

Queensland



Subordinate Legislation 1993 No. 332

Land Act 1962

LAND (TOOWOOMBA SPORTS GROUND TRUST) BY-LAW 1993

TABLE OF PROVISIONS

Section		Page
	PART 1—PRELIMINARY	
1	Short title	3
2	Definitions	3
	PART 2—REGULATION OF THE AFFAIRS AND BUSINESS OF THE TRUSTEES	
	<i>Division 1—Officers</i>	
3	Meaning of “officer”	4
4	Appointment of officers	4
5	Chairperson to preside at meetings	4
6	Duties of the secretary	4
7	Duties of the treasurer	5
8	Tenure of officers	5
9	Removal of an officer	5
	<i>Division 2—Meetings</i>	
10	Time and place for meetings	5
11	Quorum and voting at meetings	6
12	Special meetings	6
	<i>Division 3—Miscellaneous</i>	
13	Banking and accounts	6

PART 3—PROTECTION AND USE OF THE RESERVE***Division 1—Permission of the trustees***

14	Permission to do a thing mentioned in Division 2	7
15	Permission may be revoked	8

Division 2—Use of the Reserve

16	Application of this Division	8
17	Trespassing	8
18	Entering and leaving the reserve	9
19	Admission fee	9
20	Fences	9
21	Damage or interference to plants and gardens	9
22	Areas reserved for games or other activities	9
23	Posting of notices	10
24	Vehicles	10
25	Animals	10
26	Throwing objects	11
27	Lighting fires	11
28	Igniting fireworks	11
29	Distributing handbills	11
30	Selling	11
31	Public addresses	11
32	Radio or television broadcasts	12
33	Employees and others not to be hindered	12
34	Consumption of liquor	12
35	Reserve declared to be a public place	12

PART 4—TRANSITIONAL

36	Current officers to continue in office	13
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PART 1—PRELIMINARY

Short title

1. This by-law may be cited as the *Land (Toowoomba Sports Ground Trust) By-law 1993*.

Definitions

2. In this by-law—

“athletic ground” means the fenced area in the reserve indicated by a sign as being the athletic ground;

“officer” has the meaning given by section 3;

“plant” includes a part of a plant;

“quarter” means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December;

“reserve” means the area of land—

- (a) described in Schedule 2 to the order in council made under the Act and published in the Gazette on 20 December 1952 at page 1865; and
- (b) bounded by Hawthorn Street, Mary Street, Arthur Street and Lindsay Street in Toowoomba;

“trustees” means the trustees of the reserve;

“vehicle”—

- (a) includes a motor vehicle, bicycle, roller-skates or other means of transport; but
- (b) does not include a pram or a wheelchair.

PART 2—REGULATION OF THE AFFAIRS AND BUSINESS OF THE TRUSTEES

Division 1—Officers

Meaning of “officer”

3. In this by-law—

“**officer**” means the chairperson, secretary or treasurer.

Appointment of officers

4.(1) The trustees may—

- (a) appoint a person as chairperson; and
- (b) appoint a person as secretary; and
- (c) appoint a person as treasurer.

(2) A person is not eligible to be the chairperson unless the person is a trustee.

Chairperson to preside at meetings

5. At a meeting of the trustees—

- (a) if the chairperson is present—the chairperson is to preside; or
- (b) if the chairperson is not present—the trustees present may appoint another trustee to preside at the meeting.

Duties of the secretary

6. Subject to the lawful directions of the trustees, the secretary must—

- (a) keep accounts and other documents relating to the trust; and
- (b) keep minutes of each meeting of the trustees; and

- (c) in the absence of the treasurer—perform the duties of the treasurer; and
- (d) perform other duties relating to the trust.

Duties of the treasurer

7. Subject to the lawful directions of the trustees, the treasurer must—
- (a) keep accounts and other documents relating to the trust; and
 - (b) submit to the trustees the accounts and other documents kept; and
 - (c) bank money held by the trustees; and
 - (d) pay accounts held by the trustees; and
 - (e) perform other duties relating to the trust.

Tenure of officers

8. An officer holds office until the officer—
- (a) is removed under section 9; or
 - (b) resigns from office; or
 - (c) in the case of the chairperson—ceases to be a trustee.

Removal of an officer

9. An officer may be removed from office by the trustees at a special meeting called for that purpose.

Division 2—Meetings**Time and place for meetings**

- 10.(1) The trustees must meet at least once in each quarter.
- (2) Subject to subsection (1), the trustees are to meet at such times and places as they determine.

Quorum and voting at meetings

11.(1) At a meeting of the trustees—

- (a) a trustee has 1 vote, irrespective of any office the trustee holds; and
- (b) a question is to be decided by a majority of votes of the trustees present and voting.

(2) The trustees may not conduct any business at a meeting unless a quorum is present.

(3) A quorum consists of two-thirds of the number of trustees.

Special meetings

12.(1) The secretary must call a special meeting on receiving a written request—

- (a) signed by the chairperson or at least 2 trustees; and
- (b) stating fully the nature of the business to be considered at the meeting.

(2) The secretary must give each trustee at least 24 hours written notice of a special meeting.

(3) The notice must state—

- (a) the time and place of the meeting; and
- (b) the nature of the business to be considered at the meeting.

Division 3—Miscellaneous**Banking and accounts**

13.(1) The trustees must keep a bank account in the name of the trustees.

(2) The trustees must ensure that all money received on behalf of the trust is paid into the account.

(3) All payments from the account must be made by cheque, signed by 2 trustees.

PART 3—PROTECTION AND USE OF THE RESERVE

Division 1—Permission of the trustees

Permission to do a thing mentioned in Division 2

14.(1) A person may apply for the permission of the trustees to do a thing that is otherwise prohibited under—

- (a) section 17 (Trespassing); or
- (b) section 18 (Entering and leaving the reserve); or
- (c) section 19 (Admission fee); or
- (d) section 20 (Fences); or
- (e) section 21 (Damage or interference to plants and gardens); or
- (f) section 22 (Areas reserved for games or other activities); or
- (g) section 23 (Posting of notices); or
- (h) section 24 (Vehicles); or
- (i) section 26 (Throwing objects); or
- (j) section 27 (Lighting fires); or
- (k) section 28 (Igniting fireworks); or
- (l) section 29 (Distributing handbills); or
- (m) section 30 (Selling); or
- (n) section 31 (Public addresses); or
- (o) section 32 (Radio or television broadcasts).

(2) On receiving an application, the trustees must decide whether to give the permission, having regard to whether the thing is consistent with the peaceful use of the reserve as a sports ground.

(3) The trustees may give their permission subject to conditions.

(4) The trustees must promptly give the person a written notice stating whether permission is given and—

- (a) if permission is given subject to conditions—stating the conditions; or
 - (b) if permission is refused—stating the reason for the refusal.
- (5) A person does not contravene a provision of this Part if—
- (a) the trustees have given permission to the person under this section to do a thing that is otherwise prohibited under the provision; and
 - (b) the person complies with the permission.

Permission may be revoked

15. The trustees may revoke permission given to a person under section 14 if the person contravenes—

- (a) a provision of this by-law; or
- (b) a condition of the permission.

Division 2—Use of the Reserve

Application of this Division

16. This Division has effect subject to Division 1.

Trespassing

17.(1) A person must not enter or remain in an area in the reserve that is closed to the public.

Maximum penalty—3 penalty units.

(2) For the purposes of this section, an area is “**closed to the public**” if—

- (a) entry to the area is prevented by a locked gate, fence or other barrier; or
- (b) the trustees have—
 - (i) determined that the area is closed to the public; and

- (ii) indicated by a sign that the area is closed to the public.

Entering and leaving the reserve

18. A person must not enter or leave the reserve other than at a place provided for the purpose.

Maximum penalty—3 penalty units.

Admission fee

19. A person must not enter the athletic ground, or a part of the athletic ground, unless the person has first paid the applicable admission fee.

Maximum penalty—3 penalty units.

Fences

20. A person must not climb on or over a fence in the reserve.

Maximum penalty—3 penalty units.

Damage or interference to plants and gardens

21.(1) A person must not damage, remove or otherwise interfere with a plant or soil in the reserve.

Maximum penalty—5 penalty units.

(2) A person must not go onto or remain on a garden bed, or other place used or being prepared for use for growing a plant, in the reserve.

Maximum penalty—3 penalty units.

Areas reserved for games or other activities

22.(1) The trustees may erect or mark at a place in the reserve a sign—

- (a) indicating that the place is set apart for the playing of a particular game or conduct of a particular activity; and
- (b) specifying reasonable conditions for use of the place.

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

Maximum penalty—5 penalty units.

Posting of notices

23.(1) A person must not post a notice in the reserve.

Maximum penalty—3 penalty units.

(2) In this section—

“**notice**” includes a bill, advertising poster or other writing;

“**post**” includes—

- (a) paste or otherwise fix to the ground, a wall, a tree or any object; and
- (b) erect; and
- (c) paint or otherwise mark on the ground, a wall, a tree or any object.

Vehicles

24. A person must not drive, ride or otherwise bring a vehicle onto a place in the reserve other than a place that is indicated by a sign as a place where vehicles are allowed.

Maximum penalty—3 penalty units.

Animals

25. A person must not bring an animal onto the reserve, or allow an animal to remain in the reserve, unless the animal is kept under proper control so that it cannot—

- (a) annoy or injure a person or animal; or
- (b) damage any property.

Maximum penalty—3 penalty units.

Throwing objects

26. A person must not throw an object in the reserve so as to—

- (a) endanger another person; or
- (b) be likely to annoy another person.

Maximum penalty—5 penalty units.

Lighting fires

27. A person must not light a fire in the reserve.

Maximum penalty—3 penalty units.

Igniting fireworks

28. A person must not ignite fireworks in the reserve.

Maximum penalty—3 penalty units.

Distributing handbills

29. A person must not distribute a handbill or other printed material in the reserve.

Maximum penalty—3 penalty units.

Selling

30. A person in the reserve must not sell anything or offer to sell anything.

Maximum penalty—3 penalty units.

Public addresses

31.(1) A person must not make a public address in the reserve.

(2) This section has effect subject to the *Peaceful Assembly Act 1992*.

Maximum penalty—3 penalty units.

Radio or television broadcasts

32. A person must not make a radio or television broadcast from the reserve.

Maximum penalty—3 penalty units.

Employees and others not to be hindered

33. A person in the reserve must not—

- (a) hinder an employee of the trustees in the execution of the employee's duties; or
- (b) hinder another person's peaceful use of the reserve.

Maximum penalty—3 penalty units.

Consumption of liquor

34.(1) A person in the reserve must not consume liquor other than at—

- (a) a designated place; or
- (b) a place where the consumption of liquor is authorised or permitted under a licence or permit granted under the *Liquor Act 1992*.

Maximum penalty—10 penalty units.

(2) The trustees may designate a place in the reserve as a place where liquor may be consumed.

(3) If a place is designated under subsection (2), the trustees must erect a sign that sufficiently identifies the place as a designated place.

(4) In this section—

“designated place” means a place designated under subsection (2);

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

Reserve declared to be a public place

35. The reserve is a public place for the purposes of an Act—

- (a) that confers on a police officer a power in relation to a public place; or
- (b) that provides for an offence committed in a public place.

PART 4—TRANSITIONAL

Current officers to continue in office

36. A person who holds the office of chairperson, secretary or treasurer at the commencement of this by-law is taken to have been appointed under section 4.

ENDNOTES

- 1. Made by the trustees of the reserve on 1 July 1993.
- 2. Approved by the Governor in Council on 26 August 1993.
- 3. Notified in the Gazette on 27 August 1993.
- 4. Laid before the Legislative Assembly on . . .
- 5. The administering agency is the Department of Lands.