



Queensland

South Bank Corporation Act 1989

South Bank Corporation By-law 2004

Reprinted as in force on 27 August 2004
(by-law not amended up to this date)

Reprint No. 1

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This by-law is reprinted as at 27 August 2004.

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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Part 1 Preliminary

1 Short title

This by-law may be cited as the *South Bank Corporation By-law 2004*.

2 Dictionary

The dictionary in schedule 2 defines particular words used in this by-law.

Part 2 The site

3 Declaration of the site

- (1) For the Act, section 3, definition *site*, the part of the corporation area declared to be the site is the part—
 - (a) illustrated in schedule 1; and
 - (b) shown more particularly in South Bank Corporation plan no. 029104/133.
- (2) The corporation must promptly make available a copy of the plan for inspection by a person who asks to see it.¹

¹ The corporation's office is at South Bank House, 234 Grey Street, Brisbane.

Part 3 Control of traffic or persons on the site

4 Control of traffic by authorised person or a police officer

- (1) An authorised person or a police officer may control traffic on the site and, for that purpose, may give directions to persons on the site.
- (2) A person must comply with a direction given to the person under subsection (1) unless the person has a reasonable excuse.

Maximum penalty for subsection (2)—6 penalty units.

5 Site notices—controlling movement, stopping and parking of vehicles

- (1) The corporation may, by site notice, control the movement, stopping or parking of vehicles on the site.

Examples—

A site notice may—

- fix a maximum speed limit
 - indicate a pedestrian crossing
 - indicate a place where driving, parking or standing of a vehicle is restricted or prohibited.
- (2) A site notice may be in the form of an official traffic sign and, if it is, it is taken to give the indication given by the official traffic sign.
 - (3) A person must comply with a site notice under subsection (1) unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—4 penalty units.

6 Site notices—controlling drinking, entry to a place and other activities

- (1) For the purposes of the Act, the corporation may, by site notice—

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- (i) cannot immediately locate the driver of the vehicle;
or
 - (ii) believes on reasonable grounds that the driver of the vehicle is not willing or able to remove the vehicle immediately.
- (2) The authorised person or police officer may seize, remove and hold the vehicle or cause the vehicle to be seized, removed and held.
- (3) The vehicle must be held at a safe place.
- (4) As soon as practicable, but no later than 14 days after the vehicle is seized, the corporation must give a written notice to the owner of the vehicle.
- (5) However, if within 14 days after the vehicle is seized, the owner cannot be identified or located, the corporation must give a written notice to the owner of the vehicle by publishing a notice in a newspaper circulating generally in the State.
- (6) The notice must state—
 - (a) where the vehicle is being held; and
 - (b) how the owner may recover the vehicle.
- (7) If the vehicle was parked in contravention of part 3, the owner must pay to the corporation the reasonable cost of the seizure, removal, holding and return of the vehicle.

8 Sale of unrecovered vehicles

- (1) This section applies if the owner of a vehicle—
 - (a) is given a notice under section 7; and
 - (b) does not recover the vehicle within 2 months after the notice is given.
- (2) The corporation may sell the vehicle by public auction after publishing a notice of the auction in a newspaper circulating generally in the State.
- (3) The sale proceeds must be applied in the following order—
 - (a) first, in payment of the reasonable expenses of the sale;

- (b) an activity to be conducted on the site;
 - (c) another relevant matter.
- (2) The closure may, but need not, be for a particular period every day.
 - (3) While the site is closed, the corporation must display a sign at each entry to the site indicating that the site is closed.

11 Entry to the site when it is closed

- (1) A person must not enter the site while it is closed under section 10 unless the entry is—
 - (a) allowed under subsection (3)(a); or
 - (b) otherwise authorised by law.Maximum penalty—4 penalty units.
- (2) The corporation may, having regard to the reason the site is closed, tell an authorised person—
 - (a) the persons who may enter the site while it is closed (the *permitted persons*); and
 - (b) the conditions, if any, on which the permitted persons may enter.
- (3) The authorised person must, while on duty at an entry to the closed site—
 - (a) allow permitted persons to enter the site and inform them of the conditions; and
 - (b) refuse entry to the site to anyone not otherwise authorised by law to enter the site.

Part 6 **Authorised persons**

12 **Corporation may authorise employee**

- (1) The corporation may authorise, in writing, an employee of the corporation to exercise a power that may be exercised under this by-law by an authorised person.²
- (2) The corporation may authorise a person under subsection (1) only if the corporation considers the person has the necessary expertise or experience to be an authorised person in relation to the power.
- (3) The corporation may withdraw the authorisation at any time by signed notice given to the authorised person.

13 **Conditions of powers and limit on powers**

An authorised person's powers are subject to any conditions or limitations stated in—

- (a) if the authorised person is authorised under section 12, the authorised person's instrument of authorisation; or
- (b) if the authorised person is a security officer, the security officer's instrument of appointment; or
- (c) a notice signed by the corporation manager and given to the authorised person.

14 **Issue of identity card**

- (1) The corporation must issue an identity card to each authorised person authorised under section 12.
- (2) The identity card must—
 - (a) contain a recent photo of the authorised person; and
 - (b) contain a copy of the authorised person's signature; and
 - (c) identify the person as an authorised person under this by-law; and

² A security officer is also an authorised person. See schedule 2 (Dictionary), definition *authorised person*.

- (d) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this section and other purposes.

15 Production or display of identity card

- (1) In exercising a power under this by-law in relation to another person, an authorised person authorised under section 12³ must—
 - (a) produce the authorised person's identity card for the other person's inspection before exercising the power; or
 - (b) have the identity card displayed so it is clearly visible to the other person when exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person's inspection at the first reasonable opportunity.

16 When employee ceases to be authorised person

- (1) The authorisation of an authorised person authorised under section 12 ceases if any of the following happens—
 - (a) the term of authorisation stated in a condition of authorisation ends;
 - (b) under another condition of authorisation, the authorised person ceases to be an authorised person;
 - (c) the authorised person's authorisation is withdrawn under section 12(3);
 - (d) the authorised person ceases to be an employee of the corporation.
- (2) Subsection (1) does not limit the ways an authorised person may stop being an authorised person.

³ For an authorised person who is a security guard, see section 111 (Production or display of identity card) of the Act.

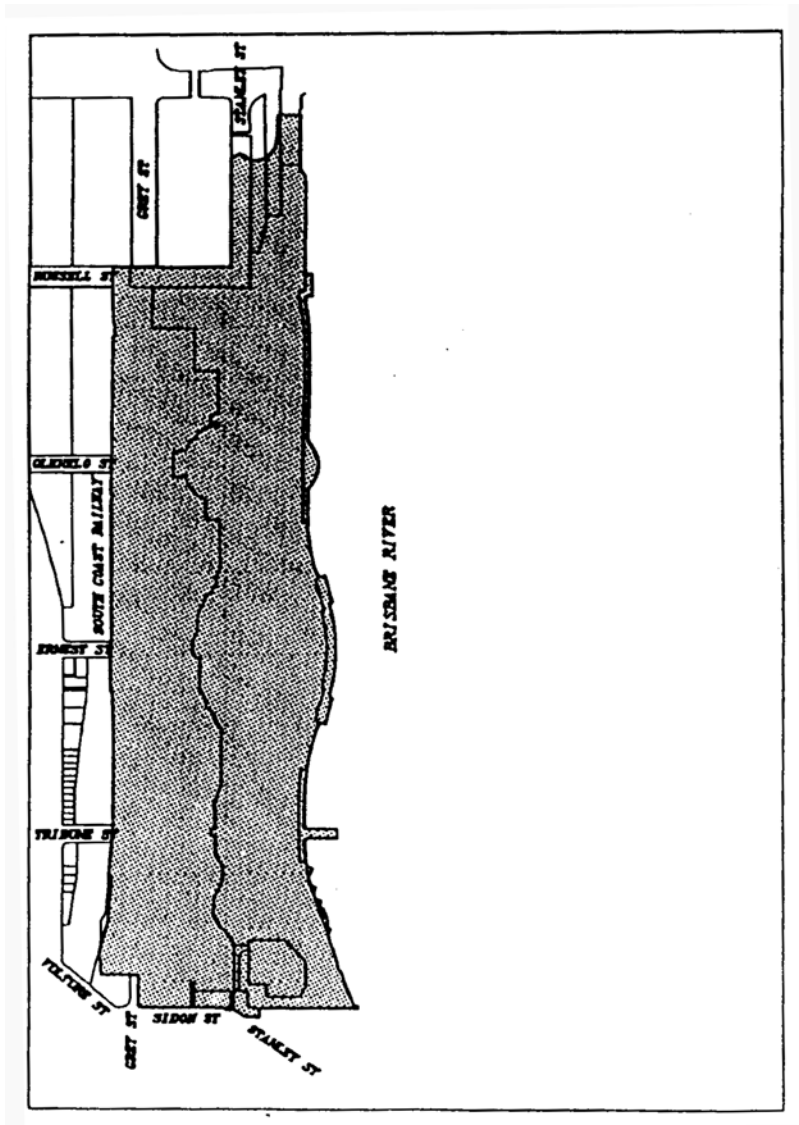
17 Return of identity card

An authorised person authorised under section 12 who ceases to be an authorised person must return the person's identity card to the corporation within 21 days after ceasing to be an authorised person, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

Schedule 1 Illustration of the site

section 3(1)(a)



Schedule 2 Dictionary

section 2

authorised person, in relation to a power, means—

- (a) a security officer;⁴ or
- (b) a person authorised under section 12 to exercise the power.

liquor see the *Liquor Act 1992*, section 4.

official traffic sign means a sign mentioned in the *Transport Operations (Road Use Management—Road Rules) Regulation 1999*.

owner, of a vehicle, means—

- (a) if the vehicle is registered under the *Transport Operations (Road Use Management) Act 1995* or a similar law of another State—the person in whose name the vehicle is registered; or
- (b) otherwise—the owner of the vehicle.

sign includes a moveable sign and a sign marked on a road, footpath, building or other place.

site, for parts 3 to 5, has the meaning given by section 3 of the Act.

site notice means a sign, marked or erected at a place on the site, that controls an activity, conduct or behaviour at the place.

traffic includes vehicular and pedestrian traffic.

vehicle, for part 4, includes anything attached to, or contained in, the vehicle.

⁴ Section 108 (Security officers) of the Act

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the South Bank Corporation By-law 2004 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

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

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

Reprint No.	Amendments included	Effective	Notes
1	none	27 August 2004	

5 List of legislation

South Bank Corporation By-law 2004 SL No. 165

made by the South Bank Corporation on 16 August 2004

notfd gaz 27 August 2004 pp 1330–2

commenced on date of notification

exp 1 September 2014 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.