

Operational Standard

Temporary restrictions on State-controlled roads due to unplanned events

September 2023



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1 Introduction

The Queensland Department of Transport and Main Roads (Transport and Main Roads) is committed to providing safe access to the State-controlled road (SCR)¹ network for all road users while simultaneously ensuring the protection of State government assets.

When SCRs are impacted by unplanned events (for example, flooding or bushfires), Transport and Main Roads may, or may work with other agencies or organisations to, place temporary restrictions on SCRs as part of meeting this commitment.

The *Temporary restrictions on State-controlled roads due to unplanned events operational standard* (Operational Standard) provides guidance for developing, implementing, and managing the activities associated with temporary restrictions on a SCR.

1.1 Scope

This Operational Standard applies to all activities undertaken by Transport and Main Roads, whether directly or in conjunction with other agencies or organisations, to prepare, apply, access, and remove temporary restrictions on SCRs due to unplanned events, including flooding, bushfires, and other hazardous events.

1.2 Out of scope

This Operational Standard does not apply to any other activity undertaken by Transport and Main Roads, whether directly or in conjunction with other agencies or organisations, not in connection with temporary restrictions on SCRs due to flooding, bushfire, and other hazardous events. This may include, but is not limited to:

- planned events on local roads, private roads, or tunnels
- planned events on SCRs
- unplanned incidents on local roads, private roads, or tunnels, and/or
- unplanned incidents (crash, minor spill, debris, or stationary vehicle) on SCRs. Incidents that require significant restrictions are typically supported by Transport and Main Roads, rather than being managed by the department directly, with lead agency or lead responder managing accordingly.

2 Terms and definitions

Table 2 provides the terms and definitions used in this Operational Standard.

Table 2 – Terms and definitions

Term	Definitions
District and Region	Transport and Main Roads has six regions. Within those regions there are 12 districts.
LGA	Local Government Authority.

¹ *Transport Infrastructure Act 1994* (Qld) s 24.

Term	Definitions
MUTCD Q-Series signs	A selection of signs designed for specific use in Queensland.
QFES	Queensland Fire and Emergency Services.
QPS	Queensland Police Service.
RAMC	Road Asset Maintenance Contract.
RMPC	Road Maintenance Performance Contract.
RRUN	Restricted road use notice as described under section 46(2) of the <i>Transport Infrastructure Act 1994</i> (Qld).
SCR	A road or route, or part of road or route declared by the Minister to be a State-controlled road in accordance with section 24 of the <i>Transport Infrastructure Act 1994</i> (Qld).
SITREP	A situation report within declared disaster or prosecution activities.
SOP	Standard Operating Procedure.
STMC	Statewide Traffic Management Centre.
TI	Transport Inspector.
TCC	Traffic Control Centre.
TMC	Traffic Management Centre.

3 References

Legislation
<i>Civil Liability Act 2003</i> (Qld)
<i>Disaster Management Act 2003</i> (Qld)
<i>Fire and Emergency Services Act 1990</i> (Qld)
<i>Human Rights Act 2019</i> (Qld)
<i>Information Privacy Act 2009</i> (Qld)
<i>Police Powers and Responsibilities Act 2000</i> (Qld)
<i>Public Records Act 2002</i> (Qld)
<i>Public Sector Ethics Act 1994</i> (Qld)
<i>Public Sector Act 2022</i> (Qld)
<i>State Penalties Enforcement Act 1999</i> (Qld)
<i>Transport Infrastructure Act 1994</i> (Qld)
<i>Transport Operations (Road Use Management) Act 1995</i> (Qld)
Subordinate legislation
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009</i> (Qld)
Policy
<i>Engineering Policy 147 – Road closure policy for wet weather and flooding</i>
<i>Queensland Public Service Code of Conduct</i>
Other
Guidelines on Professional Conduct

Professional Codes of Ethics
Queensland Guide to Temporary Traffic Management
Queensland Manual of Uniform Traffic Control Devices

4 Unplanned event types

4.1 Flooding and wet weather event

An unplanned event where there is water over a SCR due to inundation or the SCR has been impacted following inundation, and the inundation, impact or, collectively, the inundation and impact is likely to exist for a prolonged period. For the avoidance of doubt, where flash flooding occurs (water rises and recedes quickly), this is typically considered an unplanned incident and advisory signage erected, where possible.

4.2 Bushfire events

An unplanned event consisting of unplanned fire (wildfire) that is over / adjoining a SCR, or the SCR has been impacted during and following the fire such as smoke, fallen trees or resulting debris.

4.3 Other hazardous events

An unplanned event on a SCR or the SCR has been impacted to have the potential to cause harm to road users or damage assets, due to causes such as major chemical spills, high winds, landslides, dust storms, dam spills or release or, depending on the situation, potentially electric vehicle fires due to duration of the fire. This list is not exhaustive.

4.4 Declared disaster

A situation declared for the State or part of the State of Queensland.² All SCRs within the declared disaster, are captured by the declaration.

5 Interface with other functions, agencies and organisations and responsibilities

Temporary restrictions on SCRs due to unplanned events interface with other Transport and Main Roads functions, agencies, organisations, and their responsibilities.

5.1 Transport and Main Roads disruptive event management team

The department's Disruptive Event Management Team comprises members from an impacted or potentially-impacted area, such as a departmental District or Region activated to assess a disruptive event, its impacts and emergency response requirements if any.³ Resources and membership can include District Disruptive Event Coordinators, District Disaster Liaison Officers, communication officers and other business units such as RoadTek, depending on the nature of the event.

² *Disaster Management Act 2003* (Qld) s 69.

³ See *Disruptive Event Overview: Guiding Principles and Practices, Transport Network Security and Resilience 2021*, p 23.

5.2 Transport and Main Roads District Disruptive Event Coordinators

Transport and Main Roads District Disruptive Event Coordinators, are departmental personnel appointed for each Transport and Main Roads District that support the District Director and/or Deputy Regional Director in managing disruptive events within their District's jurisdiction.⁴ Such personnel may undertake activities to support the *prepare*, *apply*, *access* and *remove* activities associated with temporary restrictions on a SCR due to an unplanned event.

5.3 Transport inspectors

Transport Inspectors (TI) have the authority⁵ to undertake enforcement activities associated with temporary restrictions on a SCR due to unplanned events. This may allow the TI to:

- request any operator of any vehicle to stop where they may have, is, or about to drive past enforceable signage, for example, restricted road use notice sign or NO ENTRY sign,⁶ and/or
- request any operator of any vehicle type to produce their driver licence.⁷

This can include issuing infringement notices.⁸

TIs may also provide advice to road users on a range of other matters, including alternative routes or how to apply for permits or approvals to drive past restricted road use notices. In some situations, TIs have authority to *apply* and *remove* restrictions on a SCR.⁹

5.4 RoadTek

RoadTek provides services as part of business as usual, during disaster and under Contract; for example, road maintenance performance Contracts to assist with temporary restrictions on SCRs due to unplanned events such as flooding.

5.5 Queensland Police Service

Queensland Police Service (QPS) has the authority to regulate traffic where they suspect an emergency exists or otherwise necessary, including prohibiting, diverting, or directing traffic and pedestrians.¹⁰ This may allow QPS to:

- *apply* or *remove* a temporary restriction on a SCR, and/or
- provide *access* to a temporary restriction on a SCR.

⁴ See *Disruptive Event Overview: Guiding Principles and Practices, Transport Network Security and Resilience 2021*, p 19.

⁵ See for example, *Transport Operations (Road Use Management) Act 1995 (Qld)* s 20(2)(a).

⁶ *Ibid* s 31(1)(d)(i).

⁷ *Ibid* s 49(2)(b).

⁸ *Transport Operations (Road Use Management) Act 1995 (Qld)* s 20(2)(a) and *State Penalties Enforcement Act 1999 (Qld)* s 13(1).

⁹ *Transport Operations (Road Use Management) Act 1995 (Qld)* 71(1).

¹⁰ *Police Powers and Responsibilities Act 2000 (Qld)* s 59(3).

The QPS has authority to undertake enforcement activities associated with temporary restrictions on a SCR. This may allow the QPS to issue an infringement notice,¹¹ or notice to appear¹² in relation to the following offences, though not limited to:

- contravening an official traffic sign¹³
- driving past a restricted road use notice erected or displayed in contravention of the notice¹⁴
- unlawfully tampering with a restricted road use notice erected or displayed,¹⁵ and/or
- driving past a NO ENTRY sign.¹⁶

See also 4.4 *Declared Disaster* for additional QPS functions and responsibilities during a declared disaster.

5.6 Queensland Fire and Emergency Services

Queensland Fire and Emergency Services (QFES) are the lead agency for fires and other emergencies such as hazardous materials emergency,¹⁷ including bushfires.¹⁸ The QFES typically liaises with Transport and Main Roads during seasons or events regarding temporary restrictions on SCRs due to unplanned events such as bushfires.

5.7 Local government authorities

Local Government Authorities (LGA) often provide services under Contract, for example, Road Maintenance Performance Contract (RMPC) or Road Asset Maintenance Contract (RAMC), to assist with temporary restrictions on a SCR due to unplanned events. LGAs may also undertake particular functions on a SCR according to powers LGAs exercise for local government roads,¹⁹ but are subject to conditions.²⁰ Activities in connection with *prepare*, *apply*, *access*, or *remove* on local government roads, are matters for LGAs.

5.8 Private road / tunnel operators

Private road and tunnel operators may *apply* and *remove* temporary restrictions on roads where those roads are franchised to particular road and tunnel operators only.²¹

¹¹ See *Transport Operations (Road Use Management) Act 1995* (Qld) s 20(1) and *State Penalties Enforcement Act 1999* (Qld) s 13(1).

¹² *Police Powers and Responsibilities Act 2000* (Qld) s 382(2)(a).

¹³ *Transport Operations (Road Use Management) Act 1995* (Qld) s 74(1).

¹⁴ *Transport Infrastructure Act 1994* (Qld) s 46(4).

¹⁵ *Transport Infrastructure Act 1994* (Qld) s 46(5).

¹⁶ *Transport Operations (Road Use Management – Road Rules) Regulation 2009* – Reg 100.

¹⁷ *Fire and Emergency Services Act 1990* (Qld) s 53(1)(a).

¹⁸ *Fire and Emergency Services Act 1990* (Qld) s 8B.

¹⁹ *Transport Infrastructure Act 1994* (Qld) s 45(1).

²⁰ *Ibid* ss 45(2)-(5).

²¹ See for example, *Transport Infrastructure Act 1994* (Qld) s 46(1) via instrument of delegation from chief executive of Queensland Department of Transport and Main Roads.

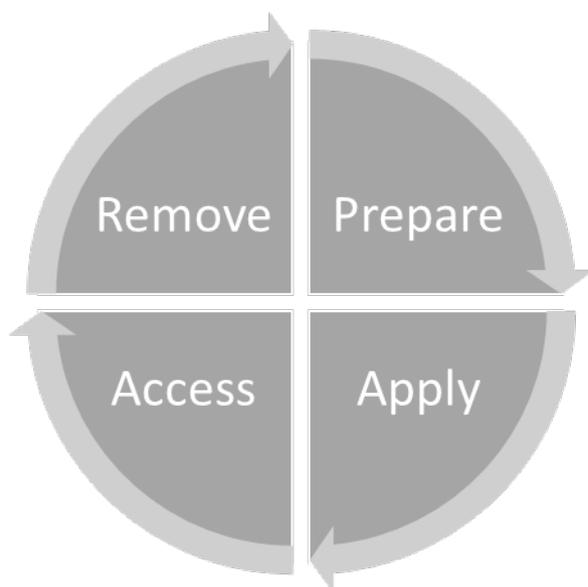
5.9 Disaster management

During a declared disaster, the Disaster Coordinator or Declared Disaster Officer has power to close a SCR to any traffic.²² During a declared disaster, the QPS acts as lead agency for traffic management with Transport and Main Roads, providing support to *apply*, *access* or *remove* temporary restrictions on SCRs, along with recovery²³ during declared disaster. Transport and Main Roads acts as the lead agency for the roads and transport functional recovery group.²⁴ The department's Transport Network Security and Resilience Branch lead the department's disaster management function.

6 Temporary Restrictions on SCRs Risk Management Framework

Transport and Main Roads may develop, implement, and manage activities in connection with temporary restrictions on SCRs due to unplanned events, using the Temporary Restrictions on SCRs Risk Management Framework illustrated at Figure 6.

Figure 6 – Temporary Restrictions on SCRs Risk management framework



7 Prepare

Preparing for temporary restrictions on SCRs due to unplanned events includes:

Identifying and understanding authority to *apply*, *remove* or *access* temporary restrictions on SCRs due to unplanned events.

Identifying, accessing, and undertaking training for legal delegates.

Determining signage type, access arrangements and assurance requirements.

²² *Disaster Management Act 2003* (Qld) s 77(1)(o).

²³ Queensland State Disaster Management Plan, p 50.

<https://www.disaster.qld.gov.au/cdmp/Documents/Queensland-State-Disaster-Management-Plan.pdf>

²⁴ Queensland State Disaster Management Plan, p 13.

<https://www.disaster.qld.gov.au/cdmp/Documents/Queensland-State-Disaster-Management-Plan.pdf>

Identifying and clarifying roles and responsibilities for personnel, interagency and Contract party relationships and assurance requirements, and

Formalising and reviewing system, processes, and recordkeeping requirements.

7.1 Identifying and understanding authority to apply, remove or access temporary restrictions on a SCR due to unplanned events

Transport and Main Roads has the authority to temporarily restrict a SCR due to an unplanned event officially or unofficially.

7.1.1 Official temporary restriction on a SCR due to unplanned event

7.1.1.1 Transport Infrastructure Act 1994 (Qld)

Section 46(1) *Transport Infrastructure Act 1994* (Qld) provides the Transport and Main Roads' chief executive,²⁵ or the department's legal delegate with the authority to declare that a SCR is temporarily restricted to prevent damage to road transport infrastructure, or to ensure the safety of road users and other persons. This requires several elements to be satisfied.

1. the Transport and Main Roads' chief executive or the department's legal delegate must have a belief that it is necessary to temporarily restrict the SCR to prevent damage to road transport infrastructure or to ensure safety of road users or other persons²⁶
2. to give effect to that belief, the Transport and Main Roads' chief executive or the departments legal delegate must install (or delegate to be installed) a restricted road use notice and it must be displayed on the SCR to which the temporary restriction applies,²⁷ must be visible,²⁸ must state the restriction²⁹ and maximum penalty for non-compliance,³⁰ and
3. the chief executive or legal delegate must take reasonable steps to advertise the temporary restriction on a SCR in a manner they consider appropriate.³¹

This authority is not delegated by Contract or to other third parties, for example, local government authorities, except in very limited circumstances.

Point of clarification: The point at which a temporary restriction on a SCR due to unplanned event under this authority becomes lawful, is following the installation of the restricted road use notice and its placement is approved by Transport and Main Roads' chief executive or the department's legal delegate. In other words, at this point, it becomes unlawful to drive past a restricted road use notice.

²⁵ Transport and Main Roads' chief executive is the Director-General.

²⁶ *Transport Infrastructure Act 1994* (Qld) s 46(1).

²⁷ *Ibid* s 46(2)(a).

²⁸ *Ibid* s 46(2)(b).

²⁹ *Ibid* s 46(2)(c).

³⁰ *Ibid* s 46(2)(d).

³¹ *Ibid* s 46(3).

7.1.1.2 *Transport Operations (Road Use Management) Act 1995 (Qld)*

Section 71(1) *Transport Operations (Road Use Management) Act 1995 (Qld)* provides the Transport Main Roads' chief executive or department's legal delegate with the authority to temporarily restrict a SCR in case of danger, hindrance, obstruction, or other emergency through installation of an official traffic sign, that is required or desirable to regulate, guide or warn traffic. This requires a number of elements to be satisfied:

1. Transport and Main Roads' chief executive or the department's legal delegate must be satisfied in the case that a particular type of circumstance exists, for example, danger, hindrance, obstruction, or other emergency exists or likely exists, or the use of the entire or part of a SCR is or likely to be prevented, hindered, or obstructed³²
2. Transport and Main Roads' chief executive or the department's legal delegate must have a belief that an official traffic sign is necessary, required, or desirable for the purpose of regulating, guiding, or warning traffic,³³ and
3. Transport and Main Roads' chief executive or the department's legal delegate must install (or delegate the install of) the official traffic sign.³⁴ In most instances this is a NO ENTRY sign.

Point of clarification: The point at which a temporary restriction on a SCR due to an unplanned event under this authority becomes lawful, is following the installation of the official traffic sign and its placement is approved by the Transport and Main Roads' chief executive or the department's legal delegate. In other words, at this point, it becomes unlawful to drive past the official traffic sign.

Signage must be installed as specified in the Manual of Uniform Traffic Control Devices.³⁵

Section 71(2) *Transport Operations (Road Use Management) Act 1995 (Qld)* provides the Transport and Main Roads' chief executive or departmental legal delegate, being satisfied that the type of circumstances exist, may install the official traffic sign for as long as the type of circumstances exist.³⁶

Section 71(1) *Transport Operations (Road Use Management) Act 1995 (Qld)* also affords the chief executive of a local government authority with the same authority. This can be modified where a particular Contract with Transport and Main Roads may exist, or a direction to do or not do something.³⁷

7.1.2 **Unofficial temporary restriction on SCR due to unplanned event**

An unofficial temporary restriction occurs when the SCR is no longer traversable following an unplanned event, such as flooding, and has not yet been progressed to an official temporary restriction.

³² *Transport Operations (Road Use Management) Act 1995 (Qld)* s 71(1).

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid* s 72(A).

³⁶ *Ibid* s 71(2).

³⁷ *Transport Infrastructure Act 1994 (Qld)* s 45.

Such unplanned events, generally due to the rapidity and unpredictability, often do not have formal signage in place, but where possible, use informal traffic control or warning devices within the vicinity to draw road users' immediate attention to the fact that a SCR is no longer traversable.

Due to circumstances, the informal traffic control devices may simply be traffic cones to delineate an incident scene, or Road Condition Information Sign message, QLDTraffic traveller information message, or 13 19 40 phone service traveller information warning devices.

Any informal traffic control device placed in front of an impacted SCR, should be done as to preserve the safety of road users and should be replaced as soon as practicable, considering the event circumstances, with a formal traffic control device.

7.2 Identifying, accessing, and undertaking training for Transport and Main Roads legal delegates

Transport and Main Roads' legal delegates hold a role vested with the authority to carry out the functions, powers, and duties of, or to act on behalf of, or represent others. In the case of the department, this is ordinarily on behalf of the Transport and Main Roads' chief executive that is, the Director-General.

The positions which are Transport and Main Roads legal delegates are outlined in the department's Instruments of Delegation and Schedule of Delegations and is accessible via the department's Delegation Database.

Transport and Main Roads' legal delegates undertaking temporary restrictions on SCRs due to unplanned events (for example) flooding, may be delegated the authority to undertake activities associated with the following legislation:

- s 46(1) *Transport Infrastructure Act 1994* (Qld).
- s 71(1) *Transport Operations (Road Use Management) Act 1995* (Qld).

Legal delegates are responsible for ensuring they exercise their delegation appropriately. Noting the following list is not exhaustive, this may include:

- referring to the relevant Instrument of Delegation and Schedule of Delegation to confirm they hold a delegation
- referring to the appropriate legislation to confirm understanding of the scope of power and any limitations described in the Schedule of Delegation
- consider if they may not be able to exercise a legislative delegation without the appropriate human resource or financial delegation
- only exercise those specific powers listed in the Schedule of Delegation and observe any limitations or conditions indicated in the schedule
- consider any relevant policy or guidelines, as exercising delegated power should be consistent with these (an Instrument of Delegation should not refer to policies or make a decision on the available facts and supporting information), and/or
- must consider if the matter is of such importance or possesses special features, that it requires consideration by a higher-level delegate.

Local processes are to be implemented to identify Transport and Main Roads' legal delegates, their availability and training requirements in exercising their delegation. Such processes and outputs should be recorded and reviewed regularly to ensure local needs are met. This may occur in connection with business continuity planning, or other District risk management activities.

Transport and Main Roads' legal delegates may access additional resources on decision-making from the [Queensland Ombudsman](#).

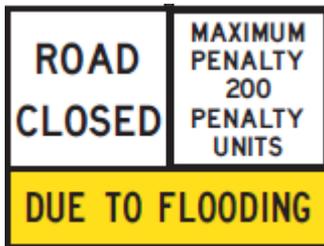
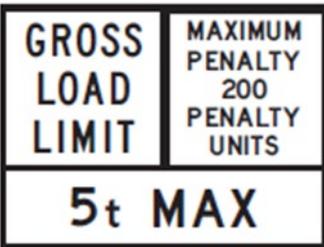
7.3 Determining signage type, access arrangements and assurance requirements

A variety of signage is available to support temporary restrictions on SCRs due to unplanned events. They include regulatory, warning, and advisory signage:

7.3.1 Type

The application of signing is to be consistent with [Queensland Manual of Uniform Traffic Control Devices](#) and [Queensland Guide to Temporary Traffic Management](#). Districts should refer to Traffic Control and [MUTCD Q-series](#) signs available on Transport and Main Roads Technical Publications for the most current and correct signage. The following signs represent a selection of examples that can be used to assist with *apply* and *access* activities. Note, the list is not exhaustive:

Table 7.3.1(a) – Official temporary restrictions due to unplanned events

Transport Infrastructure Act 1994 (Qld)	
The Restricted Road Use Notice (RRUN) consists of multi-message panel arrangement: <ol style="list-style-type: none"> 1. It must state: <ol style="list-style-type: none"> a) how the SCR is temporarily restricted;³⁸ and b) the maximum penalty units for driving past the RRUN.³⁹ 	
Signage construction examples (not exhaustive)	
The SCR is temporarily restricted by being closed to all vehicles due to flooding: <ul style="list-style-type: none"> • Road Closed • Due to Flooding The maximum penalty unit for driving past the RRUN: <ul style="list-style-type: none"> • Maximum Penalty 200 Penalty Units 	
The SCR is temporarily restricted through a gross load limit: <ul style="list-style-type: none"> • Gross Load Limit • Gross Load Limit of 5t Max The maximum penalty unit for driving past the RRUN: <ul style="list-style-type: none"> • Maximum Penalty 200 Penalty Units 	

³⁸ *Transport Infrastructure Act 1994* (Qld) s 46(2)(c).

³⁹ *Ibid* s 46(2)(d).

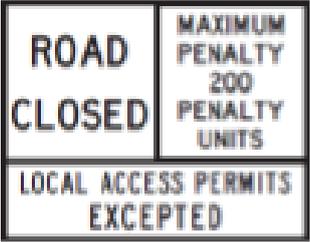
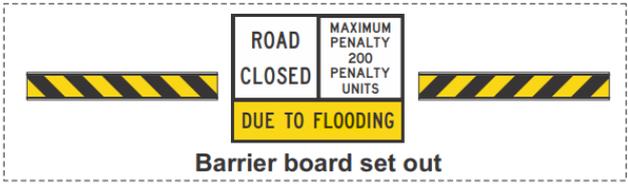
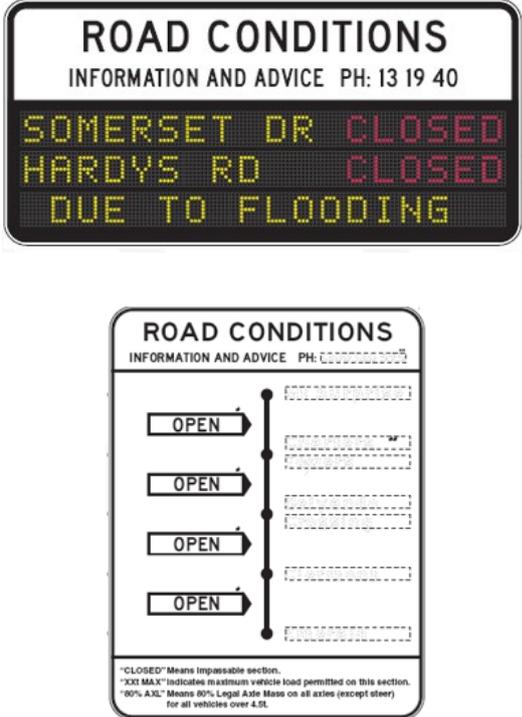
Transport Operations (Road Use Management) Act 1995 (Qld)	
The official traffic sign can be used on its own or in a or multi-message panel arrangement:	
Signage construction examples (not exhaustive)	
<p>The SCR is temporarily restricted by permitting no-entry to any class of vehicle:</p> <ul style="list-style-type: none"> • NO ENTRY. 	
<p>The SCR is temporarily restricted by permitting no entry to any class of vehicle:</p> <ul style="list-style-type: none"> • NO ENTRY • ROAD CLOSED • DUE TO FLOODING 	
<p>The SCR is temporarily restricted by permitting no entry to any class of vehicle using an LED ROAD CLOSED and NO ENTRY sign.</p>	
<p>The SCR is temporarily restricted by permitting no entry to any class of vehicle using an LED NO ENTRY sign.</p>	
<p>The SCR is temporarily restricted by being closed to all vehicles, but allows for local access permits (such as approvals to drive past restricted road use notice):</p> <ul style="list-style-type: none"> • Road Closed • Local Access Permits Excepted <p>The maximum penalty unit for driving past the RRUN:</p> <ul style="list-style-type: none"> • Maximum Penalty 200 Penalty Units 	

Table 7.3.1(b) – Supporting measures

ROAD CLOSED X KM AHEAD	
<p>The ROAD CLOSED X KM AHEAD sign provides road users with advice that there is a temporary restriction of a SCR ahead and are placed in a location where road users are provided with an opportunity to turn around prior to reaching the temporary restriction on the SCR. Signs can also be hinged permanently where known flood locations exist:</p>	
<p>The sign consists of:</p> <ul style="list-style-type: none"> ROAD CLOSED X KM AHEAD 	
<p>The sign consists of:</p> <ul style="list-style-type: none"> ROAD CLOSED DUE TO FLOODING X KM AHEAD 	
GRAVEL ROAD IMPASSABLE IN WET WEATHER STARTS IN X KM	
<p>The sign consists of:</p> <ul style="list-style-type: none"> GRAVEL ROAD IMPASSABLE IN WET WEATHER STARTS IN X KM 	
BARRIER BOARDS	
<p>The sign consists of: BARRIER BOARDS. The example provides an example of barrier boards in use with multi-message panel arrangement.</p>	 <p style="text-align: center;">Barrier board set out</p>

ROAD CONDITION INFORMATION SIGN	
<p>The sign consists of:</p> <ul style="list-style-type: none"> Road condition information that contains a SCR name and status, along with contact details (typically 13 19 40 telephone service) 	
SMOKE HAZARD	
<p>The sign consists of:</p> <ul style="list-style-type: none"> SMOKE HAZARD and symbol PREPARE TO STOP 	

7.3.2 Access and assurance

Signage stocks are to be accessible at the right time, in the right location and by the right personnel through balancing need and resource availability. Considerations should include, but are not limited to:

1. Ensuring an agreed localised approach is determined and communicated to personnel, for example, the official temporary restriction type and relevant supporting measures. It may be beneficial to consider drafting official road restriction templates for Transport and Main Roads' hotspots.
2. Ensuring signage stock, based on localised approach, is subject to regular stocktakes to check for damage, need for repair, account for loss due to damage or otherwise, storage location is appropriate and in accordance with departmental requirements, and is accessible, particularly in preparation for specific weather seasons.
3. Ensuring personnel undergo relevant initial and refresher training in construction of signage, including supporting measures according to localised approach, for example, the official temporary restriction type of restricted road use notice.

4. Ensuring appropriate processes and training are implemented locally to ensure personnel are capturing photographic evidence of signage installation in-field of which is provided to support Transport and Main Roads' legal delegates in exercising relevant delegation. It is strongly recommended that photographic evidence is captured.

7.4 Identifying and clarifying roles and responsibilities for personnel, interagency and Contract party relationships and assurance requirements

Transport and Main Roads uses a range of personnel to support temporary restrictions on a SCR. Personnel have a range of roles and responsibilities. The roles and responsibilities do not abrogate or replace any other role or responsibility such as those arising through Contract or professional responsibilities. Please note, personnel can hold multiple roles which may not be consistent with all roles below.

Table 7.4 – Roles and responsibilities

Role	Responsibilities
Program Delivery and Operations	
Manager assigned per Transport and Main Roads Region or District	<ul style="list-style-type: none"> • Oversee the management of temporary restrictions on SCR's risk management framework for the District or Region. This may include any of the components of the framework, where professionally appropriate.
Personnel assigned per Transport and Main Roads Region or District	<ul style="list-style-type: none"> • Assist the Manager or equivalent in the management of temporary restrictions on SCR's risk management framework for the District or Region, which may include: <ul style="list-style-type: none"> - undertaking prepare activities, for example, ensuring adequate signage is available for the District - undertaking apply activities, for example, information gathering or assurance, coordinating with other personnel, for example, Contractors, applying restrictions where professionally appropriate - undertaking access activities, for example, processing and issuing approval to drive past restricted road use notice applications, where professionally appropriate, and/or - undertaking remove activities, for example, assessment of infrastructure where professionally appropriate.
Communications personnel assigned as per Transport and Main Roads Region or District	<ul style="list-style-type: none"> • Support the Manager or equivalent in the management of temporary restrictions on SCR's risk management framework for the District or Region with communications support, which may include: <ul style="list-style-type: none"> - undertaking prepare activities, for example, ensuring processes are developed and documented for communication processes locally, for example, Transport and Main Roads, media unit, publication of traveller information in line with local processes - undertaking apply activities, for example, publication of traveller information or management reporting or liaison, for example, road condition reporting from other personnel such as local government authorities, and/or

Role	Responsibilities
	<ul style="list-style-type: none"> - undertaking remove activities, for example, publication of traveller information or management reporting or liaison, for example, road condition reporting from other personnel such as local government authorities.
Statewide Network Operations	
Real-time Network Management (includes Traffic Management / Coordination Centres)	<ul style="list-style-type: none"> • Assist Districts, Regions, or other personnel in the management of temporary restrictions on SCRs risk management framework, which may include: <ul style="list-style-type: none"> - undertaking prepare activities, for example, assisting with technology specific requirements such as training in use of applications - undertaking apply activities, for example, information gathering, coordinating with other personnel, for example, Contractors, or publication of traveller information, where professionally appropriate - undertaking access activities, for example, pre-assessment of approval to drive past restricted road use notice applications, where professionally appropriate, and/or - undertaking remove activities, for example, publication of traveller information or coordinating with other personnel, for example, Contractors.
Strategic Network Management	<ul style="list-style-type: none"> • Development, maintenance, and review of temporary restrictions on SCRs risk management framework, supporting materials and provision of policy advice and guidance to stakeholders.
Operational Technology	<ul style="list-style-type: none"> • Development, maintenance, support, and Contract management of applications that support the management of temporary restrictions on SCR's risk management framework, for example, EPS, QLDTraffic, 13 19 40 phone service.
Specialist	
Transport and Main Roads' Legal Delegates	<ul style="list-style-type: none"> • Support the Manager or equivalent in the management of temporary restrictions on a SCR's risk management framework for the District or Region, which may include: <ul style="list-style-type: none"> - undertaking prepare activities, for example, ensuring identification as legal delegate and training is completed regularly - undertaking apply activities, for example, information gathering and assurance, approving temporary restrictions on SCRs in accordance with delegation and professional responsibilities - undertaking access activities, for example, assessing applications to drive past restricted road use notices in accordance with delegation and professional responsibilities, and/or - undertaking remove activities, for example, approving the removal of temporary restriction on SCRs in accordance with delegation and professional responsibilities.

Role	Responsibilities
Other personnel (includes RoadTek / Contract holders⁴⁰)	<ul style="list-style-type: none"> • Discharge of Contractual obligations that support the temporary restrictions of SCRs risk management framework, which may include: <ul style="list-style-type: none"> - undertaking <i>apply</i> activities such as attending to emergency call-out requests to place signage consistent with localised approach and publication of traveller information in line with local processes - undertaking <i>remove</i> activities such as attending to emergency call-out requests to remove signage consistent with localised approach • undertaking <i>remove</i> activities such as assisting with removal of temporary restrictions in accordance with Transport and Main Roads' legal delegate advice, professional and contractual responsibilities
Transport Network Resilience and Security	<ul style="list-style-type: none"> • Transport and Main Roads lead for disruptive event management, including business continuity management and disaster management.
Engineering and Technology	<ul style="list-style-type: none"> • Provision of expert technical advice and governance in specialist areas that interface with or impact <i>prepare, apply, access, remove</i> activities. For example, provision of technical advice in terms of <i>access</i> or <i>remove</i> to infrastructure such as structures.

7.5 Formalising and reviewing systems, supports and compliance requirements

Transport and Main Roads uses a range of technologies to support temporary restrictions on a SCR due to unplanned events.

7.5.1 Event Publishing System

The Event Publishing System (EPS) is an internal and external application that provides for the management of temporary restrictions on a SCR for publication to QLDTraffic. It is Transport and Main Roads' current preferred management support system and provides for publication of traveller information to road users.

Temporary restrictions on SCRs are entered directly to the application, imported from STREAMS Incident Management System (SIMS) as a draft event entry, or imported from other approved third-party applications.⁴¹ Information may also be received via road condition reports from third parties.

Transport and Main Roads' Districts and Regions must ensure that all temporary restrictions on a SCR are captured and maintained up to point of the removal of temporary restriction on a SCR within the EPS as the department's preferred management support system. This can be via existing District arrangements, or through use of Traffic Management / Coordination Centres.

⁴⁰ See for example, RMPC or RAMC.

⁴¹ It is important to note that not all third-party application arrangements result in an event being automatically published. The status of events and publishing from third party applications are on a case-by-case basis.

All users, whether entering (direct or imported from SIMS via a draft event entry or approved third party application), publishing or approving temporary restrictions of a SCR, must have access to EPS. Access is obtained via the usual departmental processes.

Point of clarification: Where there is a delay between giving legal effect to the temporary restriction and the approval in EPS, the relevant details of the date, time, Transport and Main Roads legal delegate and so on, should be recorded using approved local processes, noting that where an entry is made in EPS, it will be automatically published to QLDTraffic to provide traveller information despite not being approved by a Transport and Main Roads' legal delegate in EPS.

7.5.2 In-field support technology

In-field technology may be used to support temporary restrictions on SCRs, in particular, information gathering processes in connection with *apply* activities. For example, some applications offer evidence collection such as photographs (date and time stamped), SCR identifiers, SCR names, chainage, and global positioning system coordinates. It is strongly recommended that date and time-stamped photographs are captured using approved applications.

7.5.3 Data and information quality

The data and information created, captured, and used in connection with temporary restrictions on SCRs due to unplanned events is critical. It is important that the quality of data and information is maintained throughout the information lifecycle, as the data and information is used by a range of stakeholders across Transport and Main Roads for various purposes. Where errors in quality are identified they should be rectified as quickly as possible and the root cause noted, where possible.

7.5.4 Information management

Records, including handling and management of records, in connection with temporary restrictions on SCRs due to unplanned events, are subject to legislative, regulatory and Transport and Main Roads information management requirements. This may include, but not limited to:

1. [Public Records Act 2002 \(Qld\)](#)
2. [Queensland Government Records Governance Policy](#)
3. [Queensland Government General Retention and Disposal Schedules](#)
4. Transport and Main Roads Records Management Policy
5. Transport and Main Roads Business Classification Scheme (TMR BCS), and/or
6. Transport and Main Roads Sector Retention and Disposal Schedule (Queensland Disposal Authority Number (QDAN) 474: Version 5) (TMR QDAN474v5).

Records associated with temporary restrictions on a SCR due to unplanned events, are public records,⁴² and are to be managed in accordance with TMR BCS and TMR QDAN474v5. They typically fall within Road Network Management and should be retained for a period of five years following the last action. The types of records this may include, but are not limited to:

1. declaration of temporary restrictions
2. reports from local authorities on road conditions which may result in temporary restrictions, and
3. approval to drive past restricted road use notice applications.

Transport and Main Roads uses a range of approved information and recordkeeping systems for records associated with temporary restrictions on SCRs due to unplanned events. Districts should ensure they have appropriate processes in place to identify and manage the records lifecycles within the various approved information systems for these activities; including ensuring legislative and regulatory compliance.

Districts should also remain cognisant of the fact that records associated with temporary restrictions on SCRs, due to unplanned events, may form part of other records and are subject to other business classification schemes and retention and disposal schedules (for example, situation reports (SITREP) within declared disaster or prosecution activities).

7.5.5 Information privacy

Activities in connection with temporary restrictions on SCRs due to unplanned events, require handling of personal information.⁴³ The handling of personal information is subject to legislative, regulatory and Transport and Main Roads information privacy requirements. This may include, but is not limited to:

1. [Information Privacy Act 2009 \(Qld\)](#), including the eleven Information Privacy Principles.⁴⁴
2. [Human Rights Act 2019 \(Qld\)](#), and
3. [Transport and Main Roads Information Privacy Plan](#).

Types of personal information handled throughout temporary restriction on a SCR due to an unplanned event cycle may include, but is not limited to:

1. during *access* to a temporary restriction on a SCR, for example, approval to drive past a restricted road use notice. This may include the collection, use and disclosure of personal information, and
2. during *apply* or *remove* a temporary restriction on a SCR, for example, via the identification and notification of need or likely need for temporary restriction via third party Contractor or Transport and Main Roads' legal delegate approving restriction. This may include the collection and use of personal information.

Where a suspected or actual breach of these requirements occurs, they should be reported to Line Managers and Transport and Main Roads Information Privacy team immediately.

⁴² *Public Records Act 2002* (Qld) s 6(1)(a)-(b)

⁴³ *Information Privacy Act 2009* (Qld) s 12.

⁴⁴ *Ibid* sch 3.

7.5.6 Human rights

Transport and Main Roads personnel and its Contract holders undertaking acts or making decisions in connection with temporary restrictions on SCRs due to unplanned events, are considered a public entity under the *Human Rights Act 2019* (Qld).⁴⁵ A public entity, when undertaking an act or making a decision, must ensure compatibility with human rights and give proper consideration to those human rights when making a decision.⁴⁶

This requires identifying the relevant human rights and considering whether the act or decision is compatible with the identified human rights.⁴⁷ The act or decision will be compatible when it does not limit human rights or where they are limited, it is only to the extent that is both reasonable and justified.⁴⁸ The limit will be reasonable and justified when it is authorised by law, has a proper purpose, is rationally connected to that proper purpose, is necessary and achieves a balance between the proper purpose and the importance of the human right.⁴⁹ There are 23 human rights in total⁵⁰ such as freedom of movement,⁵¹ and property rights.⁵²

Types of decisions requiring consideration of human rights, may include, but is not limited to:

1. *apply* or *remove* a temporary restriction on a SCR due to an unplanned event, and
2. approval to drive past a restricted road use notice application.

A human rights capability assessment proforma is available at Appendix B to assist personnel undertaking a human rights assessment. Although a temporary restriction on a SCR may restrict the human right of freedom of movement, where a temporary restriction on a SCR is due to a safety requirement, a temporary restriction will be justifiable on the basis of protection of human life, itself a human right recognised by s 16 *Human Rights Act 2019* (Qld). Where an act or decision is made that does not comply with human rights obligations, the act or decision is not considered invalid and no offence committed.⁵³ However, where an individual alleges that their human rights have been breached by a public entity, they may file a complaint,⁵⁴ and seek remedies.

7.5.7 Communication

Activities in connection with temporary restrictions on a SCR due to unplanned events, requires appropriate and robust communication protocols between Transport and Main Roads' personnel and stakeholders. Transport and Main Roads' Districts should ensure appropriate communication protocols are in place as part of:

1. Contract management with Contractors such as RMPC or RAMC holders
2. District Disruptive Event Coordinator arrangements

⁴⁵ *Human Rights Act 2019* (Qld) s 9(1)(a)-(b)

⁴⁶ *Ibid* s 58(1).

⁴⁷ *Ibid* s 58(5).

⁴⁸ *Ibid* s 8.

⁴⁹ *Ibid* s 13(2)(a)-(g).

⁵⁰ *Ibid* part 2, divisions 2-3.

⁵¹ *Ibid* s 19.

⁵² *Ibid* s 24(2).

⁵³ *Ibid* s 58(6)(a)-(b).

⁵⁴ *Ibid* s 63.

3. Traffic Management / Coordination Centres, including the statewide Traffic Management Centre
4. local communications staff, corporate communications staff, including media unit, and
5. other arrangements such as those during a declared disaster, with the natural disaster program or during a crisis.⁵⁵

Some communication protocols may have pre-existing directives in place which should be followed. However, where no existing arrangement is in place or a novel situation arises, it is important to have redundancy in place. This may include protocols associated with situation reports, traveller information, localised district enquiries, media, and internal reporting requirements.

7.5.8 Cross-boundary State-controlled road management

Temporary restrictions on a SCR due to unplanned events often requires cross-boundary management between neighbouring Transport and Main Roads' Districts and Regions. When applying, accessing, or removing temporary restrictions, it is appropriate for neighbouring departmental Districts and Regions to have management arrangements in place such as joint Standard Operating Procedure (SOP). The SOP may cover, but is not limited to, the following:

- relevant SCR details, including name, SCR identifier, chainage
- points of contact both operationally, legal delegate, communications, and other points of contact of importance to the Transport and Main Roads' Districts. It may also be appropriate to include afterhours points of contacts
- a position on restriction type and/or signage to be used to ensure consistency for road users
- a proposed layout of signage locations by type drafted by appropriately qualified personnel, and
- distribution points for the SOP such as operational, Transport and Main Roads' Legal Delegate, Traffic Management / Coordination Centres, including the statewide Traffic Management Centre.

Importantly, it is neither practical nor necessary for every SCR to have an SOP, rather, SCRs that are of significance due to being freight routes that carry substantial traffic, or those marked at the discretion of the Transport and Main Roads' District or Region should ideally have a SOP.

7.5.9 Liability

Transport Infrastructure Act 1994 (Qld)

Where a road user or other person(s) contravenes section 46(4) *Transport Infrastructure Act 1994* (Qld), that is, drive past a restricted road use notice unlawfully, no liability for damage or injury caused directly by the act is attached to the chief executive or State of Queensland.⁵⁶

⁵⁵ See for example, Department of Transport and Main Roads Crisis Communication Response Framework.

⁵⁶ *Transport Infrastructure Act 1994* (Qld) s 46(6).

Further, where approval is provided by the chief executive to drive past a restricted road use notice⁵⁷ and the approval was given in good faith without reckless disregard for the possible occurrence of the personal injury or loss or damage to property from which liability would arise if the subsection did not apply, then no liability attaches to the chief executive or police commissioner. In the alternative, where liability does not attach to the chief executive or police commissioner, then it attaches to the State of Queensland.

Transport Operations (Road Use Management) Act 1995 (Qld)

Where an official, or an authorised officer, undertakes or directs to undertake an activity in accordance with their delegation, such as installing an official traffic sign, they are not civilly liable for an act done, or omission made, honestly and without negligence under a transport Act.⁵⁸ Where liability cannot be attached to an individual, it is attached to the State of Queensland.⁵⁹

Common law

The common law (law made by judges in decided cases) recognises that road authorities can be liable for damages (payment of money) in their management and operations of roads. The common law liability for road authorities has been modified by the sections 35 and 37 *Civil Liability Act 2003* (Qld). Section 37 concerns liability for inspection of the purpose of repairs to roads. Repairs in that provision are not likely to include inspection for the purpose of temporary closure of roads and is therefore out of scope for the purposes of this Operational Standard. However, the common law does recognise a duty for road authorities to inspect roads when there is a known defect or safety hazard on the road, which could be, for example, a road known to flood in particular levels of rain events.

Section 35 of the *Civil Liability Act 2003* (Qld) contains a number of principles which a court will take into account in assessing whether a road authority owes a duty of care to a motorist, or if a duty of care has been breached by the road authority, resulting in injury or property damage sustained by a motorist, in the relevant context, when driving over a road which contains a safety hazard when there is no warning of that hazard by an appropriate sign.

The principles contained in section 35 include that any liability of a road authority should be assessed against the total responsibilities to be exercised by a road authority, and not simply, in the relevant context, the functions of a road authority monitoring roads for potential hazard. A court would expect a road authority (as administered in a particular District) to give priority to resources available to it, inspecting roads known to present a hazard, in particular, safety events such as floods or bushfire, and to temporarily close roads where they present a hazard to motorists. On the other hand, a court would not expect a road authority to endanger the safety of staff, to require them to inspect roads if, to do so, would cause a risk of harm to staff. In such a case, the road authority may be able to satisfy the duty of care on it by publishing warnings by radio news, the departmental website and telephone answering service.

⁵⁷ *Transport Infrastructure Act 1994* (Qld) s 46(7).

⁵⁸ *Transport Operations (Road Use Management) Act 1995* (Qld) s 167(2).

⁵⁹ *Ibid* s 167(3)(a).

Section 35(d) of the *Civil Liability Act 2003* (Qld) provides that a road authority may rely on evidence of its compliance with its general procedures and any applicable standards for the exercise of its functions as evidence of the proper exercise of its functions for a particular claim for damages. In the context of this Operational Standard, compliance with the Standard is evidence that Transport and Main Roads has satisfied its duty of care.

The effect of section 35(d) is that compliance with the Operational Standard is not an absolute defence to a claim for damages in negligence against the road authority, but instead is evidence of proper exercise of the road authority's functions. The principle does demonstrate the importance of compliance with the Operational Standard.

Otherwise, section 46(4) of the *Transport Infrastructure Act 1994* (Qld) does provide a defence to a claim by a motorist against a road authority, where the motorist suffers loss or damage by driving past a restricted road use notice. Even in a case where there has not been the opportunity to inspect a road potentially subject to a safety hazard, and a restricted road use notice has not been erected, a court will recognise contributory negligence such as the relevant hazard being visible and obvious to the motorist. For example a road cut by floodwaters visible in the daytime. Depending on the circumstances, contributory negligence of a motorist can reduce damages anywhere in a spectrum from 0% to 100%.

8 Apply

Applying temporary restrictions on SCRs includes identification and notification, assessment, and restriction:

8.1 Identification and notification

Identification and notification of the need or likely need for a temporary restriction on a SCR can be received from various sources, including:

1. **Transport and Main Roads' hotspots** – sections or 'hotspots' known on the SCR network which Districts are aware are impacted based on historical data, for example, flooding records
2. **Transport and Main Roads' Traffic Management / Coordination Centres** – local or statewide traffic management or coordination centres receive calls from road users or other stakeholders as well as receiving intelligence from devices and/or information feeds
3. **District road operations / inspection / delivery services** – local road operations / inspection / delivery services personnel become aware of unplanned events impacting the SCR network
4. **Contract holders** – Contractual arrangements, for example, road maintenance performance Contracts that undertake various activities, including emergency call-outs that consist of assisting with temporary restrictions on SCRs
5. **review of existing temporary restriction** – existing temporary restrictions may require review as they progress through event lifecycle or circumstances of the restriction change, for example, progressing from unofficial to official or *apply* to *remove*, and
6. **Transport and Main Roads legal delegate** – legal delegates can direct the installation of temporary restrictions on State-controlled roads under various circumstances.

Process tip: Some Districts record event hotspots. The information can include lead time until restriction is required, typical length of restriction, in addition to chainage location details and so on.

8.2 Assessment

Following identification and notification, an assessment is to be undertaken to determine if a temporary restriction on a SCR is required.

8.2.1 Threshold assessment for flooding

Transport and Main Roads' threshold⁶⁰ for applying temporary restrictions on a SCR occurs where there is a depth of still water at or greater than 300 mm.

Qualified by:

1. if water is flowing, depending on the speed of the flow, a temporary restriction on a SCR may be applied at a lower depth. The faster the flow, the lower the depth for a temporary restriction on a SCR, and
2. if upstream catchment rainfalls, flows or other intelligence likely to result in depth of still water at or greater than 300 mm in the near future and it is practical to do so, a temporary restriction on a SCR may be applied.

8.2.2 Threshold assessment for bushfire and other hazardous events

Authorised fire officers (such as QFES authorised fire officers) can take reasonable measures to protect persons, property or the environment from danger or potential danger caused by a fire or a hazardous materials emergency.⁶¹ This may include closing any road or access whether public or private.⁶²

In circumstances where an authorised fire officer seeks to have a temporary restriction applied on a SCR due to a bushfire or other hazardous event (such as a lithium battery fire or major chemical spill), they typically consult with Transport and Main Roads and/or the QPS as necessary to *apply* the restriction. The exact tactics and authority are determined as part of the consultation.

Similarly, a police officer can take measures to prohibit, divert, or direct traffic where they reasonably suspect an emergency exists.⁶³ In circumstances where a police officer seeks to have a temporary restriction applied on a SCR due to a bushfire or other hazardous event, they typically consult with Transport and Main Roads and/or QFES as necessary to *apply* the restriction. The exact tactics and authority are determined as part of the consultation.

There may be other events where liaison with additional personnel, agencies, or Transport and Main Roads' organisational units, such as RoadTek or Transport Network Security and Resilience, may occur.

⁶⁰ Engineering Policy 147 – Road closure policy due to flooding and wet weather.

⁶¹ *Fire and Emergency Services Act 1990* (Qld) s 53(1)(a).

⁶² *Ibid* s 53(2)(g).

⁶³ *Police Powers and Responsibilities Act 2000* (Qld) s 59(3).

8.2.3 Other factors for consideration

Once the threshold assessment has been undertaken and it is determined to *apply* a restriction on a SCR, a range of other factors may be considered. They may include, but are not limited to:

1. **temporary restriction type and supporting measures** – regard may be had to the type of temporary restriction, signage type and construction, signage installation requirements, use of supporting measures, requirement for physical inspection by appropriately qualified and experienced professionals
2. **availability and suitability of alternative and diversion routes** – regard may be had to vehicle classes, volumes, asset manager, point of restriction in proximity to facilities / necessities, terrain, scale, and type of event
3. **access requirement and availability** – regard may be had to whether access to the SCR that is subject to the temporary restriction is a requirement, including whether it is available, for example, application to drive past restricted road use notice, requirement for physical inspection by appropriately qualified and experienced professionals, and
4. **other stakeholder input and impact** – regard may be had to what other requirements are necessary in the context of other agencies, for example, multi-agency where not already involved, economic and social impacts on impacted communities.

8.3 Restriction

Following a determination to *apply* a restriction, the physical action required, notifications, legal delegate approval requirements should occur.

8.3.1 Physical and management requirements

Signage

Signage is to be installed at an appropriate location that accords with the authority, signage requirements and assessment outcome.

Relevant signage details should be recorded, including, but not limited to:

1. type and construction, for example, warning, regulatory or advisory signage, electronic or physical signage
2. how signage is secured
3. date and time-stamp of installation, and
4. location of signage, for example, chainage and global positioning service coordinates.

Process tip: Date and time-stamped photographs are strongly encouraged to support the activity, including use of in-field technology applications. This is particularly important when used to aid enforcement activity.

Temporary restriction details

Following installation of signage, the contextual details of the temporary restriction should be recorded according to localised process. This may include, but is not limited to:

1. SCR name and identifier
2. unplanned event description
3. chainage start and end
4. suburb / locality and postcode
5. restriction type, for example, closed
6. direction, impact, proximity to other localities or other major SCRs (if applicable), and
7. other identifiers (if applicable), for example, STREAMS-SIMS job numbers.

Process tip: The information may be recorded in various forms such as wet weather closure reports or could be inputted directly into relevant information systems such as EPS.

8.3.2 Notification requirements

Following placement of signage and recording of temporary restriction details, relevant notifications are to be made according to localised notification arrangements and formats, for example, wet weather council closure report, EPS This may include, but is not limited to:

1. Transport and Main Roads' legal delegate
2. Transport and Main Roads' Traffic Management / Coordination Centres
3. other Transport and Main Roads' District / Region points of contact, and
4. third party Contract holder arrangements.

Notifications should ensure they have sufficient information to allow for the Transport and Main Roads' chief executive or departmental legal delegate to exercise their delegation fully and appropriately in addition to allowing for appropriate oversight and management of the event lifecycle.

8.3.3 Transport and Main Roads' legal delegate requirements

Following notification, the Transport and Main Roads' legal delegate is required to make a decision regarding the temporary restriction on the SCR. This may include:

1. reviewing the identification, notification, assessment, and restriction details
2. if sufficient information (quality, type) is received to enable the legal delegate to exercise their delegation, then having regard for all matters, make a decision. Where insufficient information is provided or outcomes from having regard for all matters dictate otherwise, further investigation may be required prior to exercising delegation, and
3. where the decision made is to approve the temporary restriction (importantly, the placement of signage) on the SCR, the legal delegate should ensure they have recorded all relevant details, including signing-off the temporary restriction in a suitable format. For example, EPS, where not already entered.

9 Access

There are limited exceptions to allow access to a temporary restriction on a SCR. Where exceptions exist, a range of factors must be considered.

9.1 *Transport Infrastructure Act 1994 (Qld)*

9.1.1 Application to drive past a restricted road use notice

Where a temporary restriction on a SCR is an official temporary restriction – restricted road use notice, an application to drive past a restricted road use notice provides access to the temporary restriction in limited circumstances. These may include:

1. single trip – for extenuating circumstances that require transport of essential items such as medicine
2. multi-trip – for extenuating circumstances where there is a protracted temporary restriction on a SCR and property owners require access to their property, or for transport of essential items such as medicine and/or food, and
3. Transport Inspection services – for circumstances where Transport Inspectors require access to provide Transport Inspection services for example, ensuring safety of road users.

9.1.1.1 Application

Transport and Main Roads may receive a request for Drive Past a Restricted Road Use Notice Approval (during wet weather and flooding) (F5065) (RRUN Application) from road users. The RRUN Application is available on the Transport and Main Roads corporate forms database and is not publicly available. Applications should be made available at:

- Transport and Main Roads District offices at reception.
- Transport and Main Roads corporate vehicles used by departmental employees that deliver road operations or participate in activities associated with temporary restrictions on SCRs.
- Transport and Main Roads employees stationed at temporary restrictions on SCR locations.

Localised quality management processes should incorporate the RRUN Application to ensure they are available at collection points as part of pre-season preparations.

9.1.1.2 Pre-assessment

Upon receipt of a RRUN Application, it is subject to pre-assessment that ideally should be completed as soon as practical after receipt of the RRUN Application. This may include:

1. ensuring the RRUN Application is complete and has sufficient detail for example, name of State-controlled road. If a RRUN Application is incomplete, it should not be processed and further information, including resubmission, should be sought from the applicant
2. recording details of the RRUN Application such as date and time of receipt, assigning a reference number in a register or other localised recordkeeping solution and noting the personal information handling requirements, and
3. providing the RRUN Application to the legal delegate for technical assessment.

Process tip: Development of a register to track and manage applications particularly during resource intensive periods of work, for example, the wet season, may be useful for Districts.

9.1.1.3 Technical assessment

Following pre-assessment of the RRUN Application, it is subject to a technical assessment by a legal delegate authorised to enact official temporary restriction – restricted road use notice. The technical assessment decision support tool, is outlined at Appendix A.

9.1.1.3.1 Length of issue

While approval to drive past a RRUN are typically to be issued during emergency situations, there is some flexibility to issue approvals earlier and for longer periods of time in preparedness for seasons or events. Caution should be exercised by legal delegates in issuing for a longer period of time.

Consideration of factors may include, but are not limited to:

1. balancing the operational convenience of issuing early with understanding and knowledge of the circumstances of the SCR and the type and possibility of events that typically or may unfold resulting in a temporary restriction during the approval period
2. understanding the type of circumstances that give rise to the request. That is, where it is for a multi-trip, for instance, by a landowner to be able to access their property where it is known to flood frequently, it may be more suited to longer term issuing as opposed to a circumstance where it may be for a single-trip for a freight operator
3. considering and balancing all other factors pertinent to the request, such as the consideration of human rights (safety to human life), how the events are typically managed, that is, does the RRUN change to a NO ENTRY sign quickly, is the section that is accessible likely to change quickly, or is there other road transport infrastructure involved, are there alternative routes, and
4. ensuring that sufficiency of processes and resources are in place for management of the approval to drive past a RRUN such as tracking, disclosure to authorised parties, for example, the QPS, notification of requirements should event, or season circumstances change, and potential revocation of the approval.

9.1.1.4 Outcome of assessment

Following a technical assessment of the RRUN Application, the outcome of the RRUN Application should be known and the RRUN Application finalised. In finalising the RRUN Application:

1. the outcome and decision support tool records should be retained and recorded
2. the RRUN Application execution is to occur by wet signature as the preferred method. Where this is not practical due to emergency circumstances, the rationale for not using the preferred approach should be documented
3. the RRUN Application details (including personal information of the applicant) must be disclosed to the QPS and LGA. Localised processes for sharing personal information should be established ensuring compliance with Transport and Main Roads' information privacy and information security requirements

4. the outcome of the technical assessment should be provided to the applicant by correspondence as soon as practical. Where approved, it should contain, at a minimum, conditions, reference number and possibility of revocation where certain conditions are triggered
5. consideration of the issuing circumstances and context should be considered in notifying the applicant of the outcome. Where approved and the circumstances and context warrant, notification via extraordinary measures may be required for example, SMS, and
6. where rejected, there is no avenue for appeal or review of decision nor is there a requirement to provide reasons for rejection.

9.2 Transport Operations (Road Use Management) Act 1995 (Qld)

There are no exceptions available for road users to drive past signage used as part of temporary restrictions on a SCR due to unplanned events where it consists of a NO ENTRY sign.⁶⁴ Exceptions may exist for drivers of police vehicles⁶⁵ and drivers of emergency vehicles.⁶⁶

10 Remove

Removing temporary restrictions on SCRs includes identification and notification, assessment, and removal.

10.1 Identification and notification

Identification and notification of the need or likely need for removal of a temporary restriction of a SCR, can arise from various sources, including:

1. **Transport and Main Roads' hotspots** – sections or 'hotspots' known on the SCR network which Districts are aware are impacted based on historical data, for example, flooding records
2. **Transport and Main Roads' Traffic Management / Coordination Centres** – local or statewide traffic management or coordination centres receive calls from stakeholders as well as receiving intelligence from devices and/or information feeds
3. **District road operations / inspection / delivery services** – local road operations / inspection / delivery services personnel become aware of the status of unplanned events impacting the SCR network and need or likely need for removal
4. **Contract holders** – Contractual arrangements, for example, RMPC, that undertake various activities, including emergency call-outs that consist of assisting with temporary restrictions on SCRs, including removal
5. **Reviewing of existing temporary restriction** – existing temporary restrictions may require review as they progress through event lifecycle or circumstances of the restriction change, for example, progressing from unofficial to official or *apply to remove*
6. **Transport and Main Roads' legal delegate** – legal delegates can direct for the removal of temporary restrictions on SCRs under various circumstances.

⁶⁴ *Transport Operations (Road Use Management – Road Rules) Regulation 2009 reg 100.*

⁶⁵ *Ibid 305.*

⁶⁶ *Ibid reg 306.*

10.2 Assessment

Following identification and notification, an assessment is to be undertaken to determine if temporary restriction of a SCR can be removed. These may include, but is not limited to:

1. whether the Transport and Main Roads' threshold for applying a temporary restriction is still in force
2. current weather forecast or other contextual event related information, for example, declared disaster, and
3. current integrity of the asset and surrounds, for example, washouts, structural damage, pavement saturation, debris, potholes, roadside furniture, scouring and so on.

In undertaking the assessment, the relevant personnel with the appropriate skills, qualification and experience are to be engaged. This may include, but is not limited to:

1. engineering and technical personnel
2. road inspection personnel
3. bridge or structural engineering personnel, and
4. other agency, authority, or Contractor holder personnel appropriate to the circumstance, for example, the QPS, QFES and local government authorities.

10.3 Removal

Following a determination to remove a restriction, the physical action required, notifications, legal delegate decision requirements should occur.

10.3.1 Physical requirements

All signage temporarily installed should be immediately removed from locations in connection with the temporary restriction on a SCR. That includes, where appropriate, removal of signage at either side of the temporary restriction on the SCR or other locations that signage may have been placed to facilitate re-routing.

10.3.2 Notification requirements

Following removal of signage, relevant notifications are to be made according to localised notification arrangements and formats, for example, wet weather council closure report / road condition report.

This may include, but is not limited to:

1. Transport and Main Roads' legal delegate
2. Transport and Main Roads' Traffic Management / Coordination Centres
3. other Transport and Main Roads District / Region points of contact, and
4. third party Contract holder arrangements.

Notifications should ensure they have sufficient information to allow for the chief executive or Transport and Main Roads' legal delegate to exercise their delegation fully and appropriately in addition to allowing for appropriate oversight and management of the event lifecycle.

10.3.3 Transport and Main Roads' legal delegate requirements

Following notification, the Transport and Main Roads' legal delegate is required to make a decision regarding the temporary restriction on the SCR. In most instances, the preliminary outcome may be known prior to this section which is a formality. This may include:

1. reviewing the identification, notification, assessment details
2. if sufficient information (quality, type) is received to enable the Transport and Main Roads' legal delegate to exercise their delegation, then having regard for all matters, make a decision. Where insufficient information is provided or outcomes from having regard for all matters dictate otherwise, further investigation may be required prior to exercising delegation, and
3. where the decision made is to remove the temporary restriction on the SCR, Transport and Main Roads' legal delegate should ensure they have recorded all relevant details, including signing-off the temporary restriction in a suitable format, for example, EPS.

11 Supporting documentation

The following supporting documentation assists to operationalise the temporary restrictions on SCRs framework, including:

1. driving past a restricted road use notice approval – Corporate Form – F5065
2. decision support tool for processing approval to drive past restriction road use notice applications – Appendix A
3. Human Rights Compatibility Assessment – Appendix B, and
4. information sheets for legal delegates, specialist road users and high-risk activities.

12 Implementation and review

This Operational Standard is effective from date of approval by the authorised officer.

This Operational Standard is subject to review annually on the anniversary of the date of approval by the authorised officer, unless determined otherwise by an authorised officer.

13 Appendices

13.1 Appendix A – Decision support tool for processing drive past a restricted road use notice application (during wet weather and flooding)

The following decision support tools assist with the application and approval process for processing drive past a restricted road use notice application (during wet weather and flooding). Copies have been extracted for convenience below. The copy below is uncontrolled and users should always refer to the departmental intranet for the current version.

Table 13.1(a) – Application for single trip / multi-trip

Questions	Yes	No	Comments (Transport and Main Roads regional / district office use only)
Have you sighted the applicant's driver licence for identification purposes?	Continue with assessment.	Determine who the application is for and/or if driver licence is available. Otherwise do not proceed.	
Has the applicant completed a Corporate Form F5065?	Continue with assessment.	Complete form where appropriate, such as due to circumstances or assist applicant to complete form if unable to do so.	
Single-trip Is reason for the applicant's request considered to be essential travel (for example, delivery / accessing food, water, power, or fuel to isolated areas)? Or Multi-trip Is the reason for applicant's request because they need to access their residence, property, business, or essential services and the SCR has been / will be restricted for an extended period?	Continue with assessment.	Deny request.	

Questions	Yes	No	Comments (Transport and Main Roads regional / district office use only)
Will the safety of the applicant, other persons or Transport and Main Roads staff / Contractors be placed at risk by granting approval?	Deny request.	Continue with assessment.	
Has a SCR and/or bridge inspection been undertaken?	Continue with assessment.	Inspection to be undertaken, where appropriate / possible, before approval.	
Does the applicant need to hold a permit, based on mass limit or dimension limits to move on the SCR?	Heavy Vehicle Unit of Transport and Main Roads region must give confirmation that this application qualifies to proceed in the first instance.	Continue with assessment where applicant is not required to hold a permit in accordance with guidelines or Heavy Vehicle National Law.	
Can applicant's heavy vehicle load be broken down if necessary?	Continue with assessment.	Deny request.	
Has a Transport and Main Roads reference number been obtained?	Continue with process.	Must be obtained and inserted on approval letter.	
Has the local QPS Officer and/or local government authorities been advised of this approval?	Continue with process.	To be arranged ASAP to comply with policy.	
Has the local QPS consulting Officer's name been included on the approval?	Continue with process.	Must be completed on approval letter.	
Is the approving delegate in a Transport and Main Roads role that holds a delegation under s 46(4)(b) <i>Transport Infrastructure Act 1994</i> (Qld) Instrument of Delegation and Schedule of Delegations?	Continue with process.	Legal delegate must approve application before process can proceed.	

Questions	Yes	No	Comments (Transport and Main Roads regional / district office use only)
Has Transport and Main Roads legal delegate signed the approval?	Continue with process.	Approval letter must be signed before process can proceed.	
Has the approval been recorded in regional records? Where possible, the original should be retained by Transport and Main Roads for record keeping and auditing, with a copy provided to the applicant.	Continue with process.	Process must be recorded to comply with policy.	
If appropriate, are arrangements in place for the Application for approval to be posted / emailed / faxed to the applicant for their records?	Continue with process.	To be arranged ASAP to comply with policy.	
Will the safety of the applicant, other persons or Transport and Main Roads staff / Contractors be placed at risk by granting approval?	Deny request.	Continue with assessment.	
Has a road and/or bridge inspection been undertaken?	Continue with assessment.	Inspection to be undertaken, where appropriate / possible, before approval.	
Has the applicant's human rights been considered and documented in making this decision in accordance with the requirements?	Continue with assessment.	To be undertaken prior to continuing assessment.	

Table 13.1(b) – Approval for single trip / multi-trip

Questions	Yes	No	Comments (Transport and Main Roads regional / district office use only)
Has a Transport and Main Roads reference number been obtained?	Continue with process.	Must be obtained and inserted on approval letter.	
Has the local QPS officer and/or local government authorities been advised of this approval?	Continue with process.	To be arranged ASAP to comply with policy.	
Has the police consulting officer's name been included on the approval?	Continue with process.	Must be completed on approval letter.	
Is the approving delegate in a Transport and Main Roads role that holds a delegation under s 46(4)(b) <i>Transport Infrastructure Act 1994</i> (Qld) Instrument of Delegation and Schedule of Delegations?	Continue with process.	Legal delegate must approve application before process can proceed.	
Has the Transport and Main Roads legal delegate signed the approval?	Continue with process.	Approval letter must be signed before process can proceed.	
Has the approval been recorded in Transport and Main Roads' regional records?	Continue with process.	Process must be recorded to comply with policy.	
If appropriate, are arrangements in place for the Application for approval to be posted / emailed / faxed to applicant for their records?	Continue with process.	To be arranged ASAP to comply with policy.	

Table 13.1(c) – Application for Transport Inspector

Questions	Yes	No	Comments (Transport and Main Roads regional / district office use only)
Have you sighted the applicant's driver licence and TI badge for identification purposes?	Continue with assessment.	Determine who the application is for and/or if driver licence is available. Otherwise do not proceed.	
Has applicant's application been endorsed by the Transport and Main Roads Compliance Manager / Temporary Road Restriction Coordinator? Where possible, start and end dates for period of approval, if granted, should be included.	Continue with assessment.	Request applicant to refer to Compliance Manager / Temporary Road Restriction Coordinator.	
Will the safety of the applicant, other persons or Transport and Main Roads staff / Contractors be placed at risk by granting approval?	Deny request.	Continue with assessment.	
Have the applicant's human rights been considered and documented in making this decision in accordance with the requirements?	Continue with assessment.	To be undertaken prior to continuing assessment.	
Has a road and/or bridge inspection been undertaken?	Continue with assessment.	Inspection to be undertaken before assessment for approval.	

Table 13.1(d) – Approval for Transport Inspector

Questions	Yes	No	Comments (Transport and Main Roads regional / district office use only)
Has a Transport and Main Roads reference number been obtained?	Continue with process.	Must be obtained and inserted on approval letter.	
Has the local QPS officer and/or local government authorities been advised of approval?	Continue with process.	To be arranged ASAP to comply with policy.	
Is the approving delegate in a Transport and Main Roads role that holds a delegation under s 46(4)(b) <i>Transport Infrastructure Act 1994</i> (Qld) Instrument of Delegation and Schedule of Delegations?	Continue with process.	Legal delegate must approve application before process can proceed.	
Has the Transport and Main Roads legal delegate signed the approval?	Continue with process.	Approval letter must be signed before process can proceed.	
Has the approval been recorded in Transport and Main Roads records?	Continue with process.	Process must be recorded to comply with policy.	

13.2 Appendix B – Human Rights Compatibility Assessment

The following Human Rights Compatibility Assessment is available on the departmental intranet. A copy has been extracted for convenience below. The copy below is uncontrolled and users should always refer to the departmental intranet for the current version.

Background

Under section 58(1) of the *Human Rights Act 2019* (the HR Act), public entities (which includes Transport and Main Roads, its officers, employees, consultants and Contractors) are required to:

- act and make decisions in a way that is compatible with human rights, and
- give proper consideration to human rights when making a decision.

According to section 58(5) of the HR Act, giving proper consideration to human rights involves:

- identifying the human rights that are relevant, and
- considering whether the decision would be compatible with those human rights.

Under section 8 of the HR Act, an act or decision will be compatible with human rights if:

- it does not limit any human right, or
- it limits human rights only to the extent that is reasonable and justified.

Section 13(1) of the HR Act provides that 'A human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.'

In deciding whether a limit on a human right will be reasonable and justified, the following factors may be relevant (s13(2) of the HR Act):

- is authorised by law (s13(1))
- has a proper purpose (s13(2)(b))
- is rationally connected to that proper purpose, in the sense that it helps to achieve the purpose (s13(2)(c))
- is necessary, in the sense that there is no less restrictive and reasonably available way to achieve the purpose (s13(2)(d)), and
- strikes a fair balance between the importance of the proper purpose and the importance of the human right ((s13(2)(e), (f) and (g))

The purpose of this human rights assessment is to ensure compliance with these human rights obligations.

1. Describe the **ACTION OR DECISION** that this assessment considers (in detail):

2. Is it possible the decision could directly or indirectly affect the interests of a natural person / individual?

- Yes** Proceed to step 3.
- No** If No, no further consideration is needed.

3. Is there a discretion available to the decision-maker to take the proposed action or decision?

- Yes** Proceed to step 4
- No** Set out the legal authority for the decision in step 6 below. After completing step 6, it is not necessary to carry out the rest of this human rights assessment. The reason is that the exception in section 58(2) of the HR Act applies.

4. Are any human rights relevant to the proposed act or decision? A human right will be relevant if it is potentially limited or promoted by the act or decision.

Note: please read the full description of the human right(s), via the following hyperlinks.

Table 13.2(a) – Human Rights legislated in the Human Rights Act 2019 (Qld)

Pinpoint references (HR Act)			
<input type="checkbox"/>	Right to equality and non-discrimination (section 15) <i>Recognition and equality before the law</i>	<input type="checkbox"/>	Cultural rights – generally (section 27) <i>Cultural rights—generally</i>
<input type="checkbox"/>	Right to life (section 16) <i>Right to life</i>	<input type="checkbox"/>	Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28) <i>Cultural rights—Aboriginal peoples and Torres Strait Islander peoples</i>
<input type="checkbox"/>	Protection from torture and cruel, inhuman or degrading treatment (section 17) <i>Protection from torture and cruel, inhuman or degrading treatment</i>	<input type="checkbox"/>	Right to liberty and security of person (section 29) <i>Right to liberty and security of person</i>
<input type="checkbox"/>	Freedom from forced work (section 18) <i>Freedom from forced work</i>	<input type="checkbox"/>	Right to humane treatment when deprived of liberty (section 30) <i>Humane treatment when deprived of liberty</i>
<input type="checkbox"/>	Freedom of movement (section 19) <i>Freedom of movement</i>	<input type="checkbox"/>	Fair hearing (section 31) <i>Fair hearing</i>

Pinpoint references (HR Act)			
<input type="checkbox"/>	Freedom of thought, conscience, religion and belief (section 20) <i>Freedom of thought, conscience, religion and belief</i>	<input type="checkbox"/>	Rights in criminal proceedings (Section 32) <i>Rights in criminal proceedings</i>
<input type="checkbox"/>	Freedom of expression (section 21) <i>Freedom of expression</i>	<input type="checkbox"/>	Children in the criminal process (section 33) <i>Children in the criminal process</i>
<input type="checkbox"/>	Peaceful assembly and freedom of association (section 22) <i>Peaceful assembly and freedom of association</i>	<input type="checkbox"/>	Right not to be tried or punished more than once (section 34) <i>Right not to be tried or punished more than once</i>
<input type="checkbox"/>	Taking part in public life (section 23) <i>Taking part in public life</i>	<input type="checkbox"/>	Retrospective criminal laws (section 35) <i>Retrospective criminal laws</i>
<input type="checkbox"/>	Property rights (section 24) <i>Property rights</i>	<input type="checkbox"/>	Right to education (section 36) <i>Right to education</i>
<input type="checkbox"/>	Privacy and reputation (section 25) <i>Privacy and reputation</i>	<input type="checkbox"/>	Right to health services (section 37) <i>Right to health services</i>
<input type="checkbox"/>	Protection of families and children (section 26) <i>Protection of families and children</i>	<input type="checkbox"/>	

Explain how these human rights are relevant in detail, for each human right:

5. Are any human rights **limited** by the proposed act or decision? A human right will be limited if the action or decision places limitations or restrictions, or interferes with, the human rights of a person.

- No** The act or decision is compatible with human rights. Explain why the act or decision does not limit relevant human rights below.
- Yes** Identify which human rights are limited and why. Proceed to step 6.

Table 13.2(b) – Human Rights legislated in the Human Rights Act 2019 (Qld)

Pinpoint reference of the HR Act			
<input type="checkbox"/>	Right to equality and non-discrimination (section 15)	<input type="checkbox"/>	Cultural rights – generally (section 27)
<input type="checkbox"/>	Right to life (section 16)	<input type="checkbox"/>	Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28)
<input type="checkbox"/>	Protection from torture and cruel, inhuman or degrading treatment (section 17)	<input type="checkbox"/>	Right to liberty and security of person (section 29)

Pinpoint reference of the HR Act			
<input type="checkbox"/>	Freedom from forced work (section 18)	<input type="checkbox"/>	Right to humane treatment when deprived of liberty (section 30)
<input type="checkbox"/>	Freedom of movement (section 19)	<input type="checkbox"/>	Fair hearing (section 31)
<input type="checkbox"/>	Freedom of thought, conscience, religion and belief (section 20)	<input type="checkbox"/>	Rights in criminal proceedings (Section 32)
<input type="checkbox"/>	Freedom of expression (section 21)	<input type="checkbox"/>	Children in the criminal process (section 33)
<input type="checkbox"/>	Peaceful assembly and freedom of association (section 22)	<input type="checkbox"/>	Right not to be tried or punished more than once (section 34)
<input type="checkbox"/>	Taking part in public life (section 23)	<input type="checkbox"/>	Retrospective criminal laws (section 35)
<input type="checkbox"/>	Property rights (section 24)	<input type="checkbox"/>	Right to education (section 36)
<input type="checkbox"/>	Privacy and reputation (section 25)	<input type="checkbox"/>	Right to health services (section 37)
<input type="checkbox"/>	Protection of families and children (section 26)		

Explain why limited or not limited (in detail, for each human right):

6. Is the proposed act or decision authorised by law?

- No** The act or decision is **not** authorised by law.

Note: This will not mean that the act cannot be taken (as long as it is not against the law), provided that the outcome of the assessment, once undertaken, is that the limit(s) are reasonable and justified.

- Yes** Identify the legal authority for the act or decision (in detail).

7. Does the proposed act or decision have a **proper purpose**?

Note: section 13(2)(b) requires a consideration of the nature of the purpose and whether it 'is consistent with a free and democratic society based on human dignity, equality and freedom.'

Example:

A decision to make a policy to improve transport infrastructure and to contribute to an accessible and inclusive transport network that is convenient, sustainable and safe.

- No** The act or decision is **not** compatible with human rights.
- Yes** What is the purpose (in detail)?

8. Does the proposed act or decision **help to achieve** that purpose?

- No** The act or decision is **not** compatible with human rights.
- Yes** How does it help to achieve the purpose (in detail)?

9. Is there a less restrictive and reasonable available way(s) to achieve the purpose?

- Yes** The act or decision is **not** compatible with human rights.
- No** Explain the alternatives that were considered and why they are not less restrictive or reasonably available (in detail):

10. Does the proposed act or decision strike a fair balance between the importance of the proper purpose and the importance of the human right(s)?

- No** The act or decision is **not** compatible with human rights.
- Yes** The act or decision is compatible with human rights.
Explain why it is important to achieve the purpose of the act or decision.
Explain the importance of the human right, including the extent of the impact on the human right. Explain why one outweighs the other (in detail).

DECISION:

The proposed act or decision is / is **not** compatible with human rights. (Circle the applicable)

SIGNED: INSERT NAME OF DECISION-MAKER

POSITION TITLE: INSERT POSITION TITLE

DIVISION:

DATE: INSERT DATE

