



Queensland

South Bank Corporation By-law 2004

Subordinate Legislation 2004 No. 165

made under the

South Bank Corporation Act 1989

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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.

- (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.

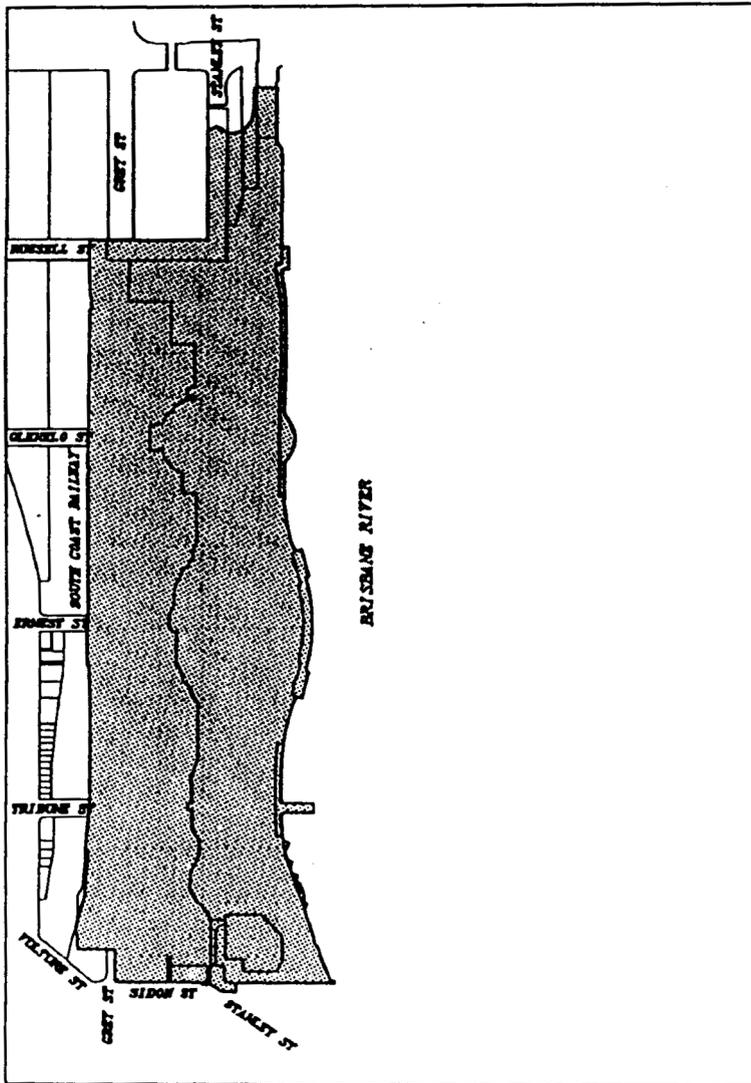
17 Return of identity card

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

- 1 Made by the South Bank Corporation on 16 August 2004.
- 2 Approved by the Governor in Council on 26 August 2004.
- 3 Notified in the gazette on 27 August 2004.
- 4 Laid before the Legislative Assembly on . . .
- 5 The administering agency is the Department of the Premier and Cabinet.