



Queensland

# South Bank Corporation By-law 2014

## Subordinate Legislation 2014 No. 176

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 2014*.

### **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 keep a copy of the plan available for inspection by members of the public during office hours on business days at the corporation's office.

*Editor's note—*

The corporation's office is at South Bank House, Stanley Street Plaza, South Bank.

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## **Part 3                      Control of traffic or persons on the site**

### **4                      Control of traffic by security officer, authorised person or police officer**

- (1) A security officer, authorised person or police officer may control traffic on the site and, for this purpose, may give a direction to a person on the site.
- (2) The person given a direction must comply with the direction unless the person has a reasonable excuse.

Maximum penalty for subsection (2)—6 penalty units.

### **5                      Controlling driving, parking or standing of vehicles**

- (1) The corporation may, by site notice, control the driving, parking or standing of vehicles on the site, including, for example, by—
  - (a) fixing a maximum speed limit; or
  - (b) indicating a pedestrian crossing; or
  - (c) indicating a place where driving, parking or standing of a vehicle is restricted or prohibited.
- (2) Without limiting subsection (1), the corporation may erect or display a site notice in the form of an official traffic sign.
- (3) A person on the site must comply with a site notice unless the person has a reasonable excuse.

Maximum penalty—4 penalty units.

- (4) In this section—

***official traffic sign*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

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## **6 Notices that contravention of site notice an offence**

- (1) This section applies if a site notice mentioned in section 5 does not state that a contravention of the site notice is an offence against this by-law and the maximum penalty for the offence.
- (2) The corporation must erect or display at or near each vehicular entrance to the part of the site to which the site notice relates, and other places the corporation considers appropriate, a notice stating a contravention of the site notice is an offence and the maximum penalty for the offence.
- (3) A notice erected or displayed under subsection (2)—
  - (a) may contain any other information the corporation considers appropriate; and
  - (b) must be easily visible to passers-by.

## **7 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 a person 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 a person on the site.
- (2) A person on the site must comply with a site notice unless the person has a reasonable excuse.

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

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## **Part 4                      Removal, holding and sale of illegally parked vehicles**

### **8                      Removal and holding of illegally parked vehicles**

- (1) This section applies if a security officer, authorised person or 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) can not 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 security officer, 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 and 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 can not be identified or located, the corporation must give the notice to the owner by publishing it 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 seizing, removing, holding and returning the vehicle.

## **9 Sale of unrecovered vehicles**

- (1) This section applies if the owner of a seized vehicle—
- (a) is given a notice under section 8; 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 notice must—
- (a) identify the vehicle; and
  - (b) state the vehicle is to be sold by auction; and
  - (c) state how the owner may recover the vehicle before the auction; and
  - (d) state the time and place of the auction.
- (4) The proceeds of sale must be applied in the following order—
- (a) in payment of the reasonable expenses of the sale;
  - (b) in payment of the reasonable cost of seizing, removing and holding the vehicle;
  - (c) in payment of any balance to the owner.
- (5) The corporation must retain the balance of the proceeds for 1 year after the sale.
- (6) 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

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- (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.
- (7) 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**

### **10            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.

### **11            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—
  - (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 stating the site is closed.



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## **12 Entry to the site when it is closed**

- (1) A person must not enter the site while it is closed under section 11 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 security officers and authorised persons the following—
  - (a) the persons who may enter the site while it is closed (the *permitted persons*);
  - (b) the conditions, if any, on which the permitted persons may enter.
- (3) A security officer or 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**

### **13 Corporation may authorise employee**

- (1) The corporation may, by instrument in writing, authorise an employee of the corporation to exercise a power that may be exercised under this by-law by an authorised person if the corporation is satisfied the person is appropriately qualified for the power.
- (2) The corporation may withdraw the authorisation at any time by signed notice given to the authorised person.

## **14 Conditions and limit on powers**

- (1) The powers of an authorised person are subject to any conditions stated in—
  - (a) the authorised person's instrument of authorisation; or
  - (b) a signed notice given to the authorised person.
- (2) The instrument of authorisation or a signed notice given to the authorised person may limit the authorised person's powers.
- (3) The authorised person's authorisation ends 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 authorisation ends;
  - (c) the authorised person's authorisation is withdrawn under section 13(2);
  - (d) the authorised person ceases to be an employee of the corporation.
- (4) Subsection (3) does not limit the ways the authorisation of a person ends.
- (5) In this section—

***condition of authorisation*** means a condition under which the authorised person is authorised.

***signed notice*** means a notice signed by the corporation manager.

## **15 Issue of identity card**

- (1) The corporation must issue an identity card to each authorised person.
- (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
  - (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 by-law and other purposes.

## **16 Production or display of identity card**

- (1) In exercising a power under this by-law in relation to another person in the other person's presence, an authorised person 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.

## **17 Return of identity card**

If the authorisation of a person as an authorised person ends, the person must return the person's identity card to the corporation within 21 days after the authorisation ends unless the person has a reasonable excuse.

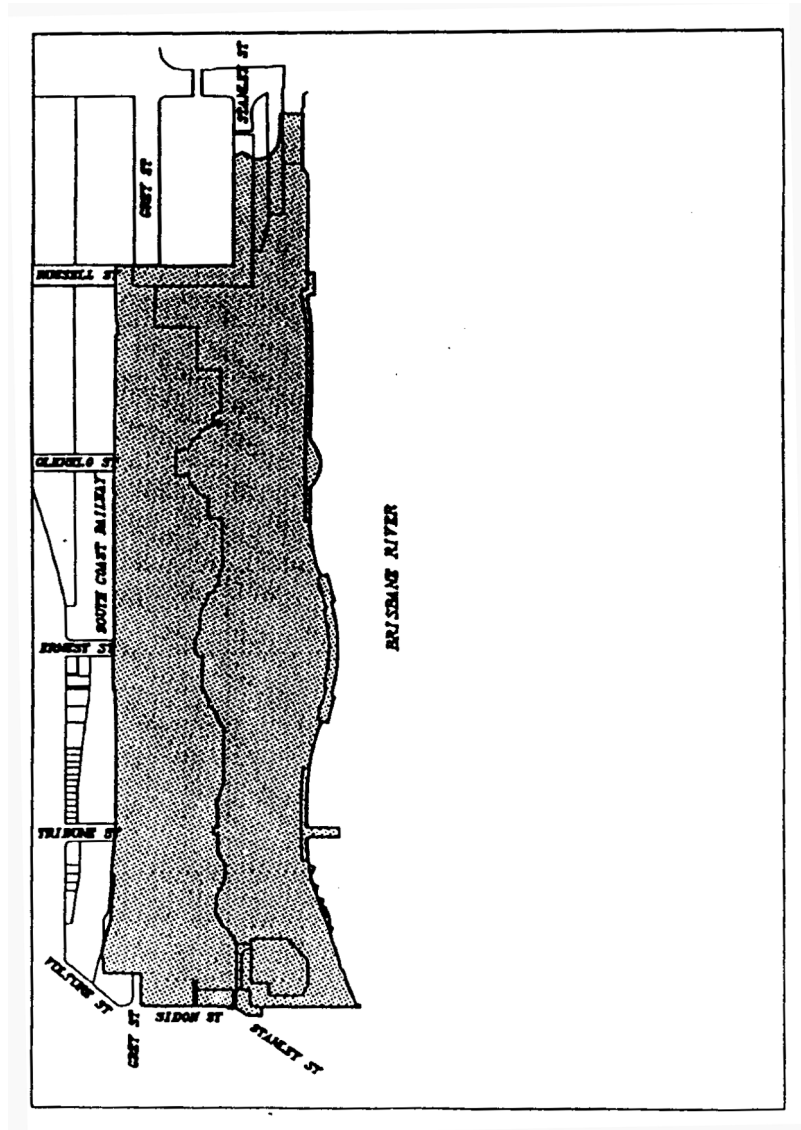
Maximum penalty—10 penalty units.

# **Part 7 Repeal**

## **18 Repeal**

The South Bank Corporation By-law 2004, SL No. 165 is repealed.

section 3(1)(a)



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## Schedule 2      Dictionary

### section 2

***authorised person*** means a person authorised under section 13.

***owner***, of a vehicle, includes the person registered as the owner of the vehicle under the *Transport Operations (Road Use Management) Act 1995*, or the corresponding law of another State.

***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.

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### ENDNOTES

- 1    Made by the South Bank Corporation on 20 July 2014.
- 2    Approved by the Governor in Council on 14 August 2014.
- 3    Notified on the Queensland legislation website on 15 August 2014.
- 4    The administering agency is the Department of State Development, Infrastructure and Planning.