



Queensland

South Bank Corporation Act 1989

South Bank Corporation By-law 2004

Current as at 1 January 2009

Reprint note

This is the last reprint before repeal. Repealed on 15 August 2014 by 2014 SL No. 176 s 18.

Information about this reprint

This by-law is reprinted as at 1 January 2009. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



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South Bank Corporation By-law 2004

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South Bank Corporation By-law 2004

[as amended by all amendments that commenced on or before 1 January 2009]

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.

Editor's note—

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

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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 notice—controlling entry to a place and activities etc.

- (1) For the purposes of the Act, the corporation may, by site notice—
- (a) indicate the entitlement of persons to enter a place on the site; or
- Example—*
- A site notice may indicate an unauthorised person must not enter a place.
- (b) control the activities, conduct or behaviour of persons on the site.
- (2) A person must comply with a site notice under subsection (1) unless the person has a reasonable excuse.

Maximum penalty for subsection (2)—4 penalty units.

Part 4 Removal, holding and sale of illegally parked vehicles

7 Removal and holding of illegally parked vehicles

- (1) This section applies if an authorised person or a police officer—
- (a) believes on reasonable grounds that—
- (i) a vehicle has been parked in contravention of part 3; and
- (ii) it is necessary to remove the vehicle, having regard to the safety or convenience of traffic on the site; and
- (b) either—
- (i) cannot immediately locate the driver of the vehicle; or

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- (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) second, in payment of the reasonable cost of the vehicle's seizure, removal and holding;
- (c) last, in payment of any balance to the owner.
- (4) The corporation must, subject to this section, retain the balance of the proceeds for 1 year after the sale.
- (5) If the owner, within 1 year after the sale, asks the corporation to pay the balance of the proceeds to the owner, the corporation must pay to the owner—
 - (a) the balance of the proceeds; and
 - (b) interest on the balance of the proceeds, at the rate of 5% a year, from the day of sale to the day the owner is paid the balance of the proceeds.
- (6) If the owner has not, within 1 year after the sale, asked the corporation to pay the balance of the proceeds to the owner, the corporation must pay the balance of the proceeds into the consolidated fund.

Part 5 Entry to and exit from the site and temporary closure

9 Entry to and exit from the site

A person must not enter or exit from the site other than at a place provided by the corporation for that purpose, unless the person has a reasonable excuse.

Maximum penalty—4 penalty units.

10 Temporary closure of the site

- (1) The corporation may temporarily close the site if it considers it is necessary, or convenient, having regard to any of the following—

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- (a) the safety of persons, or the protection of property, on the site;
 - (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.

Editor's note—

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

- (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

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- (c) identify the person as an authorised person under this by-law; and
 - (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 12 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.

Editor's note—

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

- (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.

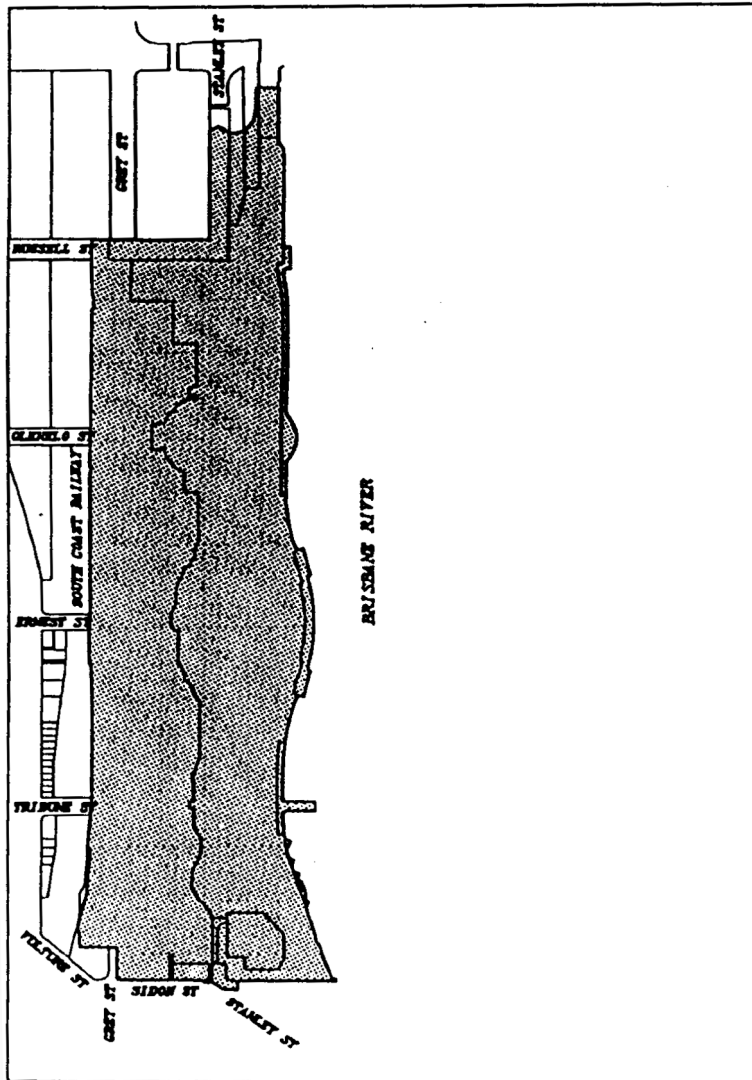
17 Return of identity card

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; or

Editor's note—

Section 108 (Security officers) of the Act

- (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.

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). Accordingly, this reprint includes all amendments that commenced operation on or before 1 January 2009. 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

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	
1A	2008 Act No. 75	1 January 2009	

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.

amending legislation—

Revenue and Other Legislation Amendment Act (No. 2) 2008 No. 75 ss 1, 2(10), pt 15

date of assent 11 December 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2009 (see s 2(10))

6 List of annotations

Site notice—controlling entry to a place and activities etc.

s 6 sub 2008 No. 75 s 96

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