

Queensland



South Bank Corporation Act 1989

SOUTH BANK CORPORATION BY-LAW 1992

**Reprinted as in force on 2 May 1996
(includes amendments up to SL No. 361 of 1995)**

Reprint No. 3

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the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See SIA s 56A(1)(b) and SIR s 5 sch 3

Information about this reprint

This by-law is reprinted as at 2 May 1996. 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.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update references (pt 4, div 3)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 37).

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

Also see endnotes for information about—

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

Queensland



**SOUTH BANK CORPORATION BY-LAW
1992**

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SOUTH BANK CORPORATION BY-LAW 1992

[as amended by all amendments that commenced on or before 2 May 1996]

PART 1—PRELIMINARY

Short title

1. This by-law may be cited as the *South Bank Corporation By-law 1992*.

Definitions

2. In this by-law—

“**authorised person**”, in relation to a power, means a person authorised by the corporation to exercise the power.

“**liquor**” has the meaning given by the *Liquor Act 1992*.

“**owner**” of a vehicle means, in the case of a vehicle that is required to be registered under the *Transport Infrastructure (Roads) Act 1991* or a similar law of another State or Territory, the person registered as the owner under that Act or law.

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

“**site**” has the meaning given by section 3.¹

“**traffic**” includes vehicular and pedestrian traffic.

“**vehicle**” has the meaning given by the *Traffic Act 1949*.

The site

3.(1) In this by-law—

¹ Section 3 (The site)

“**site**” means the part of the corporation area—

- (a) illustrated in the schedule; and
- (b) described more particularly in South Bank Corporation Plan No. 029104/133.

(2) A person may request the corporation to produce a copy of South Bank Corporation Plan No. 029104/133 for inspection.²

(3) The corporation must promptly comply with a request made under subsection (2).

PART 2—REGULATION OF TRAFFIC AND PERSONS ON SITE

Persons authorised to control traffic on the site

4.(1) An authorised person or a police officer may control traffic on the site and, for this purpose, may give directions to persons on the site.

(2) A person on the site must not, without reasonable excuse, fail to comply with a direction given under subsection (1).

Maximum penalty—6 penalty units.

Traffic signs

5.(1) The corporation may erect or mark at a place on the site a sign that regulates any matter relating to the driving, parking or standing of vehicles at the place, including, for example—

- (a) a speed limit; or
- (b) a pedestrian crossing; or
- (c) a place where the driving, parking or standing of a vehicle is restricted or prohibited.

² The corporation’s office is at 234 Grey St, South Brisbane.

(2) A person on the site must comply with a sign mentioned in this section.

Maximum penalty—4 penalty units.

Signs regulating drinking, restricted areas etc.

6.(1) The corporation may erect or mark at a place on the site a sign that regulates any matter relating to the presence or conduct of persons at the place, including, for example—

- (a) a place where an unauthorised person may not go; or
- (b) a place where the drinking of liquor is allowed; or
- (c) a place where any other activity is restricted or prohibited.

(2) A person on the site must comply with a sign mentioned in subsection (1).

Maximum penalty—4 penalty units.

(3) A person must not drink liquor at any place on the site other than a place that is indicated by a sign as a place where drinking is allowed.

Maximum penalty—6 penalty units.

Removal and detention of illegally parked vehicles

8.(1) An authorised person or a police officer may seize, remove and detain, or cause to be seized, removed and detained, a vehicle that the authorised person or police officer believes on reasonable grounds is parked in contravention of this by-law.

(2) The vehicle must be detained at a safe place.

(3) An authorised person or police officer may exercise the powers given under subsection (1) in relation to a vehicle only if—

- (a) the authorised person or police officer believes on reasonable grounds that it is necessary or desirable to seize and remove the vehicle, having regard to the safety or convenience of traffic on the site; and
- (b) the authorised person or police officer—

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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.

(4) Subject to subsection (5), as soon as is practicable and no later than 14 days after the vehicle is seized, the corporation must give to the owner of the vehicle a written notice that states—

- (a) where the vehicle is being detained; and
- (b) how the owner may recover the vehicle.

(5) If the owner cannot be ascertained or located within 14 days after the vehicle is seized, the notice may be published in a newspaper circulating generally in the State.

(6) If the vehicle was parked in contravention of this by-law, the owner of the vehicle must pay to the corporation the reasonable cost of the seizure, removal, detention and return of the vehicle.

(7) In this section—

“**vehicle**” includes anything attached to, or contained in, the vehicle.

Disposal of unclaimed vehicles

9.(1) This section applies if the owner of a vehicle detained under section 8³ does not recover the vehicle within 2 months after being given a notice under section 8(4) or (5).

(2) The corporation may, after publishing a notice in a newspaper circulating generally in the State, sell the vehicle by public auction.

(3) The proceeds of the sale must be applied as follows—

- (a) first, in payment of the expenses of the sale;
- (b) secondly, in payment of the cost of the seizure, removal and detention of the vehicle under section 8;
- (c) thirdly, in payment of any balance to the owner.

(4) If the owner cannot be located, the corporation must, subject to this

³ Section 8 (Removal and detention of illegally parked vehicles)

section, retain the balance of the proceeds for 1 year after the sale.

(5) If the owner, within 1 year after the sale, applies to the corporation to be paid an amount equal to the balance, the corporation must pay to the person—

- (a) the amount; and
- (b) interest on the amount, at the rate of 5% per annum, from the day of sale to the day the person is paid.

(6) If the owner has not, within 1 year after the sale, applied under subsection (5) for payment of an amount, the corporation must pay the amount into the consolidated fund.

(7) In this section—

“**vehicle**” includes anything attached to, or contained in, the vehicle.

Entry to and exit from the site

10. A person must not enter or exit from the site other than at a place provided for that purpose.

Maximum penalty—4 penalty units.

PART 3—CLOSURE OF THE SITE

References to the ‘site’

11. In this part, a reference to the site includes a part of the site.

Closure of the site

12.(1) The corporation may close the site for a particular period if it considers it necessary or convenient to do so, having regard to—

- (a) the safety of persons or the protection of property on the site; or
- (b) an activity to be conducted on the site; or
- (c) any other matter.

(2) Without limiting subsection (1), the corporation may close the site for a particular period every day.

(3) During a period that the site is closed, the corporation must display a sign at each entry to the site indicating that the site is closed.

Entry to the site when closed

13.(1) A person must not enter the site while it is closed unless permitted to enter under this section.

Maximum penalty—4 penalty units.

(2) The corporation may, having regard to the reason the site is closed—

- (a) instruct an authorised person as to who may enter the site while it is closed, and on what conditions; and
- (b) arrange for the authorised person to attend at an entry to the site.

(3) The authorised person must, in accordance with the instructions—

- (a) permit or refuse entry to the appropriate persons; and
- (b) subject any permission given to a person to the appropriate conditions.

PART 4—SECURITY OFFICERS

Corporation may appoint security officers

14.(1) The corporation may, in writing, appoint a suitable person to be a security officer for the purposes of this by-law.

(2) A security officer—

- (a) holds office for the term, and subject to the conditions, specified in the instrument of appointment; and
- (b) may resign by writing given to the corporation.

(3) In this section—

“suitable person” means a person who the corporation manager is satisfied has the necessary training or experience to be a security officer.

Identity cards

15.(1) The corporation must issue an identity card to each security officer.

(2) The identity card must—

- (a) contain a recent photograph of the security officer; and
- (b) be in a form approved by the corporation; and
- (c) be signed by the security officer.

(3) A person who ceases to be a security officer must, as soon as practicable, return his or her identity card to the corporation.

Maximum penalty for subsection (3)—6 penalty units.

Proof of authority

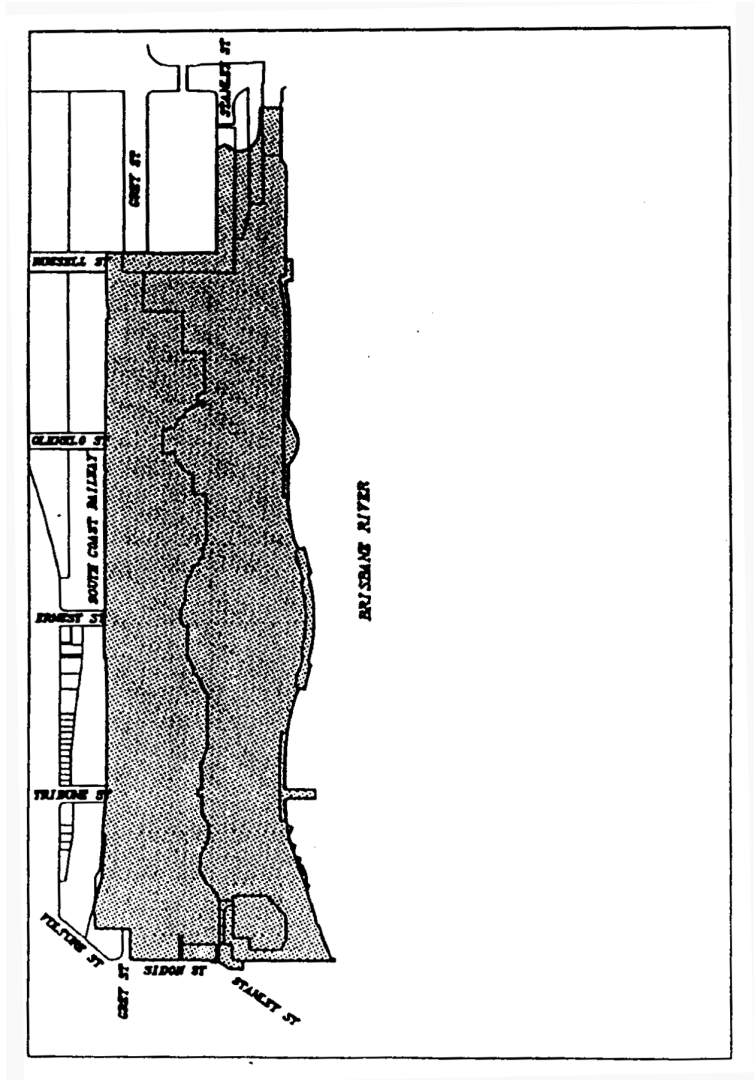
16. A security officer must not exercise a power under this by-law in relation to another person without—

- (a) first producing his or her identity card for inspection by the person; or
- (b) having his or her identity card displayed so that it is readily visible.

SCHEDULE

ILLUSTRATION OF THE SITE

section 3



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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 2 May 1996. Future amendments of the South Bank Corporation By-law 1992 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**

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

4 Table of previous reprints

Reprint No.	Amendments included	Reprint date
1	none	9 June 1993
2	up to SL No. 144 of 1994	27 May 1994

5 List of legislation

South Bank Corporation By-law 1992 SL No. 459

notfd gaz 18 December 1992 pp 1988–96
commenced on date of notification

as amended by—

South Bank Corporation Amendment By-law (No. 1) 1994 SL No. 144

notfd gaz 6 May 1994 pp 125–7
commenced on date of notification

South Bank Corporation Amendment By-law (No. 1) 1995 SL No. 183

notfd gaz 9 June 1995 pp 1165–71
commenced on date of notification

South Bank Corporation Amendment By-law (No. 2) 1995 SL No. 361

notfd gaz 15 December 1995 pp 1560–5
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1996 (see s 2)

6 List of annotations

Definitions

s 2 def “**Court**” ins 1994 SL No. 144 s 3
om 1995 SL No. 361 s 4

Signs regulating drinking, restricted areas etc.

s 6 amd 1994 SL No. 144 s 4

Conduct causing a public nuisance

s 7 om 1995 SL No. 361 s 5

Removal and detention of illegally parked cars

s 8 amd 1994 SL No. 144 s 5

Power to deal with persons causing a public nuisance

s 17 sub 1994 SL No. 144 s 6
amd 1995 SL No. 183 s 3
(5)–(7) exp 31 December 1995 (see s 17(7))
om 1995 SL No. 361 s 6

Power to hand over certain offenders to the police

s 18 amd 1994 SL No. 144 s 7
 om 1995 SL No. 361 s 6

PART 5—MISCELLANEOUS

pt hdg om R1 (see RA s 40)

Power to require name and address

s 19 prev s 19 om R1 (see RA s 40)
 pres s 19 ins 1994 SL No. 144 s 8
 amd 1995 SL No. 183 s 4
 exp 31 December 1995 (see s 19(6))
 om R3 (see RA s 37)

Court may exclude person from site

s 20 ins 1994 SL No. 144 s 8
 amd 1995 SL No. 183 s 5
 exp 31 December 1995 (see s 20(7))
 om R3 (see RA s 37)

Power of arrest

s 21 ins 1994 SL No. 144 s 8
 amd 1995 SL No. 183 s 6
 exp 31 December 1995 (see s 21(3))
 om R3 (see RA s 37)