

Authorised Version No. 002
Road Management (General)
Regulations 2016

S.R. No. 11/2016

Authorised Version incorporating amendments as at
1 January 2020

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
Part 1—Preliminary	1
1 Objectives	1
2 Authorising provision	2
3 Commencement	2
4 Revocation	2
5 Definitions	2
Part 2—Management of roads	6
6 Exemption from consultation requirement for discontinuance of certain roads	6
7 Matters that must be included in a register of public roads	10
Part 3—Road management plans	11
Division 1—Review of road management plans	11
8 Road authority must conduct review of road management plan	11
9 Conduct of review of road management plan	12
Division 2—Amendment of road management plans	14
10 Procedure for certain amendments to road management plans	14
11 When notice of proposed amendment is not required	15
12 Date of effect of plan or amendment	17
13 Availability of amendments to road management plans	17
Part 4—Notices of incident and condition reports	19
14 Particulars of notice of an incident	19
15 Contents of condition report	19
Part 5—Protection of roads and property	21
16 Interference with roads	21

<i>Regulation</i>	<i>Page</i>
17 Interference with construction zones	23
18 Damage to roads	24
19 Entry to and conduct on Head, Transport for Victoria property	25
20 Prohibited uses of bridges	27
21 Camping	28
22 Removal of vehicles	29
23 Hoardings and advertisements	30
24 Direction to remove objects, substances and materials from road	33
25 Removal of objects, substances and materials from road	33
Part 6—Road management infringement notices	38
26 Offences under the regulations for which a road management infringement notice may be issued	38
Part 7—Fees and charges	39
27 Fee for property enquiries	39
28 No charges for certain uses of road reserves	39
Schedule 1—Road management infringements	41
<hr/>	
Endnotes	42
1 General information	42
2 Table of Amendments	44
3 Amendments Not in Operation	45
4 Explanatory details	46

Authorised Version No. 002
Road Management (General)
Regulations 2016

S.R. No. 11/2016

Authorised Version incorporating amendments as at
1 January 2020

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 the Head, Transport for Victoria or a Head, Transport for Victoria contractor is conducting road construction or maintenance works, whether or not that place or area is a road;

Reg. 5(1)
def. of
construction zone
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 1(b)).

Note

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

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

Head, Transport for Victoria contractor means a person engaged directly or indirectly by the Head, Transport for Victoria to carry out work on behalf of the Head, Transport for Victoria and includes a subcontractor;

Reg. 5(1)
def. of ***Head, Transport for Victoria contractor***
inserted by
S.R. No.
151/2019
reg. 4(Sch. 1
item 1(a)).

Head Transport for Victoria property means any property other than a road which is owned or occupied by the Head, Transport for Victoria as a road authority;

Reg. 5(1)
def. of ***Head Transport for Victoria property***
inserted by
S.R. No.
151/2019
reg. 4(Sch. 1
item 1(a)).

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—the Head, Transport for Victoria; and
- (b) in relation to the Extension road—the Head, Transport for Victoria; and

Reg. 5(1)
def. of
relevant corporation
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 1(c)).

- (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**.

Reg. 5(1)
def. of *vehicle*
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 1(d)).

Reg. 5(1)
def. of
VicRoads
contractor
revoked by
S.R. No.
151/2019
reg. 4(Sch. 1
item 1(e)).

* * * * *

Road Management (General) Regulations 2016
S.R. No. 11/2016
Part 1—Preliminary

* * * *

Reg. 5(1)
def. of
VicRoads'
property
revoked by
S.R. No.
151/2019
reg. 4(Sch. 1
item 1(e)).

- (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.

- (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 the Head, Transport for Victoria—
 - (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
 - (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.

Reg. 17(1)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 2(a)).

Note

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

Reg. 17(3)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 2(b)).

- (3) The Head, Transport for Victoria 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 Head, Transport for Victoria property

**Reg. 19
(Heading)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 3).**

- (1) The Head, Transport for Victoria may place at or near the boundary of any Head, Transport for Victoria property a sign advising that entry to that property is prohibited without the written consent of the Head, Transport for Victoria.

**Reg. 19(1)
substituted by
S.R. No.
151/2019
reg. 4(Sch. 1
item 4).**

- (2) If a sign has been placed in accordance with subregulation (1), a person must not enter or remain on Head, Transport for Victoria property without the written consent of the Head, Transport for Victoria.

**Reg. 19(2)
substituted by
S.R. No.
151/2019
reg. 4(Sch. 1
item 4).**

Penalty: 10 penalty units.

Reg. 19(3)
substituted by
S.R. No.
151/2019
reg. 4(Sch. 1
item 4).

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

- (a) a person authorised or permitted to enter or remain on Head, Transport for Victoria property by or under the Act or any other Act; or
- (b) a works manager engaged or employed by the Head, Transport for Victoria; or

Note

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

- (c) a person acting under the supervision of a works manager engaged or employed by the Head, Transport for Victoria; or
- (d) a Head, Transport for Victoria contractor; or
- (e) 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 that person's employment or authority.

Reg. 19(4)
substituted by
S.R. No.
151/2019
reg. 4(Sch. 1
item 4).

(4) If a sign has been placed in accordance with subregulation (1), a person who has consent for the purposes of this regulation, when entering or being on Head, Transport for Victoria property, on request, must produce—

- (a) the consent to a police officer or a person authorised by the Head, Transport for Victoria; and
- (b) evidence to verify that the person 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 Head, Transport for Victoria property must not, without the written consent of the Head, Transport for Victoria—

Reg. 19(6)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 5).

- (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
- (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 the Head, Transport for Victoria, must not climb, jump or rappel on, from or onto a bridge on or over—

Reg. 20(1)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 6).

- (a) a freeway; or
- (b) an arterial road; or

Reg. 20(1)(c)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 6).

- (c) a non-arterial State road for which the Head, Transport for Victoria is the coordinating road authority.

Penalty: 10 penalty units.

Reg. 20(2)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 6).

- (2) Before the Head, Transport for Victoria 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 the Head, Transport for Victoria considers may be affected by the granting of the authorisation.

21 Camping

Reg. 21(1)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 7).

- (1) A person, other than a person authorised in writing by the Head, Transport for Victoria, or in accordance with a sign erected by or on behalf of the Head, Transport for Victoria, 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 the Head, Transport for Victoria is the coordinating road authority.

Reg. 21(1)(c)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 7).

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) the Head, Transport for Victoria;
 - (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

Reg. 23(3)(c)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 8).

- (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, or a person authorised by 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.

Reg. 24(1)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 9).

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) the Head, Transport for Victoria, if the Head, Transport for Victoria is the coordinating authority for the road;

Reg. 25(6)(b)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 10(a)).

Note

This means that the Head, Transport for Victoria may remove objects, substances and materials from any part of a road of which it is the coordinating road authority even if the Head, Transport for Victoria is not the responsible road authority in relation to that part of the road under section 37 of the Act. Therefore the Head, Transport for Victoria 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.

Note to
reg. 25(6)(b)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 10(b)).

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.

Road Management (General) Regulations 2016

S.R. No. 11/2016

Part 5—Protection of roads and property

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 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.

Note 2 to
reg. 26(1)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 11).

Part 7—Fees and charges

27 Fee for property enquiries

The fee of 1·27 fee units is to be charged by the Head, Transport for Victoria for the supply, on request, of—

- (a) information as to whether the Head, Transport for Victoria has any approved proposals for works requiring the purchase or compulsory acquisition of land; or
- (b) information as to whether the Head, Transport for Victoria 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**.

Reg. 27
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 12).

Reg. 27(a)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 12).

Reg. 27(b)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 12).

28 No charges for certain uses of road reserves

Unless operated in an ancillary area, a payment to the Head, Transport for Victoria 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

Reg. 28
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 13).

Reg. 28(b)
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 13).

Example to
reg. 28
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 14).

- (b) a pathway on a non-arterial State road for which the Head, Transport for Victoria is the coordinating road authority.

Example

A fee may be payable to the Head, Transport for Victoria 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 the Head, Transport for Victoria 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**.

Road Management (General) Regulations 2016
S.R. No. 11/2016
Schedule 1—Road management infringements

Schedule 1—Road management infringements

Sch. 1
amended by
S.R. No.
151/2019
reg. 4(Sch. 1
item 15).

Regulation 26

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

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Road Management (General) Regulations 2016, S.R. No. 11/2016 were made on 15 March 2016 by the Governor in Council under section 132 of the **Road Management Act 2004**, No. 12/2004 and came into operation on 18 March 2016: regulation 3.

The Road Management (General) Regulations 2016 will sunset 10 years after the day of making on 15 March 2026 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

Road Management (General) Regulations 2016
S.R. No. 11/2016
Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Road Management (General) Regulations 2016 by statutory rules, subordinate instruments and Acts.

Road Management (General) Amendment Regulations 2019, S.R. No. 151/2019

Date of Making: 17.12.19

Date of Commencement: 1.1.20: reg. 3

3 Amendments Not in Operation

Not updated for this publication.

4 Explanatory details

¹ Reg. 4: S.R. No. 63/2005 as amended by S.R. No. 127/2009 and extended in operation by S.R. No. 50/2015.

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 2019 is \$14.81. 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 2019 is \$165.22.

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.