements need to be taken into consideration:

- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth)*
- *Aboriginal Cultural Heritage Act 2003 (State)*
- *Acquisition of Land Act 1967 (State)*
- *Anti-Discrimination Act 1991 (State)*
- *Australian Heritage Council Act 2003 (Commonwealth)*
- *Cape York Peninsula Heritage Act 2007 (State)*
- *Disability Discrimination Act 1992 (Commonwealth)*
- *Disability Services Act 2006 (State)*
- *Environmental Offsets Act 2014 (State)*
- *Environmental Protection Act 1994 (State)*
- *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*
- *Evidence Act 1977 (State)*
- *Explosives Act 1999 (State)*
- *Fire and Emergency Services Act 1990 (State)*
- *Fisheries Act 1994 (State)*
- *Historic Shipwrecks Act 1976 (Commonwealth)*
- *Information Privacy Act 2009 (State)*
- *Land Act 1994 (State)*
- *Land Protection (Pest and Stock Route Management) Act 2002 (State)*
- *Nature Conservation Act 1992 (State)*
- *Planning Act 2016 (State)*
- *Plant Protection Act 1989 (State)*
- *Professional Engineers Act 2002 (State)*, together with the Code of Practice for Registered Professional Engineers (Board of Professional Engineers of Queensland)
- *Public Records Act 2002 (State)*
- *Queensland Heritage Act 1992 (State)*

- *Queensland Public Service Act 2008* (State)
- *Soil Conservation Act 1986* (State)
- *State Development and Public Works Organisation Act 1971* (State)
- *Transport Infrastructure Act 1994* (State)
- *Transport Operations (Road Use Management) Act 1995* (State)
- *Transport Planning and Coordination Act 1994* (State)
- *Torres Strait Islander Cultural Heritage Act 2003* (State)
- *Vegetation Management Act 1999* (State)
- *Waste Reduction and Recycling Act 2011* (State)
- *Water Act 2000* (State)
- *Wet Tropics World Heritage Protection and Management Act 1993* (State)
- *Work Health and Safety Act 2011* (State).

All of these Acts are in force in Queensland. Each Act may be amended from time to time, and designers have the responsibility to comply with the most recent version of the Act concerned, and also become aware of any new Acts that impact on road infrastructure delivery.

The department's '*Environmental Legislation Register*' provides summaries of a range of other Acts that may be applicable to the department's activities. Particular attention is required where legislation requires approvals or permits from other agencies. The Register provides details of environmental approvals permits.

The Register is intended as a guide only, identifying the key legislative provisions and providing a layperson's interpretation. The Register does not claim to identify all possible provisions that may affect the department's operations. If required, expert advice should be sought if any matter is to be relied upon or considered in detail.

