



Queensland

Major Sports Facilities Amendment Bill 2004



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2004

A BILL

FOR

An Act to amend the *Major Sports Facilities Act 2001*, and for other purposes

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3
 This Act may be cited as the *Major Sports Facilities Amendment Act 2004*. 4
 5

Part 2 Amendment of Major Sports Facilities Act 2001 6
 7

Clause 2 Act amended in pt 2 8
 This part amends the *Major Sports Facilities Act 2001*. 9

Clause 3 Omission of s 2 (Commencement) 10
 Section 2— 11
omit. 12

Clause 4 Amendment of s 3 (Definitions) 13
 Section 3, ‘the schedule’— 14
omit, insert— 15
 ‘schedule 2’. 16

Clause 5 Amendment of s 14 (Qualifications for appointment) 17
 (1) Section 14(1)(a)— 18
omit, insert— 19
 ‘(a) is an insolvent under administration; or’. 20

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(2) Section 14(2)— 1
 omit. 2

Clause 6 Amendment of s 19 (Times and places of meetings) 3
 Section 19(1), ‘once a month’— 4
 omit, insert— 5
 ‘12 times a year’. 6

Clause 7 Omission of pt 3A (Declaratory provisions for 7
redeveloped Suncorp Stadium) 8
 Part 3A— 9
 omit. 10

Clause 8 Amendment of s 32 (Offences) 11
 Section 32, penalty— 12
 omit, insert— 13
 ‘Maximum penalty— 14
 (a) for paragraph (a)—20 penalty units; 15
 (b) for paragraph (b)—40 penalty units; 16
 (c) for paragraph (c)—80 penalty units.’. 17

Clause 9 Insertion of new s 32A 18
 After section 32— 19
 insert— 20
‘32A Control of traffic on facility land 21
 ‘Schedule 1 has effect.’. 22

Clause 10 Insertion of new pt 6, div 4 23
 Part 6— 24
 insert— 25

‘Division 3	Transitional provision for Major Sports Facilities Amendment Act 2004	1 2 3
‘78	Effect of regulation amendment	4
	‘The amendment of the <i>State Penalties Enforcement Regulation 2000</i> by the <i>Major Sports Facilities Amendment Act 2004</i> does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’.	5 6 7 8
Clause 11	Amendment of schedule (Dictionary)	9
	(1) Schedule—	10
	<i>insert</i> —	11
	‘ <i>authorised person</i> means a person appointed as an authorised person under schedule 1, section 1.	12 13
	<i>insolvent under administration</i> means insolvent under administration as defined under the Corporations Act, section 9.	14 15 16
	<i>official traffic sign</i> has the meaning given by the <i>Transport Operations (Road Use Management) Act 1995</i> .	17 18
	<i>owner</i> , of a vehicle, includes the person registered as the owner of the vehicle under—	19 20
	(a) the <i>Transport Operations (Road Use Management) Act 1995</i> ; or	21 22
	(b) the corresponding law of another State or a Territory.	23
	<i>regulatory notice</i> see schedule 1, section 7.	24
	<i>vehicle</i> has the meaning given by the <i>Transport Operations (Road Use Management) Act 1995</i> .’.	25 26
	(2) Schedule—	27
	<i>renumber</i> as schedule 2.	28
Clause 12	Insertion of new sch 1	29
	After section 78, as inserted by this Act—	30

	<i>insert—</i>	1
‘Schedule 1	Control of traffic on facility land	2
	section 32A	3
‘Part 1	Authorised persons	4
‘1	Appointment	5
	‘The Authority may, in writing, appoint a person who the Authority is satisfied has the necessary training, or knowledge and experience, to be an authorised person under this Act.	6 7 8
‘2	Limitation of authorised person’s powers	9
	‘(1) The powers of an authorised person may be limited—	10
	(a) under a condition of appointment; or	11
	(b) by written notice of the Authority given to the authorised person.	12 13
	‘(2) Notice under subsection (1)(b) may be given orally, but must be confirmed in writing as soon as possible.	14 15
‘3	Terms of appointment	16
	‘(1) An authorised person holds office on the conditions stated in the instrument of appointment.	17 18
	‘(2) An authorised person—	19
	(a) if the appointment provides for a term of appointment—ceases to hold office as an authorised person at the end of the term; and	20 21 22
	(b) may resign by signed notice given to the Authority.	23
‘4	Identity cards	24
	‘(1) The Authority must issue an identity card to each authorised person.	25 26

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‘(2)	The identity card must—	1
(a)	contain a recent photograph of the authorised person; and	2 3
(b)	be in a form approved by the Authority; and	4
(c)	be signed by the authorised person.	5
‘(3)	A person who ceases to be an authorised person must, as soon as practicable, return the person’s identity card to the Authority, unless the person has a reasonable excuse for not returning it.	6 7 8 9
	Maximum penalty for subsection (3)—10 penalty units.	10
‘5	Proof of authority	11
‘(1)	An authorised person may exercise a power under this Act in relation to someone else only if the authorised person—	12 13
(a)	first produces his or her identity card for inspection by the other person; or	14 15
(b)	has his or her identity card displayed so that it is clearly visible.	16 17
‘(2)	If, for any reason, it is not practicable to comply with subsection (1), the authorised person must produce the identity card for inspection by the person at the first reasonable opportunity.	18 19 20 21
‘(3)	If subsection (2) is relevant and is complied with by an authorised person, the exercise of a power in relation to someone else by the authorised person is not invalid merely because of subsection (1).	22 23 24 25
‘Part 2	Traffic control	26
‘6	Persons authorised to control traffic on facility land	27
‘(1)	An authorised person may control traffic on facility land and, for this purpose, may give directions to persons on the land.	28 29

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- ‘(2) A person must not fail to comply with a direction given under subsection (1), unless the person has a reasonable excuse for not complying with it. 1
2
3
Maximum penalty for subsection (2)—10 penalty units. 4

‘7 Regulatory notice 5

- ‘(1) The Authority may erect or display at or near any vehicular entrance to facility land, a notice (a *regulatory notice*) regulating the driving, parking or standing of vehicles on the land, including, for example— 6
7
8
9
(a) fixing a maximum speed limit; or 10
(b) indicating a pedestrian crossing; or 11
(c) indicating a place where the driving, parking or standing of a vehicle is restricted or prohibited. 12
13
‘(2) A person on facility land must comply with a regulatory notice, unless the person has a reasonable excuse for not complying with it. 14
15
16
Maximum penalty—10 penalty units. 17
‘(3) A regulatory notice— 18
(a) must state the limits of the area to which the notice applies; and 19
20
(b) may state that a contravention of a requirement of the notice is an offence against the Act and the penalty for the offence. 21
22
23
‘(4) Without limiting subsection (1), the Authority may erect and display regulatory notices in the form of official traffic signs. 24
25
‘(5) Evidence that a notice purporting to be a regulatory notice was erected or displayed at a place mentioned in subsection (1) is evidence that the notice was a regulatory notice erected or displayed by the Authority. 26
27
28
29
‘(6) A regulatory notice erected or displayed under this section must be easily visible to passers-by. 30
31

‘8	Information notices	1
‘(1)	This section applies if a regulatory notice does not state that a contravention of a requirement of the notice is an offence against this Act and the penalty for the offence.	2 3 4
‘(2)	The Authority must erect or display at or near each vehicular entrance to facility land to which the regulatory notice relates, and other places the Authority considers appropriate, information notices stating that a contravention of a requirement of a regulatory notice is an offence and the penalty for the offence.	5 6 7 8 9 10
‘(3)	An information notice may contain any other information the Authority considers appropriate.	11 12
‘(4)	An information notice erected or displayed under this section must be easily visible to passers-by.	13 14
‘(5)	In this section— <i>regulatory notice</i> does not include an official traffic sign.	15 16
‘9	Removal and detention of illegally parked or abandoned vehicles	17 18
‘(1)	An authorised person may seize, remove and hold a vehicle that the authorised person believes on reasonable grounds—	19 20
	(a) is parked in contravention of a regulatory notice; or	21
	(b) is abandoned.	22
‘(2)	The vehicle must be held at a safe place.	23
‘(3)	An authorised person may exercise the powers given under subsection (1)(a) only if—	24 25
	(a) the authorised person believes on reasonable grounds that it is necessary or desirable to seize and remove the vehicle having regard to the safety and convenience of traffic on facility land; and	26 27 28 29
	(b) the authorised person—	30
	(i) can not immediately locate the driver of the vehicle; or	31 32

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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. 1
2
3
- ‘(4) As soon as is practicable and no later than 14 days after the vehicle is seized, the Authority must give to the owner of the vehicle a written notice stating how the owner may recover the vehicle. 4
5
6
7
- ‘(5) If the owner can not be ascertained or located within 14 days after the vehicle is seized, the notice may be given by publishing it in a newspaper circulating generally in the State. 8
9
10
- ‘(6) If the vehicle was parked in contravention of a regulatory notice, the owner of the vehicle must pay to the Authority the amount demanded by it for the cost of seizing, removing, holding and returning the vehicle. 11
12
13
14
- ‘(7) In this section— 15
- vehicle* includes a part of the vehicle and anything attached to, or contained in, the vehicle. 16
17
- ‘10 Disposal of unclaimed vehicles 18**
- ‘(1) This section applies if the owner of a seized vehicle does not recover the vehicle within 2 months after notice is given to the owner under section 9(4) or (5). 19
20
21
- ‘(2) After publishing a notice in a newspaper circulating generally in the State, the Authority may sell the vehicle by public auction. 22
23
24
- ‘(3) The notice must— 25
- (a) identify the vehicle; and 26
- (b) state that the vehicle is to be sold by auction; and 27
- (c) state how the owner may recover the vehicle before the auction; and 28
29
- (d) state the time and place of the auction. 30
- ‘(4) Compensation is not recoverable against the Authority because of the sale of a vehicle under this section. 31
32
- ‘(5) In this section— 33

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vehicle includes a part of the vehicle and anything attached to, or contained in, the vehicle. 1
2

- '11 Application of proceeds of sale** 3
- '(1) The proceeds of the sale must be applied in the following order— 4
5
- (a) in payment of the reasonable expenses incurred in the sale; 6
7
 - (b) in payment of the reasonable cost of seizing, removing and holding the vehicle; 8
9
 - (c) if there is an amount owing to a person under a security interest registered for the vehicle under the *Motor Vehicles and Boats Securities Act 1986*—in payment of the amount owing to the holder of the security interest; 10
11
12
13
 - (d) in payment of any balance to the owner. 14
- '(2) Compensation is not recoverable against the Authority because of a payment under this section.' 15
16

Part 3 Amendment of State Penalties Enforcement Regulation 2000 17
18

Clause 13 Regulation amended in pt 3 19

This part amends the *State Penalties Enforcement Regulation 2000*. 20
21

Clause 14 Amendment of sch 5 (Other legislation) 22

Schedule 5— 23

insert— 24

‘Major Sports Facilities Act 2001

1

Column 1

Column 2

Infringement notice offence

**Infringement notice fine
(penalty units)**

sch 1, s 6(2) 1/2

sch 1, s 7(2) 1/2

Authorised person for service of infringement notices—an 2
authorised person appointed under the *Major Sports Facilities* 3
Act 2001, schedule 1, section 1¹. 4

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1 *Major Sports Facilities Act 2001*, schedule 1 (Control of traffic on facility land), section 1 (Appointment)