# Road Management (General) Regulations 2016

**S.R. No. 11/2016**

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Part 1—Preliminary

1 Objectives

The objectives of these Regulations are—

(a) to exempt certain road discontinuances from certain requirements of section 12 of the Act; and

(b) to prescribe certain matters that must be recorded in a register of public roads; and

(c) to prescribe the interval at which a road authority must review its road management plan; and

(d) to prescribe the manner in which a road authority must review its road management plan; and
(e) to prescribe the manner in which a road authority may make certain amendments to its road management plan; and

(f) to prescribe the particulars to be contained in a notice of incident; and

(g) to prescribe particulars to be contained in a condition report; and

(h) to provide for the protection of roads and property; and

(i) to authorise the removal of vehicles, objects, substances and materials from roads; and

(j) to make provision with respect to the matters that a road authority must consider in exercising its powers in relation to hoardings and advertisements on roads, and to confer certain appeal rights; and

(k) to specify certain offences under the regulations to be road management infringements and to specify the penalty for those road management infringements; and

(l) to fix certain fees and charges.

2 Authorising provision

These Regulations are made under section 132 of the Road Management Act 2004.

3 Commencement

These Regulations come into operation on 18 March 2016.

4 Revocation

The Road Management (General) Regulations 2005¹ are revoked.
5 Definitions

(1) In these Regulations—

*Alpine Resort Management Board* has the same meaning as *Board* has in section 3 of the *Alpine Resorts (Management) Act 1997*;

*commercial road* means the Link road, Extension road, EastLink and Peninsula Link Freeway;

*construction zone* means any place or area in which VicRoads or a VicRoads contractor is conducting road construction or maintenance works, whether or not that place or area is a road;

*emergency* has the same meaning as in section 3 of the *Emergency Management Act 2013*;

*municipal council* has the same meaning as *council* has in section 3(1) of the *Local Government Act 1989*;

*registered operator* has the same meaning as in section 3(1) of the *Road Safety Act 1986*;

*relevant corporation* means—

(a) in relation to the Link road—VicRoads; and

(b) in relation to the Extension road—VicRoads; and

(c) in relation to EastLink—the EastLink Corporation; and
(d) in relation to the Peninsula Link Freeway—the Peninsula Link Freeway Corporation;

Note

Link road, Extension road, EastLink, EastLink Corporation, Peninsula Link Freeway and Peninsula Link Freeway Corporation are defined in section 3(1) of the Act.

responder agency has the same meaning as in section 3 of the Emergency Management Act 2013;

response has the same meaning as in section 3 of the Emergency Management Act 2013;

the Act means the Road Management Act 2004;

traffic control device has the same meaning as in the Dictionary to the Road Safety Road Rules 2009;

vehicle has the same meaning as in section 3(1) of the Road Safety Act 1986;

VicRoads contractor means a person engaged directly or indirectly by VicRoads to carry out work on behalf of VicRoads and includes a subcontractor;

VicRoads’ property means any land or premises which is owned or occupied by VicRoads but does not include a road.

(2) For the purposes of these Regulations, unless a contrary intention appears, a reference to a road, public road or freeway includes the Link road, Extension road, EastLink and Peninsula Link Freeway.

Note

See sections 133, 133A and 133B of the Act.
(3) These Regulations do not alter or vary any right, privilege, obligation or liability of—

(a) the Link corporation or the Extension corporation under the Melbourne City Link Act 1995, the Agreement, the Extension Agreement or the Integration and Facilitation Agreement; or

(b) the EastLink Corporation under the EastLink Project Act 2004 or the EastLink Agreement; or

(c) the Peninsula Link Freeway Corporation under the Peninsula Link Project Deed.

Note

Link corporation, Extension corporation, the Agreement, the Extension Agreement, the Integration and Facilitation Agreement, EastLink Agreement and Peninsula Link Project Deed are defined in section 3(1) of the Act.
Part 2—Management of roads

6 Exemption from consultation requirement for discontinuance of certain roads

(1) For the purpose of section 12(11)(a) of the Act, a proposed discontinuance of part of a road that does not incorporate the full width of the road is exempt from the requirements under section 12(4) to (10) of the Act if—

(a) the use of any existing means of access to any land will not be denied; and

(b) it will not prohibit or unreasonably restrict the passage along the road of persons, vehicles or other kinds of traffic; and

(c) notice of the proposed discontinuance has been given in accordance with subregulation (2); and

(d) any written submission received within the period specified in the notice from a recipient of that notice has been considered and dealt with in the same way that a written submission referred to in section 12(5) of the Act must be dealt with under section 12(6) to (10) of the Act.

Notes

1 Section 12(4) of the Act otherwise requires a discontinuing body to publish a public notice stating that submissions in respect of the proposed discontinuance of the road will be considered. Section 12(5) to (10) of the Act provide the process for dealing with those submissions.

2 Traffic is defined in section 3(1) of the Act.
(2) For the purpose of subregulation (1)(c), notice of the proposed discontinuance must——

(a) be given in writing to——

(i) the relevant municipal council; and

(ii) each utility, provider of public transport, infrastructure manager and road authority who is responsible for infrastructure installed on, under or over the relevant part of a road (of whom the discontinuing body is aware); and

(b) state that the recipient may make a written submission to the discontinuing body in respect of the proposed discontinuance within the specified period, being a period of not less than 28 days after the notice has been served.

(3) For the purpose of subregulation (1), the use of an existing means of access to land will not be denied if——

(a) the land that is subject to the proposed discontinuance is proposed to be——

(i) sold, transferred or otherwise disposed of to the owner of the land that directly abuts the subject land where the abutting land is owned by a single land owner or one group of joint land owners (whether that be as joint tenants, tenants in common or another form of joint ownership); or

(ii) consolidated or subdivided with the land that directly abuts the subject land where the abutting land is owned by a single land owner or one group of joint land owners (whether that be as joint
tenants, tenants in common or another form of joint ownership); or

(b) an alternative means of access is proposed to be provided in respect of any land where an existing means of access to that land would otherwise be denied.

Example

A narrow strip of land along the edge of a road reserve is no longer required because of the realignment of a roadway. The discontinuing body proposes to discontinue that part of the road reserve and sell it to the sole abutting land owner. The existing means of access to the abutting land will not be denied and the discontinuance will not impact on the public's use of the road since the discontinuance will only have the effect of slightly narrowing the road reserve and footpaths and the roadway will be unaffected. In such circumstances, regulation 6 provides, for the purposes of section 12(11)(a) of the Act, that the requirements under section 12(4) to (10) of the Act do not apply provided that the requirements specified in regulation 6 are complied with.

(4) For the purpose of section 12(11)(a) of the Act, a proposed discontinuance of a road or part of a road that incorporates the full width of the road is exempt from the requirements under section 12(4) to (10) of the Act if—

(a) the discontinuing body reasonably believes that the road or part of a road is not in use for road-related purposes by any person; and

(b) there are existing alternative means of access to all land abutting the road or part of a road; and

(c) notice of the proposed discontinuance has been given in accordance with subregulations (5) and (6); and

(d) any submission received within the period specified in the notice from a recipient of that notice has been considered and dealt with in the same way that a written
submission referred to in section 12(5) of the Act must be dealt with under section 12(6) to (10) of the Act.

Note

Section 12(4) of the Act otherwise requires a discontinuing body to publish a public notice stating that submissions in respect of the proposed discontinuance of the road will be considered. Section 12(5) to (10) of the Act provide the process for dealing with those submissions.

(5) For the purposes of subregulation (4)(c), notice of the proposed discontinuance must—

(a) be given in writing to—

(i) the relevant municipal council; and

(ii) each utility, provider of public transport, infrastructure manager and road authority who is responsible for infrastructure installed on, under or over the relevant part of a road (of whom the discontinuing body is aware); and

(iii) where the road or part of a road provides access (whether or not that access is used) to the land administered under the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975, the Wildlife Act 1975 or the Alpine Resorts (Management) Act 1997—the Secretary to the Department of Environment, Land, Water and Planning; and

(b) state that the recipient may make a written submission to the discontinuing body in respect of the proposed discontinuance within the specified period, being a period of not less than 28 days after the notice has been served.
Part 2—Management of roads

(6) For the purposes of subregulation (4)(c), reasonable steps must be taken to give to the owner of each property that abuts the road or part of a road notice in writing of the proposed discontinuance stating that the recipient may make a submission to the discontinuing body in respect of the proposed discontinuance within the specified period, being a period of not less than 28 days after the notice has been served.

7 Matters that must be included in a register of public roads

The following matters are prescribed for the purposes of clause 1(k) of Schedule 1 to the Act as matters which must be included in a register of public roads—

(a) a reference to any declaration under section 42 of the Act of a controlled access road for which the road authority is the coordinating road authority, and a reference to any amendment or revocation of such a declaration;

(b) a reference to any notice referred to in clause 5(1) of Schedule 2 to the Act in relation to a controlled access road for which the authority is the coordinating road authority.
Part 3—Road management plans

Division 1—Review of road management plans

8 Road authority must conduct review of road management plan

(1) For the purposes of section 54(5) of the Act, a road authority that has a road management plan must conduct a review of that plan at the intervals prescribed by this regulation.

Note

The making of a road management plan is voluntary and a road authority may therefore decide not to have a road management plan—see section 49 of the Act. However, a road authority that has made a road management plan must conduct a review of that plan in accordance with the regulations at the intervals prescribed by the regulations—see section 54(5) of the Act.

(2) A road authority other than a municipal council must—

(a) commence a review of its road management plan—

(i) where the plan has not previously been reviewed, not more than 4 years after the making of the plan; or

(ii) where the plan has previously been reviewed, not more than 4 years after the completion of the last review; or

(iii) where the relevant Minister has fixed a later date, on or before that date; and
(b) complete that review—

(i) where the plan has not previously been reviewed, not more than 5 years after the making of the plan; or

(ii) where the plan has previously been reviewed, not more than 5 years after the completion of the last review; or

(iii) where the relevant Minister has fixed a later date, on or before that date.

Note

Relevant Minister is defined in section 3(1) of the Act.

(3) A municipal council must conduct and complete a review of its road management plan within the period referred to in section 125(1) of the Local Government Act 1989 or, if that period is extended in accordance with section 125(4) of that Act, within that extended period.

Note

Each incoming municipal council must review its road management plan during the same period as it is preparing its Council Plan under the Local Government Act 1989. Section 125(1) of that Act requires each municipal council to prepare a Council Plan within the period of 6 months after each general election or by the next 30 June, whichever is later, unless the Minister administering that Act extends the period under section 125(4) of that Act.

9 Conduct of review of road management plan

(1) In conducting a review of its road management plan, a road authority must ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads and classes of road to which the plan applies are appropriate.
(2) After a road authority has completed a review of its road management plan, it must—

(a) produce a written report summarising the findings and conclusions of the review; and

(b) make the report available for copying or inspection—

(i) at the place where the road management plan may be inspected or obtained in accordance with section 55(1)(b) of the Act; or

(ii) on an Internet site maintained by the road authority.

(3) If a road authority has completed a review of its road management plan and decides that it will not amend its road management plan or that it will amend its road management plan in a manner that does not require notice to be given under regulation 10, the road authority must give notice stating—

(a) that the road authority has completed the review of its road management plan; and

(b) that the road authority has decided that it will not amend its road management plan or that it will amend its road management plan in a manner that does not require notice to be given under regulation 10 (as the case may be); and

(c) where any relevant written report produced in accordance with subregulation (2) may be inspected or obtained; and

(d) if the road authority decides that it will amend its road management plan in a manner that does not require notice to be given under regulation 10, that it is a requirement under
regulation 13(3) that the road authority record on the plan—

(i) the substance of the amendment; and

(ii) the date of effect of the amendment.

(4) A notice under subregulation (3) must be published in the Government Gazette and in a newspaper generally circulating in the area in which the roads to which the road management plan applies are situated.

Division 2—Amendment of road management plans

10 Procedure for certain amendments to road management plans

(1) Subject to regulation 11, if a road authority proposes to amend a road management plan and the amendment relates to the determination of a standard of construction, inspection, maintenance or repair under section 41 of the Act, the road authority must give a notice—

(a) stating or describing the purpose and general purport of the proposed amendment; and

(b) stating or describing the roads, roadways, pathways, road infrastructure or road-related infrastructure or classes of roads, roadways, pathways, road infrastructure or road-related infrastructure affected by the proposed amendment; and

(c) stating where a copy of the proposed amendment may be obtained or inspected; and

(d) stating where any relevant written report produced in accordance with regulation 9(2) may be inspected or obtained; and
(e) stating that any person who is aggrieved by the proposed amendment may make a submission on the proposed amendment to the road authority within the period specified in the notice, being not less than 28 days after the date on which the notice is published in the Government Gazette.

(2) A notice under this regulation—

(a) must be published in the Government Gazette and in a daily newspaper generally circulating in the area in which the roads, roadways, pathways, road infrastructure or road-related infrastructure or classes of road, roadway, pathway, road infrastructure or road-related infrastructure to which the road management plan applies are situated; and

(b) may be given by the road authority to any person who the road authority believes may be affected by the proposed amendment.

11 When notice of proposed amendment is not required

(1) A road authority is not required to give notice under regulation 10 if the Chief Executive Officer (however described) of the road authority certifies in writing that the proposed amendment to the road management plan results in the determination under section 41 of the Act of a standard that is higher than a relevant standard previously determined under section 41 of that Act.

Example

The Chief Executive Officer may give a certification if the proposed amendment to the road management plan results in the determination of a standard that—

• would provide for more frequent inspection or maintenance of a road; or
would decrease the period of time within which defects are to be repaired.

(2) A road authority is not required to give notice under regulation 10 if the Chief Executive Officer (however described) of the road authority certifies in writing that the proposed amendment to the road management plan results in the determination under section 41 of the Act of a standard and the determination of the standard only relates to—

(i) a road or part of a road for which the road authority has become the coordinating road authority; or

(ii) a road or part of a road for which the road authority is the coordinating road authority that has become a public road—

since the relevant road management plan was made or since that plan was last reviewed in accordance with section 54(5) of the Act and these Regulations.

Example

The Chief Executive Officer of a coordinating road authority may give a certification if the proposed amendment to the road management plan results in a determination of a standard for—

• a road in a new subdivision that has been constructed since the authority's road management plan was made or last reviewed; or

• a road for which the road authority has become the coordinating road authority because of a reclassification of that road under section 14 of the Act that occurred since the authority's road management plan was made or last reviewed; or

• an existing road that has become a public road by registration under section 17(3) of the Act since the authority's road management plan was made or last reviewed.
(3) A road authority is not required to give notice under regulation 10 if the Chief Executive Officer (however described) of the road authority certifies in writing that the proposed amendment to the road management plan relates to the determination under section 41 of the Act of a standard and the proposed amendment only deals with changes to administrative procedures or responsibilities of a road authority or is of a fundamentally declaratory or machinery nature.

Example

The Chief Executive Officer may give a certification if the proposed amendment to the road management plan is required because of—

- the name of a road changing; or
- the road authority ceasing to be the coordinating road authority in respect of a road; or
- a road being discontinued; or
- a road ceasing to be a public road.

12 Date of effect of plan or amendment

If a road management plan or an amendment to a road management plan does not specify the date on which it is to take effect, it takes effect on the day after it is made.

13 Availability of amendments to road management plans

(1) If a notice of proposed amendment has been given under regulation 10(1) and the road authority amends its road management plan, the road authority must cause notice of the making of the amendment to be published in the Government Gazette and in a newspaper generally circulating in the area in which the roads to which the amended road management plan is to apply are situated.
(2) There must be included in a notice under subregulation (1), a statement that the amended road management plan, any incorporated document or any amendment to an incorporated document, as the case may be, may be inspected—

(a) at the office of the road authority specified in the notice; or

(b) on an Internet site maintained by the road authority (which may include links to other separately maintained Internet sites in the case of any incorporated document or any amendment to an incorporated document provided that access to those documents is free of charge).

(3) If a road authority amends a road management plan, the road authority must record on that plan—

(a) the substance of the amendment; and

(b) the date of effect of the amendment.
Part 4—Notices of incident and condition reports

14 Particulars of notice of an incident

For the purposes of section 115(3) of the Act, the prescribed particulars to be contained in a notice of incident are as follows—

(a) the name and address of the person who proposes to commence a proceeding in relation to an incident;

(b) the signature of the person referred to in paragraph (a) or the name and address of another person giving notice on that person's behalf;

(c) the date of the notice;

(d) a description of the incident;

(e) the date of the incident and the time or approximate time of the incident;

(f) a description of the site of the incident and any relevant infrastructure that is sufficient to enable the responsible road authority to identify and inspect the site of the incident and any relevant infrastructure.

15 Contents of condition report

For the purposes of section 116(3)(e) of the Act, the prescribed matters to be contained in a condition report under section 116 are as follows—

(a) the name of the road authority that has prepared the report;

(b) a statement or description of the site, road or infrastructure to which the report relates;
(c) the date and time or approximate time on which any inspection on which the report is based was conducted;

(d) a statement, signed by a person authorised by the road authority for the purpose, certifying that the report is a condition report for the purposes of section 116 of the Act.

Note

These matters are in addition to the matters required by section 116(3) of the Act.
Part 5—Protection of roads and property

16 Interference with roads

(1) A person must not, without a written permit issued by the coordinating road authority or, if the relevant road is a commercial road, without a written permit issued by the relevant corporation—

(a) interfere with, damage or remove any road infrastructure in, on, under or over a road; or

Examples

Types of interference with or damage to road infrastructure that are prohibited include digging up, breaking, covering, obscuring, painting or otherwise defacing that infrastructure by any means.

(b) interfere with or damage any roadside or ancillary area; or

(c) conduct excavations on or under, or dig up, a road; or

(d) place or leave anything in, on, under or over a road—

(i) that poses or may pose a risk to the safety of road users or the community; or

(ii) that adversely affects or may adversely affect the operation of the road; or

(iii) that encroaches on or obstructs the free use of the road; or

(iv) that reduces the breadth, or confines the limits, of the road; or
(e) place or leave refuse, rubbish or other materials on a road; or

**Note**

These requirements are in addition to rule 293 of the Road Safety Road Rules 2009 which applies to a driver (within the meaning of those Rules) and requires certain things that are dropped or left on a road to be removed or action to be taken to effect removal.

(f) remove, destroy or damage a plant growing in a road reserve.

**Penalty:** 10 penalty units.

(2) Subregulation (1) does not apply to—

(a) a person conducting works with the consent of the coordinating road authority or in the circumstances specified in section 63(2) of the Act; or

**Notes**

1. *Works* is defined in section 3(1) of the Act.

2. It is an offence under section 63 of the Act to conduct any works in, on, under or over a road without the written consent of the coordinating road authority to the conduct of the proposed works. Certain exemptions apply to that offence provision.

(b) a person engaged directly or indirectly by a responder agency to perform response activities with respect to an emergency who is acting in the course of that person's duties in circumstances where it is reasonable that this regulation should not apply; or

(c) a person undertaking an activity that is authorised or permitted by or under the Act or any other Act; or
(d) a person undertaking an activity that constitutes a lawful and reasonable use of a road.

(3) A coordinating road authority or relevant corporation may issue a permit for the purposes of subregulation (1).

17 Interference with construction zones

(1) A person must not, without a written permit issued by VicRoads—

(a) damage or interfere with a construction zone, any works or undertaking conducted on that land or with any machinery, equipment or material stored, placed or used on that land; or

(b) place or leave anything in, on, under or over a construction zone that poses or may pose a risk to the safety of any person.

Penalty: 10 penalty units.

(2) Subregulation (1) does not apply to—

(a) a person conducting works with the consent of the coordinating road authority or in the circumstances specified in section 63(2) of the Act; or

Note

Works is defined in section 3(1) of the Act.

(b) a person undertaking an activity that is authorised or permitted by or under the Act or any other Act; or

(c) a person undertaking an activity that constitutes a lawful and reasonable use of a road.

(3) VicRoads may issue a permit for the purposes of subregulation (1).
18 Damage to roads

(1) A person must not without the written consent of the coordinating road authority or, if the relevant road is a commercial road, without the written consent of the relevant corporation—

(a) drive on a road a vehicle which is likely to cause damage to the road; or

(b) drag or push over the surface of a road, any object or implement which is likely to cause damage to the road.

Penalty: 10 penalty units.

Examples

Examples of vehicles that would be likely to cause damage to a road include heavy earth moving vehicles that move on caterpillar tracks.

Examples of damage include cracking constructed roadways and flattening landscaped roadside areas.

(2) Subregulation (1) does not apply to—

(a) a person using snow chains on the wheels of a vehicle where the chains are reasonably required because of snow or ice on the road surface; or

(b) a person who is engaged by or on behalf of a road authority or an alpine resort management board to perform snow clearing using a vehicle or machinery; or

(c) a person breaching a mass, dimension or load restraint limit or requirement within the meaning of the Road Safety Act 1986; or

(d) a person breaching a mass, dimension or loading requirement within the meaning of the Heavy Vehicle National Law (Victoria); or
(e) a person who is engaged directly or indirectly by a responder agency to perform response activities with respect to an emergency and who is acting in the course of that person's duties in circumstances where it is reasonable that subregulation (1) should not apply; or

(f) a person undertaking an activity that is authorised or permitted by or under the Act or any other Act.

Note

Section 112 of the Act empowers road authorities to recover extraordinary expenses in repairing a road that has been damaged as a result of the passage of extraordinary traffic or excessive mass along the road.

19 Entry to and conduct on VicRoads' property

(1) VicRoads may place at or near the boundary of a VicRoads' property a sign advising that entry to that property is prohibited without the written consent of VicRoads.

(2) If VicRoads has placed a sign under subregulation (1), a person must not enter or remain on VicRoads' property without the written consent of VicRoads.

Penalty: 10 penalty units.

(3) Subregulation (2) does not apply to—

(a) a person authorised or permitted to enter or remain on VicRoads' property by or under the Act or any other Act; or

(b) a VicRoads works manager or a person acting under the supervision of a VicRoads works manager; or

Note

Works manager is defined in section 3(1) of the Act.
(c) a VicRoads contractor; or

(d) an employee or agent of a public sector body within the meaning of the Public Administration Act 2004 who is acting in the course of his or her employment or authority.

(4) If VicRoads has placed a sign under subregulation (1), a person who has consent for the purposes of this regulation must on demand, when entering or being on VicRoads' property—

(a) produce the consent to a police officer or an authorised officer of VicRoads; and

(b) produce evidence to verify that he or she is the person named in the consent.

Penalty: 10 penalty units.

(5) A person who has been given consent for the purposes of this regulation must not give that written consent to another person knowing or believing that the other person is likely to exercise the privileges given by the consent.

Penalty: 10 penalty units.

(6) A person who is on VicRoads' property must not, without the written consent of VicRoads—

(a) damage or interfere with that land, any works or undertaking conducted on that land or with any machinery, equipment or material stored, placed or used on that land; or

(b) remove, destroy or damage a plant growing on that land; or

(c) erect or remove any notice or sign or fix any notice, bill or sign to a plant growing on or a structure on that land; or
Part 5—Protection of roads and property

(d) place or leave refuse, rubbish or other materials on that land.

Penalty: 10 penalty units.

20 Prohibited uses of bridges

(1) A person, other than a person authorised in writing by VicRoads, must not climb, jump or rappel on, from or onto a bridge on or over—

(a) a freeway; or

(b) an arterial road; or

(c) a non-arterial State road for which VicRoads is the coordinating road authority.

Penalty: 10 penalty units.

(2) Before VicRoads grants an authorisation under subregulation (1), it must consult with any other road authority or body exercising the functions and powers of a road authority that VicRoads considers may be affected by the granting of the authorisation.

21 Camping

(1) A person, other than a person authorised in writing by VicRoads, or in accordance with a sign erected by or on behalf of VicRoads, must not camp on the road reserve or an ancillary area of—

(a) a freeway; or

(b) an arterial road; or

(c) a non-arterial State road for which VicRoads is the coordinating road authority.

Penalty: 5 penalty units.
(2) In this regulation—

camp means—

(a) to erect, occupy or use, for accommodation, a tent, tarpaulin or any similar form of accommodation, shelter or temporary structure; or

(b) to occupy or use a swag or sleeping bag; or

(c) to erect, occupy or use, for accommodation, a movable dwelling within the meaning of the Residential Tenancies Act 1997.

Examples

Examples of movable dwellings include caravans, camper trailers and mobile homes. An annexe attached to any of those dwellings is also a movable dwelling.

(3) This regulation does not prohibit a person from resting or sleeping in a parked vehicle or movable dwelling in order to manage or avoid driver fatigue.

(4) This regulation does not apply to persons conducting works with the consent of the coordinating road authority or in the circumstances specified in section 63(2) of the Act.

22 Removal of vehicles

(1) If a State road authority removes a vehicle in accordance with clause 4 or 5 of Schedule 4 to the Act, the State road authority must serve a notice by post on the registered operator (if any) or owner of the vehicle informing that person that the State road authority has removed the vehicle.
(2) Subregulation (1) does not apply if the vehicle
does not display a number plate or other
identification that would enable the identification
of the vehicle's registered operator or owner.

(3) A notice under subregulation (1) may include—
(a) a notice for the purposes of clause 4(2)
or 5(5) of Schedule 4 to the Act; and
(b) where notice is given to the registered
operator, an instruction requiring the
registered operator, where the registered
operator of the motor vehicle is not the
owner or sole owner of the motor vehicle, to
take reasonable steps to serve a copy of the
notice on any owner of the motor vehicle and
to do so as soon as is reasonably practicable; and
(c) any other information that the State road
authority considers appropriate.

Note
A fee may be charged for removing a vehicle in certain
circumstances—see clauses 4 and 5 of Schedule 4 to the
Act.

(4) In this regulation—

State road authority includes—
(a) in respect of EastLink—the EastLink
Corporation; and
(b) in respect of the Peninsula Link
Freeway—the Peninsula Link Freeway
Corporation.

Note
See sections 134A(11) and 134D(11) of the Act.
23 **Hoardings and advertisements**

(1) Without limiting the matters that may be considered, in deciding whether to give consent for the purposes of section 66(1) of the Act, the coordinating road authority must consider whether the structure, device, hoarding, advertisement, sign or bill would, or would be likely to—

(a) obscure the field of view of a user of the road; or

(b) cause a hazard by distracting the attention of a user of the road; or

(c) distract attention of a user of the road from a traffic control device; or

(d) wholly or partly obscure a road user's view of a traffic control device; or

(e) in any other way be detrimental to the safe or efficient use of the road.

(2) If the coordinating road authority refuses its consent under section 66(1) of the Act, the applicant may, within 28 days of being advised of the refusal, apply to the Tribunal for a review of the decision.

**Note**

*Tribunal* means the Victorian Civil and Administrative Tribunal—see section 3(1) of the Act.

(3) In reviewing a decision, the Tribunal may take submissions from any of the following—

(a) the applicant;

(b) the coordinating road authority;

(c) VicRoads;
(d) any person that the Tribunal considers has a substantial interest in the application such that that person should make submissions to the Tribunal.

(4) A coordinating road authority may charge a person a fee for an application for consent under section 66(1) of the Act, not exceeding 17.93 fee units.

(5) An application for consent under section 66(1) of the Act must contain—

(a) the name, address and contact details of the applicant; and

(b) the name, address and contact details of the person or body who will have ongoing responsibility for the structure, device, hoarding, advertisement, sign or bill; and

(c) the date of the application; and

(d) a description of the proposed structure, device, hoarding, advertisement, sign or bill; and

(e) the road name and location at which the structure, device, hoarding, advertisement, sign or bill would be displayed.

(6) If the coordinating road authority grants its written consent under section 66(1) of the Act, the consent must—

(a) state the name, address and contact details of the road authority; and

(b) state the date of issue of the consent; and

(c) state the name, address and contact details of the applicant; and
(d) state the name, address and contact details of the person or body who will have ongoing responsibility for the structure, device, hoarding, advertisement, sign or bill; and

(e) include a description of the structure, device, hoarding, advertisement, sign or bill; and

(f) state the road name and location at which the structure, device, hoarding, advertisement, sign or bill may be displayed; and

(g) state the date on which the consent expires (if any); and

(h) include any conditions that the consent is subject to.

24 Direction to remove objects, substances and materials from road

(1) An authorised officer of a road authority that is the appropriate road authority for the purposes of regulation 25 may give a direction in writing to a responsible person, within the meaning of regulation 25, to remove any object, refuse, rubbish, substance or other materials deposited or left on a road or part of a road within a reasonable time specified in the direction and in accordance with any conditions specified in the direction.

Note

If the removal of the object, refuse, rubbish, substance or other materials deposited or left on a road constitute works, within the meaning of the Act, then the responsible person may be required to seek consent for those works under the Act prior to undertaking the necessary work.

(2) A person must comply with a direction issued under subregulation (1), including any conditions specified in the direction.

Penalty: 20 penalty units.
(3) It is a defence to a prosecution for an offence under this regulation if the person had a reasonable excuse for the failure to comply.

25 Removal of objects, substances and materials from road

(1) A road authority may remove any object, refuse, rubbish, substance or other materials deposited or left on a road or part of a road for which it is the appropriate road authority.

Examples

An appropriate road authority may remove from a road—

- litter; or
- mud or gravel tracked onto the road by vehicle tyres; or
- building materials such as bricks, plaster and timber; or
- debris, including debris from a motor vehicle collision; or
- a truck or trailer load spilled on a road; or
- lost or abandoned property.

(2) A road authority may sell or dispose of anything which the road authority has removed from a road under subregulation (1).

(3) Before exercising its powers under subregulation (2), except in relation to refuse or rubbish or other things that in the opinion of the road authority are of low value, the road authority must—

(a) if the owner of the object, substance or material is known to the road authority—send to the last known address of the owner, a notice stating that the object, substance or material will be disposed of or sold unless the owner pays the fee specified (if any) in the notice and then collects the object, substance or material within the period...
stated in the notice (being a period not less than 14 days); or

(b) if the owner of the object, substance or material is not known to the road authority—wait 14 days from the date that the object, substance or material was removed from the road.

(4) A fee specified in a notice under subregulation (3)(a) must not exceed an amount that reasonably represents the costs to a road authority in removing, keeping and releasing the object, substance or material, including any relevant overhead and other indirect costs.

(5) A road authority may recover in the Magistrates' Court, from a responsible person, costs incurred in removing any object, refuse, rubbish, substance or other materials deposited or left on a road other than in a receptacle or area provided for that purpose by the road authority, including any relevant overhead and other indirect costs.

(6) For the purposes of this regulation—

appropriate road authority, of a road, means—

(a) the responsible road authority for the road; and

(b) VicRoads, if VicRoads is the coordinating authority for the road;

Note

This means that VicRoads may remove objects, substances and materials from any part of a road of which it is the coordinating road authority even if VicRoads is not the responsible road authority in relation to that part of the road under section 37 of the Act. Therefore VicRoads is entitled to remove objects from the roadside of an arterial road in an urban area even though the relevant
municipal council is the responsible road authority in relation to that roadside.

**low value** means a value—

(a) less than $500; or

(b) $500 or more where the relevant road authority forms the opinion that the cost of removing and storing the object, substance or material would exceed the value of the object, substance or material;

**responsible person** means—

(a) the person who deposited or left, or caused to be deposited or left, the relevant objects, refuse, rubbish, substances or materials on a road; or

(b) an—

(i) owner or manager of a premises; or

(ii) a person supervising or managing work or other activities undertaken at a premises—

who was in a position to prevent the relevant objects, refuse, rubbish, substances or materials from being deposited or left on a road in the vicinity of the premises but who failed to take reasonable steps to prevent the relevant objects, refuse, rubbish, substances or materials from being deposited or left on a road.

**Example**

A road adjacent to a landscaping supplies business premises is covered with mud and gravel that has been tracked onto the road by the tyres of earth moving vehicles. This mud and gravel is posing a hazard to road users.
The operator of the premises is in a position to take reasonable steps to prevent the depositing of the mud and gravel on the road by—

(a) managing the cleanliness of the earth moving vehicles entering and exiting the premises; and

(b) managing the state of driveways and other surfaces within the premises from which any mud or gravel may become affixed to the tyres of the earth moving vehicles.

Therefore, the operator of the landscaping supplies business premises is a responsible person for the purposes of this regulation.

Note
Also see regulation 35 of the Road Safety (Traffic Management) Regulations 2009 which provides that it is an offence to throw, drop, place, leave, or cause or permit to be thrown, dropped or placed on a road, any destructive or injurious material, or a substance or thing, that is likely to endanger a person, animal or vehicle.
Part 6—Road management infringement notices

26 Offences under the regulations for which a road management infringement notice may be issued

(1) The offences listed in column 2 of Schedule 1 are specified as road management infringements for the purposes of section 90(1) of the Act.

Notes

1 In section 3(1) of the Act, the definition of road management infringement includes offences against the regulations that are specified in the regulations to be road management infringements.

2 Section 90(1) of the Act provides that a police officer or an authorised officer of a road authority may serve a road management infringement notice in respect of an offence specified in the regulations.

(2) For the purposes of a road management infringement listed in column 2 of Schedule 1, the specified penalty is the penalty set out in column 3 of Schedule 1.

(3) A summary of an offence in column 1 of Schedule 1 is not to be taken to affect the nature or elements of the offence to which the summary refers or the operation of these Regulations.
Part 7—Fees and charges

27 Fee for property enquiries
The fee of 1.27 fee units is to be charged by VicRoads for the supply, on request, of—

(a) information as to whether VicRoads has any approved proposals for works requiring the purchase or compulsory acquisition of land; or

(b) information as to whether VicRoads has declared any road or part of a road as a controlled access road under section 42 of the Act; or

(c) the details of any policy made under clause 3 of Schedule 2 to the Act; or

(d) information for the purposes of the preparation of a section 32 statement within the meaning of section 30(1) of the Sale of Land Act 1962.

28 No charges for certain uses of road reserves
Unless operated in an ancillary area, a payment to VicRoads is not required for a lease or licence to operate a roadside restaurant or similar facility on—

(a) a pathway on an arterial road; or
(b) a pathway on a non-arterial State road for which VicRoads is the coordinating road authority.

Example

A fee may be payable to VicRoads for a licence issued under the Act to operate a take-away food van in a rest stop on a freeway but no fee is payable to VicRoads for a café placing tables on a footpath of an arterial road.

Note

A municipal council may charge fees for use of footpaths under the Local Government Act 1989.
Schedule 1—Road management infringements

Regulation 26

<table>
<thead>
<tr>
<th>Item</th>
<th>Summary of Offence</th>
<th>Road Management Infringement</th>
<th>Specified Penalty</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Enter or remain on VicRoads' property without consent</td>
<td>An offence under regulation 19(2)</td>
<td>2·5 penalty units</td>
<td>8389</td>
</tr>
<tr>
<td>2</td>
<td>Fail to produce written consent when entering or being on VicRoads' property or fail to produce evidence of identity</td>
<td>An offence under regulation 19(4)</td>
<td>2·5 penalty units</td>
<td>8394</td>
</tr>
<tr>
<td>3</td>
<td>Damage or interfere with VicRoads' property, including removing, destroying or damaging plants and erecting or removing signs or notices on that land</td>
<td>An offence under regulation 19(6)</td>
<td>2·5 penalty units</td>
<td>8390</td>
</tr>
<tr>
<td>4</td>
<td>Climb, jump or rappel on, from or onto a bridge on or over a freeway, arterial road or certain non-arterial State roads</td>
<td>An offence under regulation 20(1)</td>
<td>2 penalty units</td>
<td>8391</td>
</tr>
<tr>
<td>5</td>
<td>Unauthorised camping on a freeway, arterial road or certain non-arterial State roads</td>
<td>An offence under regulation 21(1)</td>
<td>1 penalty unit</td>
<td>8392</td>
</tr>
</tbody>
</table>
Endnotes


Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the Monetary Units Act 2004.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2015 is $13.60. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the Monetary Units Act 2004. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the Sentencing Act 1991. The amount of the penalty is to be calculated, in accordance with section 7 of the Monetary Units Act 2004, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2015 is $151.67.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the Monetary Units Act 2004. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.