

Queensland



# CITY OF BRISBANE ACT 1924

**Reprinted as in force on 18 February 1997  
(includes amendments up to Act No. 81 of 1996)**

**Warning—see last endnote for uncommenced amendments**

**Reprint No. 1A**

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# Information about this reprint

This Act is reprinted as at 18 February 1997. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint 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**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**

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# CITY OF BRISBANE ACT 1924

[as amended by all amendments that commenced on or before 18 February 1997]

## An Act for the good government of the City of Brisbane

### PART 1—PRELIMINARY

#### Short title

1. This Act may be cited as the *City of Brisbane Act 1924*.

#### Interpretation

3.(1) In this Act—

“**administrative body**” means—

- (a) a unit of administration;
- (b) a subunit of administration;
- (c) a permanent head of a unit of administration;
- (d) an office in the council service;
- (e) a board of officers in the council service;
- (f) an officer in the council service.

“**chief executive (valuations)**” means the chief executive within the meaning of the *Valuation of Land Act 1944*.

“**city**” means the City of Brisbane.

“**council**” means the Brisbane City Council.

“**councillor**” means a councillor of the city, and includes the mayor and deputy mayor.

“**Crown**” means the Crown in right of the State, the Commonwealth, another State or a Territory.

“**decision maker**”, in relation to the categorisation of land for the purposes of a differential general rate, has the meaning given by section 85(c)(i).

“**differential general rate**” has the meaning given by section 49(2).

“**election**” means an election of the mayor or another councillor.

“**elector**” means a person who is entitled to vote at an election.

“**Electoral Act**” means the *Electoral Act 1992*.

“**electoral district**” means an electoral district under the Electoral Act.

“**general charge**” means a charge mentioned in section 59(1).

“**general rate**” has the meaning given by section 49(1).

“**leader of the opposition**” means the councillor recognised for the time being as leader of the opposition in the council.

“**Local Government Act**” means the *Local Government Act 1993*.

“**minimum general rate levy**” has the meaning given by section 50.

“**owner**” has the meaning given by the Local Government Act, section 5.

“**pensioner**”, in part 3, division 3 has the meaning given by section 74.

“**rate**” means any rate or charge mentioned in section 48, and includes any interest accrued, or premium owing, on such a rate or charge.

“**rateable land**” has the meaning given by section 47.

“**separate rate or charge**” has the meaning given by section 51.

“**subunit of administration**” means any branch, section or like part of a unit of administration.

“**unit of administration**” means a part of the council service howsoever called that is not wholly or partly included in any other unit of administration.

“**utility charge**” has the meaning given by section 52.

(2) For the purposes of this Act, the council service shall be taken to comprise all persons employed by the council for the time being but shall not include a temporary employee.

## **Application of the Local Government Act**

**3A.(1)** The Local Government Act applies to the council only so far as is expressly provided by that or another Act.

**(2)** The provisions of the Local Government Act that apply to the council include the following—

- chapter 2 (The local government system)
  - part 1 (Local governments), divisions 2 (Roles of local governments) and 3 (Jurisdiction of local governments)
  - part 2 (Joint local governments)
  - part 3 (Joint action by local governments)
- chapter 3 (Interaction with the State)
  - part 1 (Reviewable local government matters)
  - part 3 (Local Government Grants Commission)
- chapter 4 (Local government councillors)
  - part 1 (Membership of local governments)
  - part 3 (Entitlements and obligations), division 2 (Obligations of councillors)
  - part 4 (Vacancies in membership of local governments)
- chapter 5 (Local government elections)
  - part 5 (Division of local government areas)
  - part 6 (Conduct of elections)
    - section 244 (Qualification for nomination)
    - section 245 (Prohibition of dual candidature)
    - section 246 (Leave to local government employee to contest election)
    - section 249 (Who may nominate)
- chapter 6 (General operation of local governments)
  - part 4 (Enterprises)
- chapter 7A (National competition reform of significant business

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activities)

- chapter 8 (Local laws and local law policies)
- chapter 9 (Local government infrastructure)
- chapter 10 (Rates and charges)
  - part 1 (General), division 2 (Averaging of valuations)
  - part 7 (Recovery of rates)
- chapter 11 (Provisions aiding local government)
- chapter 15 (Transitional and savings provisions, repeals and amendments)
  - part 1 (Transitional and savings provisions)
    - division 3 (Local laws and local law policies)
    - section 782 (Realignment of roads)
    - section 784 (Foreshores and bathing reserves)<sup>1</sup>
    - section 806 (Saving of averaged land values for rating purposes)
    - section 807 (Saving of proceedings to recover overdue rates)
    - section 808 (Saving of action to sell or acquire land for overdue rates)
    - section 816 (Transitional regulations).

**(3)** If the Brisbane City Council is a component local government in a joint local government, the Local Government Act applies to the council as a component local government as if it were a local government established under that Act.

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<sup>1</sup> Sections 782 and 784 have expired.

## **PART 2—THE CITY CHARTER**

### *Division 1—City of Brisbane*

#### **City of Brisbane**

**4.(1)** The area of the City of Brisbane continues to be a city under the name City of Brisbane.

**(2)** The boundaries of the city are the boundaries of the city immediately before the commencement of the *Local Government Act 1993*, as subsequently varied under that Act.

### *Division 2—Brisbane City Council*

#### **Composition of council**

**5.(1)** The city shall be governed by a council composed of 27 councillors consisting of the mayor and 26 other councillors.

**(2)** A reference in this or another Act to an alderman of the council is a reference to a councillor of the council.

#### **Council is body corporate etc.**

**6.** The council—

- (a) is a body corporate with perpetual succession; and
- (b) has a common seal; and
- (c) may sue and be sued, and otherwise exercise its powers, under the name ‘Brisbane City Council’.

#### **Powers of council**

**6A.(1)** The council has such powers as are conferred on it under this or any other Act.

**(2)** Without limiting subsection (1), the council has, for or in connection

with the performance of its functions, all the powers of an individual, and may, for example—

- (a) enter into contracts with any party; and
- (b) acquire, hold, dispose of and deal with property; and
- (c) appoint agents and attorneys; and
- (d) make charges, and fix terms and conditions, for services and information supplied by it to any party.

(3) In this section—

“party” includes—

- (a) the Crown; and
- (b) another local government; and
- (c) a public authority of the Crown.

### *Division 3—Elections for council*

#### **Election of mayor**

**13.** The mayor shall be elected by the whole of the electors of the city and at the triennial elections of mayor and other councillors all electoral rolls prepared pursuant to section 17(3) for electoral wards shall together be the electoral roll for the election of mayor.

#### **Electoral wards and election of councillors therefor**

**14A.(1)** For the purposes only of the election of councillors (other than the mayor), the city shall, subject to this Act, be divided into 26 electoral wards.

(2) One councillor shall be returned to the council for each such ward.

#### **Electoral rolls**

**14Q.(1)** The Electoral Commission shall compile an electoral roll of the electors in each and every electoral ward and for that purpose there shall be,



for each and every such electoral ward, rolls which shall be prepared under and in accordance with the requirements of this Act and the Electoral Act which shall apply and extend accordingly.

(5) The Electoral Commission is hereby empowered to issue such orders and give such directions as the commission may consider necessary or expedient for the purpose of the compilation in pursuance of this section of electoral rolls.

(5A) Any such orders and directions shall have the force of law and shall be obeyed.

(6) The roll prepared in pursuance of this section for any electoral ward with all corrections of and erasures therefrom made under and pursuant to this Act and the Electoral Act shall be the existing roll of electors for that ward within the meaning and for the purposes of this Act until a new roll of electors for that electoral ward has been prepared under and pursuant to this Act.

(7) Section 17 applies subject to this section.

### *Division 5—Triennial elections and extraordinary vacancies*

#### **Triennial elections**

**16.(1)** A triennial election of the councillors is to be held on 15 March 1997.<sup>2</sup>

(2) However, a regulation may fix a different date for the election.

(2A) Later triennial elections are to be held in every third year after 1997 on the last Saturday in March.

(2B) However, a regulation may fix a different date for a particular year.

(3) For the purposes of each election under this Act, whether—

- (a) a triennial election of the mayor and other councillors; or
- (b) a separate election to fill a vacancy in the office of mayor; or

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<sup>2</sup> See *Local Government Act 1993*, section 812 (Electoral wards of City of Brisbane for 1997 triennial election).

- (c) a separate election by the electors of an electoral ward to fill a vacancy in the office of councillor for that ward—
  - (i) the town clerk shall be the chief returning officer; and
  - (ii) subject to subsection (4) the town clerk shall by signed writing appoint a returning officer for each electoral ward into which the city is divided under this Act.

(4) Save with the written permission of the Minister, a person who is not a returning officer for an electoral district comprised wholly or partially within the city shall not be eligible for appointment as returning officer under subsection (3)(c)(ii).

## **Provisions concerning elections**

### **One vote only**

**17.(1)** At an election of the mayor each elector shall have 1 vote only.

**(1A)** At an election of a councillor (other than the mayor) each elector shall have 1 vote only.

**(2)** The election shall be held on a Saturday.

**(3)** For the purposes of the triennial election of the mayor and other councillors, there shall be an electoral roll for each electoral ward.

**(3A)** The electoral roll for an electoral ward—

- (a) shall consist of the names of all electors registered under the Electoral Act as living in an electoral district or districts or parts thereof comprised within the electoral ward in question on the 31 January in the year in which the triennial election in question is to be held with all corrections of and erasures therefrom made under and pursuant to the Electoral Act;
- (b) shall be in the form prescribed therefor by the Electoral Act subject to all necessary adaptations and shall be prepared by the Electoral Commission at the cost and expense of the council but in lieu of an electoral roll in that form, wherever practicable in the opinion of the Electoral Commission, use may be made of the electoral roll or rolls (as compiled up to the 31 January in the year in which the triennial election in

question is to be held) of the electoral district or districts wholly or partly comprised within the electoral ward in question with all corrections and erasures therefrom under and pursuant to the Electoral Act and with such eliminations from or corrections in such electoral roll or rolls as are necessary in consequence of a part or parts of any electoral district in question not being comprised within the electoral ward in question.

**(3B)** The electoral roll prepared in pursuance of subsection (3A) for an electoral ward shall be the roll of electors entitled to vote in that electoral ward and shall be conclusive evidence of the title of every person therein named to vote.

**(4)** The chief returning officer shall give public notice of every election by advertisement in some newspaper published in the city, and the notice shall specify a day not less than 14 nor more than 21 days after the publication of the notice of election as the day of nomination.

**(5)** The Electoral Act applies to the conduct of elections with any necessary changes and any changes prescribed by regulation.

**(6)** For the purpose of applying the Electoral Act to elections—

- (a) the chief returning officer has the powers and functions of the Electoral Commission and returning officers under the Electoral Act; and
- (b) returning officers have the powers and functions of returning officers under the Electoral Act.

**(7)** The chief returning officer may delegate the officer's powers under this Act to a returning officer.

### ***Division 6—Members of council***

#### **Remuneration of mayor and councillors**

**22.(1)** Subject to this section the mayor and other councillors shall respectively be entitled to be paid from the city fund salaries at such rates per annum as the council shall from time to time determine.

**(1A)** Salaries as aforesaid may be determined by the council

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differentially according to the following classes of offices—

- (a) the mayor;
- (b) the deputy mayor;
- (c) the leader of the opposition;
- (d) the chairperson of the council;
- (e) the respective chairpersons of standing committees of the council;
- (f) other councillors;

but the council shall not have power to differentiate between the respective salaries of the councillors holding the offices specified in paragraph (e), or between the respective salaries of councillors specified in paragraph (f).

**(1B)** However—

- (a) the mayor shall be entitled to receive in addition to salary such allowance for expenses as the council may from time to time determine;
- (b) if the deputy mayor is also the chairperson of a standing committee of the council—the deputy mayor shall, while the deputy mayor continues to hold both of those offices, be entitled to be paid the salary of whichever of them is the higher, but the deputy mayor shall not be entitled to be paid, and shall not be paid, both of those salaries;
- (c) during any time during which the mayor is prevented by absence, illness, or otherwise howsoever from performing the duties of that office, the deputy mayor may be paid from the city fund such additional salary as the council may in the circumstances determine, but so that such additional salary shall not together with the salary payable to the deputy mayor as such (or, if the deputy mayor is paid salary as the chairperson of a standing committee of the council, together with the salary payable to the deputy mayor as such chairperson) exceed the rate of salary payable for the time being to the mayor;
- (d) unless otherwise determined by the council, any additional salary determined by the council to be payable to the deputy mayor under the provisions of paragraph (c) shall be deducted from the salary payable for the time being to the mayor.

(2) Every councillor, including the mayor, shall be entitled to be paid monthly the salary lawfully payable under this section in respect of the office for the time being held by the councillor until he or she vacates that office.

### **Superannuation benefits for councillors**

**23.(1)** In this section—

“**scheme**” means a superannuation scheme for councillors.

(2) The council may—

- (a) establish and amend a scheme; or
- (b) join in establishing and amending a scheme; or
- (c) take part in a scheme.

(3) However, the council may not establish or take part in a scheme—

- (a) under which the council is required to contribute to the scheme for a person who has ceased to be a councillor; or
- (b) that does not meet the requirements of the *Superannuation Industry (Supervision) Act 1993* (Cwlth).

(4) If the council acts under subsection (2), it may pay an amount from the city fund by way of a subsidy or contribution to the scheme.

### **Mayor**

**23A.** The mayor shall—

- (a) be a member ex officio of each committee appointed from among the councillors of the council; and
- (b) have power to formulate general policies concerning the government of the city and shall be responsible to the council for the control of the working and business of that government and for implementing policies adopted by the council; and
- (c) exercise such other powers, discharge such other functions and perform such other duties as are assigned or delegated to the mayor under this Act.

**Deputy mayor**

**24.** The council, at its first meeting after the date of the constitution of the council and thereafter at its first meeting after each triennial election, shall appoint from amongst the councillors (other than the mayor) a person to be deputy mayor, who, subject to this Act, shall hold that office until the conclusion of the next triennial election.

**Acting appointment during absence of mayor and deputy mayor**

**24A.** If the mayor and deputy mayor are at any time prevented by absence, illness, or otherwise from performing the duties of the office of mayor, the council shall have power to appoint another councillor to act as mayor during such time as the mayor and deputy mayor are prevented by absence, illness, or otherwise from performing the duties of the office of mayor, and such councillor while so acting may do all acts that the mayor as such may do.

*Division 7—Town clerk and officers and employees of council***Town clerk**

**25.** There shall be a town clerk, to be appointed by the council.

**Disclosure by officers of interest in contracts**

**25B.(1)** If it comes to the knowledge of an officer employed by the council that a contract in which the officer has any pecuniary interest, whether direct or indirect (not being a contract to which the officer is personally a party) has been, or is proposed to be, entered into by the council, the officer shall as soon as practicable give notice in writing to the council of the fact that he or she is interested therein.

**(1A)** For the purposes of subsection (1) an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if the officer would have been so treated by virtue of section 25A(2) or (3) had the officer been a councillor.

**(2)** An officer of the council shall not, under cover or by virtue of office

or employment, exact or accept any fee or reward whatsoever other than the officer's proper remuneration.

(3) If any officer fails to comply with the provisions of subsection 1 or contravenes any of the provisions of subsection 2, the officer shall for each offence be liable on summary conviction to a fine not exceeding \$200.

(4) Every officer employed by the council who exacts or accepts on account of anything done by virtue of office or in relation to any matters to be done under this Act or any other Act whereby powers or duties are conferred or imposed upon the council any fee or reward, other than the salary or allowance allowed by the council, or who is in any wise concerned or interested in any bargain or contract made by the council shall, in addition to any other penalty incurred by the officer under this Act or any other Act, be incapable of being afterwards employed by the council or any local government for a period of 5 years.

### **Appeal by officer against promotion of other officer**

**25C.(1)** If a vacancy in, or a new office created in, a unit of administration of the council is filled by the promotion (whether with or without transfer) of an officer of that or another unit of administration, any officer employed by the council who considers himself or herself more entitled to the promotion than the officer who has been promoted may appeal against such promotion of such other officer to an appeal board which shall be constituted in the manner set forth in schedule 3 for the purpose of such appeal.

(1A) However, an appeal shall not lie—

- (a) in respect of a promotion made to an office in the administrative division; or
- (b) by an officer who, having attained the age of 65 years, has been continued in the service of the council.

(1B) Also, that the administrative division shall include permanent heads of the units of administration of the council and all other officers whose offices the council from time to time directs to be included in that division.

### **Ground of appeal**

(2) Such appeal may be made on the ground of superior efficiency or

equal efficiency and seniority to the officer promoted.

### **Schedule 3**

(3) The provisions of schedule 3 shall apply and extend to appeals under this section.

### **Appeal by employee against disciplinary action**

**25D.(1)** In this section and in schedule 3 in its application and extension to appeals under this section—

“**employee**” includes the town clerk, the permanent head of the units of administration of the council and every other officer or employee of the council.

“**otherwise discipline**” means disgraced or fined or dealt with in any other manner other than being dismissed.

(2) Any employee of the council who has been dismissed from the employment of the council or who has been otherwise disciplined by or on behalf of the council on the ground of misconduct or unfitness, or neglect of or violation of or absence from duty, or any other offence against discipline, or on any other ground, or without any ground having been given or reason having been assigned may appeal to the appeal board referred to in schedule 3 which shall be constituted for the purposes of such appeal.

(3) Where an employee is dismissed or otherwise disciplined on any ground pursuant to subsection (2), such ground shall be furnished in writing to the employee by or on behalf of the council at the time the employee is notified he or she is dismissed or otherwise disciplined.

(4) Where an employee appeals to the appeal board under this section against being dismissed or otherwise disciplined, the grounds furnished to the employee by or on behalf of the council in accordance with subsection (3) shall be the grounds on which the employee was dismissed or otherwise disciplined and no other grounds shall be advanced against the employee.

(5) An appeal under this section may be made on the ground of innocence of the charge or of any act, omission, matter or conduct meriting being dismissed or otherwise disciplined, as the case may be, or excessive severity of the punishment.



(6) Where an employee appeals to the appeal board under this section against being dismissed or otherwise disciplined and no grounds for being dismissed or otherwise disciplined have been furnished in writing to the employee by or on behalf of the council at the time the employee is notified he or she is dismissed or otherwise disciplined, the appeal board, on being satisfied that no grounds have been furnished as aforesaid, shall determine that the appeal is allowed and—

- (a) where the appeal is against being dismissed—that the employee be reinstated;
- (b) where the appeal is against being otherwise disciplined—that the employee be in all respects in no less favourable a position than the employee would have been had the employee not been otherwise disciplined;

and, subject to this section and to schedule 3, every such determination shall have effect according to its tenor.

(7) In the hearing of an appeal on the ground of excessive severity of the punishment, the board shall take into consideration the previous record of the appellant.

(8) The provisions of schedule 3 shall apply and extend to appeals under this section.

### **Superannuation scheme for employees**

**25E.(1)** In this section—

“**scheme**” means a superannuation scheme for council employees.

(2) The council may—

- (a) establish and amend a scheme; or
- (b) join in establishing and amending a scheme; or
- (c) take part in a scheme.

(3) However, the council may not establish or take part in a scheme that does not meet the requirements of the *Superannuation Industry (Supervision) Act 1993* (Cwlth).

(4) If the council acts under subsection (2), it may pay an amount from the city fund by way of a subsidy or contribution to the scheme.

**Division 8—Botanic gardens****Control of botanic gardens**

**32.(1)** In this section—

**“botanic gardens”** means all that parcel of land situated in the county of Stanley, parish of North Brisbane, City of Brisbane, comprising an area of 57 ac and 3 rd or thereabouts, which was duly constituted a reserve for botanic gardens by an order in council published in the gazette on 1 July 1916, and which said order in council was amended by an order in council published in the gazette on the 12 August 1916, excluding from such parcel of land the land which is occupied by a building known as “the Botanic Museum,” and also so much land as is sufficient to form a convenient curtilage for such museum, together with a reservation of a public right of way to and from the said museum, and such other reservations as may be deemed necessary, which excluded part of the said reserve shall be described, declared, and defined by an order in council published in the gazette.

**(2)** On and after 1 October 1925, the council shall control, manage, and maintain the Botanic Gardens, and the Botanic Gardens shall be deemed for all purposes of this Act to have been established by the council as a reserve for botanic gardens and a public park under this Act.

**(3)** On and after 1 October 1925, the Botanic Gardens shall by virtue of this Act be deemed to be permanently placed under the control of the council for the purposes declared in the aforesaid orders in council creating the said reserve and for no other purposes whatsoever, and the council shall be the trustees of the Botanic Gardens as a reserve within the meaning of the *Land Act 1994*.

**(8)** Without limiting its general power to make local laws under this Act, the council is expressly empowered to make all such local laws under this Act as it deems proper relating to the control, management, improvement, maintenance, use, and good government of the Botanic Gardens.

**(9)** However, until the council has made other provision by local law in that behalf the by-laws made by the trustees of the said reserve, a copy whereof was published in the gazette on 1 July 1916, shall remain in force with respect to the Botanic Gardens and shall be administered by the council; and for that purpose the said by-laws shall be construed as if

references therein to the ‘Minister’ and ‘gardens,’ respectively, were references to the ‘council’ and the ‘Botanic Gardens’ respectively.

### *Division 9—Powers and jurisdiction*

#### **Bridges**

**36A.(1)** This section applies to a bridge if it—

- (a) crosses a tidal river, creek or stream or other tidal water; and
- (b) has 1 or both ends in the city.

**(3)** The council may assume responsibility from other persons for bridges and their approaches.

**(4)** The council may renew, modify, extend or enlarge a bridge (“**council bridge**”)—

- (a) that it controlled immediately before the commencement of this section; or
- (b) that it constructs under subsection (2); or
- (c) for which it assumes responsibility under subsection (3).

**(5)** In acting under subsections (3) and (4), the council must ensure that the requirements of the *Harbours Act 1955*, section 86 of that apply to the bridge are complied with.

**(6)** The council may maintain, manage, control and regulate the use of a council bridge.

**(7)** If only 1 end of a council bridge is within the city, the council must ensure that the following restrictions, conditions and terms are complied with in relation to the bridge—

- (a) restrictions, conditions and terms fixed by the Governor in Council before the commencement of this section;
- (b) restrictions and terms fixed by regulation after the commencement.

**(8)** Subject to any applicable restriction, condition or term mentioned in subsection (7)—

- (a) local laws apply to a council bridge as if the whole of the bridge were within the city; and
- (b) the whole of the bridge is taken, for the purposes of any Act, to be a road within the city.

(9) The *Local Government Act 1936*, section 52(9)(i) applies to a council bridge.

### **Acquisition of land**

**37.(1)** For the purpose of taking any land granted in fee simple required for any purpose of this Act, Brisbane City Council shall be a constructing authority under the *Acquisition of Land Act 1967*, and, subject to this Act, that Act shall apply and extend accordingly.

(2) The council may expend moneys from the city fund for the purpose of making surveys and obtaining plans, estimates, and reports as to the cost or desirability of taking any lands for any purpose of this Act.

(2A) However, in the event of such lands being taken by the council such preliminary expenditure shall be charged to the special account to which the cost of such taking is charged.

(3) The council may in respect of land taken by it as a constructing authority under the *Acquisition of Land Act 1967* do all or any of the following things—

- (a) demolish, alter, improve or retain any buildings or erections thereon;
- (b) construct or erect new buildings thereon;
- (c) dedicate any part thereof and construct the same as a road for public use;
- (d) generally alter, remodel and improve such land and in such manner as it may think fit;
- (e) with the prior approval of the Minister, lease the whole or any part of such land for such periods and on such terms and conditions as it may think fit until such time as the land may be required for the purpose for which it was taken;
- (f) if the land or any part thereof is found to be not required for the

purpose for which it was taken, with the prior approval of the Minister sell the same.

### *Division 11—Administration*

#### **Administration of council business**

**39A.(1)** The council may, notwithstanding the provisions of any local law, whether the local law was made before or after the commencement of the *City of Brisbane Act Amendment Act 1986*, section 18 from time to time by resolution—

- (a) establish or abolish a unit of administration or establish or alter its structure including the structure of its subunits of administration;
- (b) assign a name to or alter the name of a unit of administration or subunit of administration;
- (c) determine the matters to be administered by a unit of administration or subunit of administration;
- (d) create or abolish an office of permanent head of a unit of administration and assign a title to or alter the title of an office of permanent head;
- (e) make such other administrative arrangements in respect of the working and business of the council as it thinks fit.

**(2)** Where there is in any Act other than this Act a reference to a unit of administration named therein, the council shall not make a resolution under subsection (1) abolishing that unit of administration or altering its name without the approval of the Governor in Council first had and obtained.

**(2A)** Where the council makes a resolution in breach of subsection (2), the resolution shall be void and of no effect.

**(3)** The power of the council to make a resolution for the purposes of subsection (1)(c) or (e) includes the power to make a resolution that deems one of its administrative bodies to be another such administrative body for the purpose of 1 of the following having effect—

- (a) an agreement, contract, deed or other document, instrument or writing made or issued by the council or by an administrative

body or to which the council or an administrative body is a party, that contains a reference to an administrative body;

- (b) a provision of this Act that contains a reference to an administrative body;
- (c) a provision of any other Act including an instrument of subordinate legislation thereunder that contains a reference to an administrative body.

**(3A)** For the purposes of subsection (3), other than paragraph (b), the mayor shall be deemed to be an administrative body.

**(3B)** Where the council makes a resolution under subsection (3) the document, instrument, writing or provision shall be read and construed so as to give effect to the resolution.

**(4)** The council shall not make a resolution pursuant to subsection (3) in respect of a provision defined in subsection (3)(c) without the approval of the Governor in Council first had and obtained.

**(4A)** Where the council makes a resolution in breach of subsection (4), the resolution shall be void and of no effect.

**(5)** A resolution made pursuant to subsection (3) may be in respect of a specified reference or class thereof, a specified document, instrument or writing or class thereof, or a specified provision or class thereof, including a class of instrument of subordinate legislation.

**(6)** Subject to this Act, the permanent head of a unit of administration shall be responsible for its general working and for all the business thereof and shall be responsible to the town clerk in respect thereof.

## **Delegation**

**39B.** The council may, by resolution, delegate its powers (other than a power that it is required to exercise by resolution) to—

- (a) the mayor; or
- (b) a committee of the council; or
- (c) an officer or employee of the council; or
- (d) a board or committee consisting of officers and employees of the council.

**Council register**

**39C.(1)** The council shall maintain a register that shows in a consolidated form—

- (a) committees appointed from among its councillors;
- (b) the administrative structure of the council service including its units and major subunits of administration, boards and members thereof, significant offices and holders thereof, including the names of the permanent heads of the units of administration;
- (c) the administrative bodies within the council service that are deemed to be other administrative bodies by reason of resolutions made by the council pursuant to section 39A(3) and the purposes for which they are so deemed;
- (d) the significant decision making processes of the council, including any delegations currently in force;
- (e) such other information as the council thinks fit or the Governor in Council prescribes by regulation.

**(2)** The register required under subsection (1) shall be kept available for public inspection at its office.

**(2A)** The council shall keep at its office copies of the register in a printed form for sale to the public at a charge not exceeding the cost of printing.

**(3)** The council shall maintain at its office and open to public inspection a record of all resolutions made by the council under section 39A and section 39B together with an explanation of the practical effect of those resolutions upon the matters and things referred to in subsection (1)(a) to (e).

**(4)** A register or record required to be kept by this section may be kept in printed form or by electrical, mechanical or other device.

***Division 12—Contracts and tendering*****Formalities of making etc. of contracts**

**40.(1)** For the purposes of the formalities of making, varying or discharging contracts, a delegate or other person acting with the authority of

the council may make, vary or discharge a contract in the name of, or on behalf of, the council in the same way as if the contract were made, varied or discharged by an individual.

(2) The making, varying or discharging of a contract under subsection (1) is effective in law and binds the council and other parties to the contract.

(3) This section does not prevent the council from making, varying or discharging a contract under its seal.

(4) This section does not affect the operation of any law that requires—

- (a) a consent or sanction to be obtained; or
- (b) a procedure to be complied with in relation to the making, varying or discharging of a contract.

### **Limitation on entering into contracts under delegation**

41. A delegate of the council may make a contract on behalf of, or in the name of the council, only if—

- (a) provision has been made for meeting the cost of the contract in the council's approved budget; or
- (b) the entering into of the contract has been approved by the council in a case of emergency.

### **Requirements for tenders and quotations**

42.(1) The council must invite tenders before making a contract for the carrying out of work, or the supply of goods or services, involving expenditure of more than—

- (a) \$100 000; or
- (b) if a greater amount is prescribed for the purposes of this subsection—that amount.

(2) Tenders must be invited by notice, published at least 7 days before the entering into of the contract, in a newspaper circulating in the city.

(3) The council must seek quotations before making a contract (other than a contract mentioned in subsection (1)) for the carrying out of work, or



the supply of goods or services, involving expenditure of more than—

- (a) \$50 000; or
- (b) if a greater amount is prescribed for the purposes of this subsection—that amount.

**(4)** In seeking quotations, the council must act in a way that will, in its opinion, ensure that it receives a reasonable number of competitive quotations.

**(5)** Subsections (1) and (3) do not apply to a contract if the council resolves that it is of the opinion—

- (a) that, because of the unavailability of competitive or reliable tenderers or quoters, a satisfactory result would not be achieved by inviting tenders or seeking quotations; or
- (b) that a specification for inviting tenders or seeking quotations cannot be written because of the nature of the proposed subject matter of the contract; or
- (c) that the making of the contract without inviting tenders or seeking quotations is in the public interest.

**(6)** A resolution made for the purposes of subsection (5)—

- (a) must specify reasons for the opinion mentioned in it; and
- (b) may relate to a particular contract or a class of contracts; and
- (c) in the case of a resolution relating to a class of contracts—expires 1 year after it is made.

**(7)** This section does not apply to the following contracts—

- (a) a contract made with—
  - (i) the Crown; or
  - (ii) another local government; or
  - (iii) a public authority of the Crown;
- (b) a contract for purchase at public auction;
- (c) a contract for the purchase of goods or services under arrangements made by—
  - (i) the Crown; or

- (ii) another local government;
- (d) a contract for the engagement of professional services if—
  - (i) the services are to be performed by a professionally qualified person; and
  - (ii) a professionally recognised scale of fees applies to the services;
- (e) a contract made in an emergency.

### **Modification of tenders**

**43.(1)** This section applies if—

- (a) the council invites tenders in relation to a contract; and
- (b) the notice inviting tenders states that this section applies to the making of the contract.

**(2)** Before making a decision on the tenders, the council may invite all the persons who have submitted a tender to modify their tender.

**(3)** If the council decides not to accept any tender, it may invite any person who submitted a tender to modify the tender.

**(4)** If the council invites a person under subsection (3) to modify a tender, it must give a copy of its reasons for inviting that person to modify the tender to all persons who submitted a tender.

**(5)** This section applies despite section 42.

### **Short-listing after calling for expressions of interest**

**44.(1)** This section applies to a contract mentioned in section 42(1) if the council resolves that it is of the opinion that the making of the contract under this section is in the public interest.

**(2)** The council must invite expressions of interest for the making of a contract to which this section applies.

**(3)** The expressions of interest must be invited by notice in a newspaper circulating in the city.

**(4)** The council may prepare a short list of persons from the persons who

submit expressions of interest.

(5) If—

- (a) the council prepares the short list; and
- (b) the council invites tenders from all the persons on the short list;

section 42 does not apply to the making of the contract.

(6) A resolution under subsection (1)—

- (a) must specify reasons for the opinion expressed in it; and
- (b) may relate to a particular contract or a class of contracts; and
- (c) in the case of a resolution relating to a class of contracts—expires 1 year after it is made.

### **Acceptance of tender or quotation**

**45.(1)** If the council decides to accept a tender or quotation, it must accept the tender or quotation most advantageous to it.

(2) The tender or quotation accepted need not be the cheapest.

(3) The council may decide not to accept any tender or quotation available to it.

### **Sale of goods etc.**

**46.(1)** The council must invite tenders, or sell by public auction, if it wishes to dispose of goods or land with an apparent value greater than—

- (a) \$500; or
- (b) if a greater amount is prescribed for the purposes of this section—that amount.

(2) This section does not apply to a disposal of goods or land if the council resolves that it is of the opinion that it is in the public interest that the section should not apply.

(3) A resolution under subsection (2)—

- (a) must specify reasons for the opinion expressed in it; and
- (b) may relate to a particular disposal or a class of disposal; and

- (c) in the case of a resolution relating to a class of disposals—expires 1 year after it is made.
- (4) This section does not apply to the disposal of land to—
- (a) the Crown; or
  - (b) another local government; or
  - (c) a public authority of the Crown; or
  - (d) a person or body if the land is to be used for a purpose that would make the land exempt from rating.
- (5) This section does not apply to a disposal of goods or land if—
- (a) the goods or land are offered for sale by tender or public auction and not sold; and
  - (b) the goods or land are sold within 1 year after being offered for sale at a price that is not less than the highest price offered by tender or at the public auction.

## **PART 3—RATES AND CHARGES**

### *Division 1—General*

#### **What land is rateable?**

- 47.(1)** All land is rateable land other than—
- (a) vacant Crown land; or
  - (b) land occupied by or on behalf of—
    - (i) the Crown; or
    - (ii) a Crown instrumentality; or
  - (c) land exempt from rating by regulation; or
  - (d) land used for public, religious, charitable or educational purposes that is exempt from rating under a resolution of the council; or

- (e) the following land under the *Transport Infrastructure Act 1994*—
- (i) strategic port land occupied by a port authority, the State, or a government entity (within the meaning of the *Government Owned Corporations Act 1993*); and
  - (ii) existing or new rail corridor land; and
  - (iii) commercial corridor land that is not subject to a lease.

(2) Subject to subsection (3), land is not occupied on behalf of the Crown or a Crown instrumentality if—

- (a) it is ordinarily used for residential purposes, regardless of whether it is occupied at a particular time; or
- (b) it is ordinarily used for a commercial enterprise, regardless of whether it is used for a commercial purpose at a particular time.

(3) Land is occupied on behalf of the Crown or a Crown instrumentality if it is ordinarily used for residential purposes by a person—

- (a) holding an appointment under, or in the employment of, the Crown or a Crown instrumentality; and
- (b) who is required by the terms of appointment or employment to live on the land.

### **Power to make and levy rates and charges**

**48.** The council may, for a financial year, make and levy—

- (a) a general rate or differential general rates; and
- (b) minimum general rate levies; and
- (c) separate rates and charges; and
- (d) utility charges.

### **Meaning of “general rate” and “differential general rate”**

**49.(1)** A “**general rate**” is a rate (other than a separate rate) made and levied equally on the unimproved value of all rateable land in the city.

**(2)** A “**differential general rate**” is a rate (other than a separate rate) made and levied equally on the unimproved value of all rateable land in the

city included in a category determined by the council for the purpose of levying the rate.

### **Meaning of “minimum general rate levy”**

**50.** A “**minimum general rate**” levy is an amount fixed as the minimum amount payable as a general rate or differential general rate in relation to all or any rateable land in the city.

### **Meaning of “separate rate or charge”**

**51.** A “**separate rate or charge**” is a rate or charge made and levied on all or any rateable land in the city for or towards meeting the cost of any works, services, facilities or activities supplied or undertaken, or proposed to be supplied or undertaken, by or on behalf of the council.

### **Meaning of “utility charge”**

**52.(1)** A “**utility charge**” is a charge for the supply by the council of water, sewerage or cleansing services to any land, building or structure in the city.

**(2)** In subsection (1)—

“**cleansing services**” includes services for the removal of refuse or recyclable material.

### **Making of rates and charges**

**53.** A rate or charge mentioned in section 48 must be made for a financial year by resolution at the council’s meeting at which its budget for the financial year is adopted.

### **General rate or differential general rates must be made each year**

**54.** The council must make a general rate or differential general rates for each financial year.

**Differential general rates**

**55.(1)** Before a differential general rate is made and levied, rateable land must be categorised into 2 or more categories under division 4.

**(2)** A differential general rate made and levied in relation to rateable land in a category may be the same as or different to the differential general rate made and levied in relation to land in another category.

**(3)** If the council makes and levies a differential general rate for rateable land for a financial year, the council must not make and levy a general rate for the land for the year.

**(4)** A differential general rate may be made and levied in relation to a lot within the meaning of—

(a) the *Building Units and Group Titles Act 1980*; or

(b) the *South Bank Corporation Act 1989*, schedule 7, section 7;

as if it were a parcel of rateable land.

**Minimum general rate levies**

**56.(1)** Rateable land may be identified for the purpose of making and levying a minimum general rate levy in whatever way the council considers appropriate.

**(2)** If the council makes and levies a differential general rate, the council may make and levy different minimum general rate levies in relation to rateable land in different categories.

**Separate rates and charges**

**57.(1)** A separate rate or charge must be made and levied on the rateable land in the city that, in the council's opinion, has benefited or will benefit from, or has or will have access to, the work, service, facility or activity because of which the rate or charge is made and levied.

**(2)** A separate rate or charge may be made and levied on such bases as the council considers appropriate.

**(3)** The council's resolution making a separate rate or charge must identify the rateable land to which the rate or charge applies.

(4) Parcels of rateable land may be identified for the purpose of making and levying a separate rate or charge in whatever way the council considers appropriate.

### **Utility charges**

**58.(1)** Utility charges may be made and levied for supplying water or sewerage services to any land (whether vacant or occupied), building or structure.

(2) Utility charges may be made and levied during construction of facilities for the purpose of supplying water or sewerage services.

(3) Utility charges may be made and levied for supplying cleansing services (within the meaning of section 52) to any occupied land or any building or structure.

(4) Utility charges may be made and levied in relation to land that is not rateable land.

(5) Utility charges may be made and levied on such bases as the council considers appropriate.

(6) The council may do 1 or more of the following—

- (a) make and levy a utility charge for services supplied or to be supplied during part of the financial year and part of another financial year;
- (b) make and levy differing charges for services supplied or to be supplied during various periods in 1 or more financial years;
- (c) in making and levying differing charges under paragraph (b), decide the way the charges are to be apportioned.

*Examples of application of subsection (6)—*

1. For water used between 30 April 1998 and 31 July 1998, the council may resolve to charge—

- (a) for water used (as measured) during the period 30 April 1998 to 31 July 1998 on the basis of the charge made at the budget meeting for the 1997-1998 financial year; or
- (b) for water used (as measured) during the period 30 April 1998 to 31 July 1998 on the basis of the charge made at the budget meeting for the 1998-1999 financial year; or



*City of Brisbane Act 1924*

- (c) for—
- (i) water used (as measured) during the period 30 April 1998 to 30 June 1998 on the basis of the charge made at the budget meeting for the 1997-1998 financial year; and
  - (ii) water used (as measured) during the period 1 July 1998 to 31 July 1998 on the basis of the charge made at the budget meeting for the 1998-1999 financial year; or
- (d) an apportioned charge for water used during the 2 periods (30 April 1998 to 30 June 1998 and 1 July 1998 to 31 July 1998) on the basis of—
- (i) the total amount of water used (as measured) during the period 30 April 1998 to 31 July 1998—93 days—being apportioned to each period according to the respective lengths of the periods—62 days and 31 days respectively; or
  - (ii) another basis set out in the resolution.

2. The council may resolve to charge for water supplied between 1 July 1998 and 30 June 1999—

- (a) for the period 1 July 1998 to 28 February 1999—a flat charge of \$300 with an excess charge of \$1 per kL of water used greater than 350 kL; and
- (b) for the period 1 March 1999 to 30 June 1999—an amount based on the actual consumption of water during the period.

**(7)** Despite subsection (6), the council must not for a financial year make and levy a utility charge for services supplied or to be supplied other than in that, the previous or the next financial year.

**(8)** Charges made and levied in accordance with a decision under subsection (6) are lawfully made and levied under this Act.

**(9)** Subsections (6) to (8) apply despite the reference in sections 48 and 53<sup>3</sup> to the making and levying of rates and charges for a financial year.

**(10)** If—

- (a) a meter or other measuring device is to be read on a particular day for working out the amount of a charge to be levied by the council for a service; and
- (b) the council resolves to apply this subsection to the reading of meters or other measuring devices;

<sup>3</sup> Sections 48 (Power to make and levy rates and charges) and 53 (Making of rates and charges)

it is taken to have been read on that day if it is read within a period of 2 weeks before or after the day.

*Example for subsection (10)—*

If the council resolves to apply this subsection to the supply of water that is to be charged on the basis of usage for a period ended 30 April and a meter is read on 10 May, that reading is taken to be the reading at 30 April for the purposes of calculating the water usage during the period.

**(11)** Subsection (10) does not restrict the council's power to make local laws relating to other aspects of the administration of metered consumption of water.

*Example for subsection (11)—*

A local law may be made to provide for water consumption to be estimated on the basis of the best information reasonably available if a water meter is found to be malfunctioning or inoperative during any period of consumption.

## **General charges**

**59.(1)** The council may, by local law or resolution, fix charges in relation to—

- (a) providing an entitlement, facility, service or thing; or
- (b) granting an approval, consent, licence, permission or registration; or
- (c) giving information; or
- (d) admitting a person to a building, structure or place; or
- (e) making to it of any application; or
- (f) recording a change of ownership.

**(2)** A charge mentioned in subsection (1) is a general charge.

## ***Division 2—Levying of rates***

### **Levying rates**

**60.(1)** A rate must be levied by a rate notice given to—

- (a) in the case of a utility charge in relation to a structure or land that

is not rateable land—the person at whose request the service is supplied; and

- (b) in any other case—the owner of the land in relation to which the rate is levied.

(2) A rate notice must specify the date of its issue.

(3) A rate must be levied—

- (a) in the case of a utility charge for supply of a water service based on the quantity of water supplied during a period as ascertained by measurement at intervals—in relation to any intervals the council considers appropriate; and
- (b) in any other case—in relation to the whole, a half or a quarter of the financial year for which the rate is levied, as the council considers appropriate.

(4) In this section—

“**person**” includes the Crown.

### **Rate may be levied or adjusted after end of financial year**

**61.** The council may, in a financial year, levy a rate, or adjust a rate levy, even though its resolution for making the rate was made in relation to an earlier financial year.

### **Person who is liable to pay rate**

**62.(1)** Subject to subsection (2), the owner for the time being of land is liable to pay any rate levied by the council that is applicable to the land.

(2) The person at whose request a utility service is supplied to land that is not rateable land, or to a structure, is liable to pay any rate levied by the council for supplying the service.

(3) If there is more than 1 owner or other person liable to pay a rate, all the owners or other persons are jointly and severally liable.

(4) In this section—

“**person**” includes the Crown.

**Liability to pay rate if change of ownership etc.**

**63.(1)** The council may recover the whole amount of a rate for which an owner of rateable land is liable from the owner for the time being of the land despite a change in ownership of the land during the period for which the rate is levied.

**(2)** If land ceases to be rateable land because of—

- (a) termination of the tenure of a holding; or
- (b) surrender or forfeiture of the land to the Crown; or
- (c) acquisition of the land by the Crown; or
- (d) exemption of the land from rating; or
- (e) the property description of the land ceasing to exist;

the owner of the land immediately before it ceased to be rateable land is taken to continue as the owner of the land, and the land is taken to continue to be rateable land, for the purpose of the levy and collection of a rate payable in relation to the land before it ceased to be rateable land.

**Payment of rates**

**64.(1)** A rate is payable at the council's office.

**(2)** Payment of a rate may be accepted at—

- (a) another place maintained by the council for the purpose; or
- (b) a place of business of a person appointed by the council for the purpose.

**Time for payment of rates and recovery of rates**

**65.** A rate is payable to the council within 30 days after the date of issue of the rate notice by which it is levied.

**Payment by instalments**

**66.(1)** At the meeting at which its budget is adopted, the council may resolve that a rate may be paid by instalments on the terms specified in the resolution.

(2) The terms may provide for payment of a premium.

(3) Section 67 does not apply to payment of the rate if the terms applicable to the payment of the rate are met.

(4) The terms may make provision in relation to—

- (a) the application of section 67 to the payment of the rate; and
- (b) the immediate payment of future instalments;

if the terms applicable to the payment of the rate are not met.

### **Unpaid rate may bear interest**

**67.(1)** If the full amount of a rate is not paid to the council within 30 days after the date of issue of the rate notice by which the rate is levied, the unpaid amount bears interest at a rate determined by the council.

(2) A rate of interest determined under subsection (1) must not exceed—

- (a) the prescribed rate; or
- (b) if there is no prescribed rate—15% per annum;

compounded and calculated on daily rests.

### **Discount for prompt payment**

**68.(1)** If the full amount of a rate is paid to it within 30 days after the date of issue of the rate notice by which the rate is levied, the council may allow a discount determined by it.

(2) The discount must be a percentage of the rate that does not exceed—

- (a) the prescribed rate; or
- (b) if there is no prescribed rate—15%.

(3) If it appears to the council that payment of the full amount of the rate after the period mentioned in subsection (1) is due to circumstances beyond the control of the owner of the relevant land, the council may apply subsection (1) as it considers appropriate, even though payment is not made within the period.

(4) If, when the full amount of the rate is paid to the council, there are unpaid rates levied by it in relation to the same land, subsection (1) has no

application, and cannot be applied under subsection (3), unless all rates levied by the council in relation to the land are paid to it at the same time.

### **Other benefits for prompt payment**

**69.(1)** The council may give, or join in provision of, benefits (other than discounts) as inducements for the prompt payment of rates.

**(2)** In subsection (1)—

“**benefits**” include chances of winning a prize in a lottery conducted by the council.

**(3)** For a lottery conducted by the council solely to provide a benefit for this section—

(a) the *Art Unions and Public Amusements Act 1992* does not apply; and

(b) the council must—

(i) by resolution make rules for the conduct of the lottery; and

(ii) conduct the lottery in accordance with the rules for it.

**(4)** Subsections (2), (3) and this subsection expire on 30 June 1998.

### **Levy of rate on alteration in unimproved value etc.**

**70.(1)** If the unimproved value of rateable land alters, the council must adjust the amount of a rate levied by it by reference to the unimproved value so that the amount levied conforms to the altered unimproved value.

**(2)** If—

(a) land becomes rateable land; or

(b) land is included in a category of land because of section 93(b);

the council must levy any rate applicable to the land.

**(3)** An adjustment under subsection (1) or a levy under subsection (2) has effect on the day on which the altered valuation or valuation of the relevant land is effective.

**(4)** If the description of rateable land ceases, the council must refund to the owner for the time being of the relevant land the amount of any rate paid

in relation to the land for the period after the description ceases.

(5) For the purposes of subsection (4), the owner of land immediately before it ceases to be rateable land is taken to continue as the owner of the land.

### **Adjustment of differential general rate on change in category**

71. If, because of the determination of an objection or appeal under division 4, rateable land that was included in a category for the purpose of levying a differential general rate is taken to be included in another category as at the date of issue of the rate notice by which the rate is levied, the rate must be adjusted having regard to the category in which the land is taken to be included.

### **Refund of excess rate and recovery of shortfall**

72. If an amount of a rate levied or adjusted under section 70(1) or (2) or 71 has been paid, the council—

- (a) must refund to the owner for the time being of the relevant land any amount paid in excess of the rate as adjusted; or
- (b) may recover from the owner for the time being of the relevant land any amount by which the amount paid falls short of the rate as adjusted.

### **Refund of rate on termination of entitlement to occupy**

73. If—

- (a) a rate levied in relation to land that is—
  - (i) a holding; or
  - (ii) occupied under a licence or permission to occupy granted by the Crown; and
- (b) the person who was owner of the land—
  - (i) ceases to occupy the land because of expiry, surrender or forfeiture of the relevant lease, licence or permission; and
  - (ii) has no other entitlement to occupy the land;

the council must refund to the person the amount of any rate paid in relation to the land for the period after the person ceases to be the owner.

### *Division 3—Concessions*

#### **Meaning of “pensioner” in division**

**74.** In this division—

“**pensioner**” means a person in receipt of a pension under a law of the Commonwealth or the State.

#### **Remission, composition and settlement of rates**

**75.(1)** The council may—

- (a) remit a rate in whole or part; or
- (b) accept a composition or another arrangement relating to an unpaid rate.

**(2)** If land in relation to which a rate is levied is free of encumbrance, the council may accept a transfer to it of the land in full or part settlement of an owner’s liability for rates.

**(3)** Section 67 does not apply to payment of a rate if the terms of any agreement made under this section in relation to the rate are met.

**(4)** The terms of any agreement made under this section may make provision in relation to—

- (a) the application of section 67 to the payment of a rate; and
- (b) the immediate payment of future instalments;

if the terms applicable to the payment of the rate are not met.

#### **Deferment of payment of liability**

**76.(1)** The council may enter into an arrangement to defer payment of a rate until a specified time.

**(2)** Deferment of liability may be for the lifetime of an owner of the



relevant land if the owner is a pensioner.

(3) The arrangement may provide for payment of a premium because of deferment of payment of the rate.

(4) Section 67 does not apply to payment under the arrangement if the terms of the arrangement applicable to the payment of the rate are met.

(5) The terms of the arrangement may make provision in relation to—

- (a) the application of section 67 to the payment of the rate; and
- (b) the immediate payment of the rate;

if the terms of the arrangement applicable to the payment of the rate are not met.

### **Resort to section 75 or 76 requires justification**

**77.(1)** The council may exercise a power under section 75 or 76 only if—

- (a) it resolves that the case justifies the exercise of the power; or
- (b) the case is of a kind that has been accepted, by resolution of the council, as justifying the exercise of the power.

(2) Factors that may be accepted as justifying an exercise of power under section 75 or 76 include—

- (a) that the owner of the relevant land is—
  - (i) a pensioner; or
  - (ii) a body whose objects do not include the making of profit; or
- (b) that it appears to the council that the financial circumstances of the owner of the relevant land are such that the owner would suffer hardship by payment of the rates; or
- (c) the assistance or encouragement of economic development of the whole or part of the city; or
- (d) the preservation, restoration or maintenance of buildings or places of cultural, environmental, historic, heritage or scientific significance to the city; or
- (e) another factor prescribed for the purposes of this section.

**Remission for occupancy by pensioners**

**78.(1)** The council may remit, in whole or part, the payment of a rate if the land is occupied, but not owned, only by pensioners or by pensioners and other persons.

**(2)** If the land is occupied only by pensioners, the council may exercise the power under subsection (1) only if the owner of the land has given a binding undertaking to the council that the benefit of the remission will be extended to each pensioner.

**(3)** If land is occupied by pensioners and other persons, the council may exercise the power under subsection (1) only—

- (a)** in relation to the portion of the rate accepted by it to be fairly apportionable to the parts of the land in which a pensioner has rights to exclusive occupancy; and
- (b)** if the owner of the land has given a binding undertaking to the council that the benefit of the remission will be extended to each pensioner.

**Exercise of concession powers requires owner's application**

**79.** The council may exercise a power under section 75, 76 or 78 only on the application of the owner of the relevant land made in the form and way approved by the council.

**Limitation of increase in rate levied**

**80.(1)** When the council resolves to make and levy a rate, it may also resolve that, in relation to all or specified classes of land, the amount levied will not be more than the amount of that rate levied for the previous financial year increased by a specified percentage.

**(2)** The resolution may specify different percentages in relation to—

- (a)** different land or classes of land; or
- (b)** different rates.

***Division 4—Categorisation of land for differential rating*****Establishing criteria and categories**

**81.** Before the council makes and levies a differential general rate for a financial year, it must, by resolution, determine—

- (a) the categories into which rateable land in the city is to be categorised; and
- (b) the criteria by which land is to be categorised.

**Identification of categories for parcels of land**

**82.(1)** After the categories and criteria have been determined under section 81, all rateable land in the city must be categorised by—

- (a) the council identifying the category in which each parcel of rateable land is included; or
- (b) the chief executive (valuations), at the request of the council, identifying the category in which each parcel of rateable land is included.

**(2)** If the chief executive (valuations) identifies the category in which a parcel of rateable land is included, the chief executive (valuations) must give written notice to the council of the category of the parcel.

**(3)** If the chief executive (valuations) is unable to identify the category in which a parcel of rateable land is included, the chief executive (valuations) must give written notice to the council.

**(4)** The category in which a parcel of rateable land is included may be identified in whatever way the chief executive (valuations) or the council, as the case may be, considers appropriate.

**Specification of categories for parcels of land**

**83.(1)** If the council resolves to make and levy a differential general rate, the resolution must specify the categories in which rateable land is to be included.

- (2)** Parcels of rateable land may be identified in whatever way the council

considers appropriate.

(3) The accidental omission from categorisation of parcels of rateable land does not prevent the making and levying of the differential general rate.

### **Entry on land to assist differential rating**

**84.(1)** This section applies to—

- (a) a person authorised by the council for the purposes of this section; and
- (b) the chief executive (valuations); and
- (c) a person authorised by the chief executive (valuations) for the purposes of this section; and
- (d) a member of the Land Court; and
- (e) a person authorised by a member of the Land Court for the purposes of this section.

(2) For the purpose of—

- (a) determining the categories into which rateable land in the city is to be categorised or the criteria by which it is to be categorised; or
- (b) identifying the category in which a parcel of rateable land should be included; or
- (c) deciding an objection or appeal relating to the categorisation of land;

a person to whom this section applies may—

- (d) enter on land at any reasonable time; and
- (e) inspect the land and the uses made of the land; and
- (f) do anything reasonably necessary to exercise the powers under paragraphs (d) and (e).

(3) Before entering on the land, the person must—

- (a) obtain the consent of an owner of the land; or
- (b) give at least 14 days notice to the owner of the land of—
  - (i) the person's intention to enter on the land; and

- (ii) the proposed purpose in entering on the land; and
- (iii) the day and time when the person proposes to enter the land.

(4) In exercising a power under this section, a person must take all reasonable steps to ensure that the person causes as little inconvenience, and does as little damage, as is practicable.

### **Notice to owner of categorisation**

**85.** A rate notice given to the owner of rateable land by which a differential general rate is levied must contain, or be accompanied by, a statement that—

- (a) specifies the categories of rateable land in the city and the criteria by which land is categorised; and
- (b) specifies the category in which the rateable land is included; and
- (c) informs the owner—
  - (i) whether the category in which the land is included was identified by the council or the chief executive (valuations) (the “**decision maker**”); and
  - (ii) that the owner may object to the categorisation of the land by giving to the decision maker notice of objection, in the form approved by the decision maker, within 30 days after the date of issue of the rate notice or such further period as the decision maker allows; and
  - (iii) that the sole ground on which the owner may object is that, having regard to the criteria determined by the council for categorising rateable land, the land should have been included, as at the date of issue of the rate notice, in another of the categories specified in the statement; and
  - (iv) that giving a notice of objection will not, in the meantime, affect the levy and recovery of the rates specified in the rate notice; and
  - (v) that if, because of objection made, the owner’s land is included, as at the date of issue of the rate notice, in another category an adjustment of rates will be made.

**Owner's objection to categorisation**

**86.(1)** An owner of rateable land in relation to which a differential general rate is levied may object to the categorisation of the land on the sole ground that, having regard to the criteria determined by the council for categorising rateable land, the land should have been included, as at the date of issue of the relevant rate notice, in another of the categories determined by the council.

**(2)** The objection must be made by giving notice of the objection to the decision maker.

**(3)** The notice of the objection must—

- (a) be given within 30 days after the date of issue of the rate notice or such further period as the decision maker allows; and
- (b) be in a form approved by the decision maker; and
- (c) nominate the category determined by the council for the differential general rate in which the owner claims the land should have been included; and
- (d) specify the facts and circumstances on which the claim is based.

**Determination of owner's objection**

**87.(1)** If the owner of rateable land objects to the categorisation of the land, a person authorised by the decision maker for the purpose must—

- (a) consider the categorisation of land to which objection is made; and
- (b) consider the matters claimed by the objector.

**(2)** The person may—

- (a) allow the objection; or
- (b) disallow the objection; or
- (c) determine that the land should be included in another category determined by the council for the differential general rate.

**(3)** The person must determine the objection, and give written notice to the owner of the determination, within 60 days after the end of the period within which the objection had to be made.

(4) The notice of determination of the objection must include the reasons for the determination.

### **Effect of determinations**

**88.(1)** Unless it is set aside on appeal, the determination of an objection to the categorisation of land has effect as provided by this section.

(2) If the determination allows the objection, the land is taken to be included, for the period for which the relevant rate notice is issued, in the category nominated by the objector in the notice of objection.

(3) If the determination disallows the objection, the land continues to be included in the category specified in the relevant rate notice.

(4) If the determination is that the land should be in another category, the land is to be included in the category for the period for which the relevant rate notice is issued.

### **Appeal against determination**

**89.(1)** If the owner of rateable land is aggrieved by—

- (a) the determination of an objection to the categorisation of the land;  
or
- (b) the refusal by the decision maker to allow a further period to give a notice of objection;

the owner may appeal to the Land Court against the determination or refusal.

(2) The appeal must be instituted by filing a notice of appeal in the Land Court registry.

(3) The notice of appeal must—

- (a) be filed within 30 days after the owner received notice of the determination of the objection or the refusal; and
- (b) be in a form approved by the Land Court.

(4) A copy of the notice of appeal must be given to the decision maker within 7 days after the notice of appeal is filed in the Land Court registry.

(5) Failure to comply with subsection (4) does not affect the making of the appeal or the jurisdiction of the Land Court to determine the appeal, but costs of any adjournment caused by the failure may be awarded against the owner of the land.

### **Constitution and procedure of Land Court**

**90.(1)** When exercising jurisdiction in an appeal under this division, the Land Court—

- (a) is constituted by 1 member; and
- (b) may sit in chambers; and
- (c) is not bound by rules of evidence.

(2) The appeal is to be conducted as directed by the Land Court with a view to its prompt disposal.

### **Determination of appeal by Land Court**

**91.(1)** On the hearing of an appeal against the determination of an objection to the categorisation of land, the Land Court may—

- (a) set aside the determination and determine that the land should be included in a different category determined by the council for the differential general rate; or
- (b) disallow the appeal.

(2) On the hearing of an appeal against a refusal to allow a further period to give a notice of objection, the Land Court may—

- (a) allow a further period to give the notice; or
- (b) disallow the appeal.

(3) If the Land Court sets aside the determination of the objection, the land is taken to be included in the category determined by the Land Court for the period for which the relevant rate notice is issued.

### **Levy and recovery of rate unaffected by objection or appeal**

**92.** The making of an objection, or the instituting of an appeal, in relation



to the categorisation of land does not affect the levy and recovery of rates in relation to the land.

### **Late categorisation**

**93.** If rateable land in the city has been categorised and—

- (a) the decision maker is subsequently satisfied, having regard to the criteria determined by the council for the categorisation of land, that land should be included in a different category to the category in which it is included; or
- (b) rateable land is not categorised by the decision maker because of accidental omission; or
- (c) land subsequently becomes rateable land; or
- (d) land that was included in 2 or more parcels of rateable land, either in the same category or different categories, is subsequently amalgamated into a single parcel;

the decision maker must determine that the land should be included in a specified category.

### **Time of effect of late categorisation**

**94.** A determination under section 93 has effect—

- (a) if the determination is made because of section 93(a)—in relation to rates levied after the making of the determination; or
- (b) if the determination is made because of section 93(b)—from the start of the relevant financial year; or
- (c) if the determination is made because of section 93(c)—from when the land became rateable land; or
- (d) if the determination is made because of section 93(d)—in relation to rates levied after the amalgamation of the land.

## **PART 4—FINANCE**

### *Division 1—Funds and accounting*

#### **Funds**

**95.(1)** The council must maintain—

- (a) an operating fund to be called the city fund; and
- (b) a trust fund.

**(2)** The council must keep a bank account and separate accounting records for each fund.

#### **Trust fund**

**96.(1)** The following amounts must be credited to the trust fund—

- (a) amounts paid to the council—
  - (i) by way of deposit; or
  - (ii) in trust for any person;
- (b) amounts required by an Act to be paid to the council's trust fund.

**(2)** An amount credited to the trust fund is to be applied—

- (a) in payment to or on behalf of the person entitled to the amount according to law; or
- (b) as prescribed by the Act under which the amount was paid to the trust fund.

**(3)** An amount credited to the trust fund may, with the Minister's prior consent, be transferred to the city fund if the purpose for which the amount was credited has ceased to exist.

#### **Reserves**

**97.(1)** The council may establish specific reserves within the city fund.

**(2)** The council must keep separate accounting records for each reserve.

(3) Amounts held in a reserve that are no longer required may be applied for any purpose.

### **Sound accounting principles and procedures to be observed**

**98.(1)** Fund transactions must be consistent with sound accounting principles and procedures.

(2) The council must establish and observe—

- (a) systems for managing its finances; and
- (b) procedures for recording, and reporting on, its financial operations and position.

(3) The systems and procedures must be consistent with sound accounting principles and procedures.

(4) Nothing in this section prevents the council from continuing to apply until 30 June 1996 systems and procedures that were being applied by the council immediately before the commencement of this section.

### **Bank accounts**

**99.(1)** The council must appoint at least 1 bank for the purposes of this division.

(2) All amounts received by the council must be deposited to an account in the name of the council kept with a bank appointed under subsection (1).

### **Basis of accounting**

**100.** The council must adopt an accrual accounting basis for its financial operations.

### **Accounting periods**

**101.(1)** The council may, by resolution, determine the parts of a financial year that are to be accounting periods.

(2) Unless the council otherwise determines, each month is an accounting period.

**Accounting records**

**102.(1)** The council must ensure that—

- (a) proper accounting records are kept for both funds; and
- (b) accurate and regular entries of financial transactions and affairs are made for both funds.

**(2)** The records must be sufficient to explain the council's financial operations and financial position.

**Surpluses and deficits**

**103.** All surpluses and deficits made by the council in a financial year must accrue to the city fund.

**Accounting manual**

**104.(1)** The council must prepare an accounting manual specifying the principles, practices and procedures to be observed in the council's financial administration.

**(2)** The accounting manual must comply with this Act and any other Act that applies to the council's financial administration.

**Losses and ex gratia payments**

**105.(1)** Losses in relation to the council's operations may be written off.

**(2)** Ex gratia payments may be made from the council's accounts.

**Parking receipts**

**106.** Amounts received from the council's regulated and off-street parking operations must be credited to the city fund.

***Division 2—Budget*****Presentation of budget**

**107.** In each June, the mayor must present to the council a budget for the city fund for the next financial year.

**Content of budget documents**

**108.(1)** Each budget presented to the council by the mayor must—

- (a) be framed in a program format detailing financial and non-financial performance targets and strategies for the financial year; and
- (b) distinguish between capital and recurrent revenues and expenditures for each program; and
- (c) comprise—
  - (i) statements of individual program budgets prepared on an accrual accounting basis; and
  - (ii) a report on the council's financial position, performance and outlook; and
- (d) include a statement of the council's revenue policy for the financial year; and
- (e) be accompanied by a schedule specifying all expenditure items of a capital nature for general local government works if the estimated expenditure for the item is greater than—
  - (i) \$50 000; or
  - (ii) if another amount is determined by the council by resolution—that amount; and
- (f) be the basis on which the rates are to be made and levied by the council for the financial year.

**(2)** The amount of any surplus or deficit that is estimated will exist at the end of the financial year in which the budget is presented must be taken into account—

- (a) in the budget; and
- (b) in making and levying rates; and
- (c) in fixing general charges.

### **Adoption of budget—the approved budget**

**109.(1)** The council must consider the budget presented by the mayor and must, by resolution, adopt the budget with or without amendment.

**(2)** The council must adopt a budget for each financial year before the start of the financial year.

**(3)** The budget adopted by the council, as subsequently amended from time to time by resolution, is the council's approved budget for the financial year.

**(4)** An estimate of program expenditure specified in the approved budget constitutes an authorisation to spend amounts from the city fund for the program.

### **Budget reporting and monitoring**

**110.(1)** As soon as practicable after the end of each accounting period, there must be prepared and tabled in the council a financial statement in relation to the approved budget for the period of the financial year to the end of the accounting period.

**(2)** A financial statement must—

- (a) be consistent with sound accounting principles and procedures; and
- (b) show both the budgeted and actual positions, with such explanations as will give a true indication of the progressive state of the approved budget.

**(3)** The last financial statement prepared before 1 May must include an estimate of the anticipated position of the approved budget at 30 June.

**(4)** Financial statements must be available for inspection and purchase at the council's office.

**Members' liability for unauthorised expenditure**

**111.(1)** If, other than in an emergency, the council approves expenditure that is not authorised by the approved budget, the councillors of the council who knowingly consented to the expenditure are jointly and severally liable to pay to the council the amount expended.

**(2)** An amount for which councillors of the council are jointly and severally liable under subsection (1) may be recovered as a debt due and payable to the council by—

- (a) the council; or
- (b) a person appointed by the Minister for the purpose; or
- (c) an elector or ratepayer;

by action in a court having jurisdiction for the recovery of debts up to the amount concerned.

**(3)** An amount recovered by a person specified in subsection (2)(b) or (c) must be immediately paid to the council.

***Division 3—Investment and borrowing*****Borrowing or raising money**

**112.** The council may enter into financial arrangements under the *Statutory Bodies Financial Arrangements Act 1982*, section 22.

**Investing money**

**113.** The council may invest money under the *Statutory Bodies Financial Arrangements Act 1982*, section 48.

**Application of Statutory Bodies Financial Arrangements Act**

**114.(1)** As a statutory body within the meaning of the *Statutory Bodies Financial Arrangements Act 1982*, the council has, in relation to financial arrangements that are to be entered into, or have been made by it—

- (a) the powers conferred, and obligations imposed, on statutory

bodies by that Act; and

- (b) the powers conferred, and obligations imposed, on the council by order in council under that Act.

(2) A provision of the *Statutory Bodies Financial Arrangements Act 1982*, or of an order in council under that Act, that applies to financial arrangements made by all statutory bodies applies to financial arrangements made by the council.

### **Members' liability for unauthorised borrowings**

**115.(1)** If the council borrows money—

- (a) without authority conferred under the *Statutory Bodies Financial Arrangements Act 1982*; or
- (b) for a purpose that is not the proper exercise of its jurisdiction;

the councillors of the council who knowingly consented to the borrowing are jointly and severally liable to pay to the council the amount borrowed and all interest, and other penalties incurred by the council, in relation to the borrowing.

(2) An amount for which councillors of the council are jointly and severally liable under subsection (1) may be recovered as a debt due and payable to the council by—

- (a) the council; or
- (b) a person appointed by the Minister for the purpose; or
- (c) an elector or ratepayer;

by action in a court having jurisdiction for the recovery of debts up to the amount concerned.

(3) An amount recovered by a person specified in subsection (2)(b) or (c) must be immediately paid to the council.

(4) This section must be given effect despite—

- (a) the issue of a security in relation to the relevant borrowing by the council; or
- (b) the *Statutory Bodies Financial Arrangements Act 1982*, section 31(2).



***Division 4—Annual statements and report*****Preparation of annual financial statements**

**116.(1)** As soon as practicable after the end of each financial year, but no later than 2 months after the end of the financial year or such further period as the Minister allows, the council must prepare financial statements for the year.

**(2)** The annual financial statements must—

- (a) be prepared having regard to current standards relating to financial management; and
- (b) contain financial and other information useful for assessing the council's performance in relation to the management of its resources; and
- (c) consist of—
  - (i) an operating statement; and
  - (ii) a statement of financial position; and
  - (iii) a cash flow statement; and
  - (iv) a comparative statement in summary form comparing actual position against approved budget; and
  - (v) proper and adequate notes to the statements; and
  - (vi) such other information or particulars as are prescribed; and
- (d) present fairly—
  - (i) the council's operations for the year; and
  - (ii) the council's financial position at the end of the year.

**(3)** The council must certify in the statements that—

- (a) the financial statements are in agreement with the council's accounting records; and
- (b) in the council's opinion—
  - (i) all requirements for establishing and keeping accounting records have been complied with in all material respects; and

- (ii) the statements present fairly—
  - (A) the council's operations for the year; and
  - (B) the council's financial position at the end of the year.

### **Financial statements to be submitted to auditor-general and certified**

**117.(1)** As soon as practicable after the financial statements for a financial year have been prepared, the council must submit them to the auditor-general.

**(2)** The auditor-general must certify on the financial statements whether or not—

- (a) the auditor-general received all the information and explanations that the auditor-general required; and
- (b) the statements are in the form required by this Act and are in agreement with the accounting records; and
- (c) in the auditor-general's opinion—
  - (i) all requirements for establishing and keeping accounting records have been complied with in all material respects; and
  - (ii) the statements present fairly—
    - (A) the council's operations for the year; and
    - (B) the council's financial position at the end of the year.

**(3)** The auditor-general must give the certified financial statements to the mayor.

### **Presentation, tabling etc. of annual financial statements**

**118.** As soon as practicable after the annual financial statements for a financial year have been certified by the auditor-general, the statements must be—

- (a) reproduced in the same form as certified by the auditor-general; and
- (b) tabled in the council; and
- (c) made available for inspection and purchase at the council's office.

**Annual report**

**119.(1)** As soon as practicable after the end of each financial year, but no later than 4 months after the end of the year, the council must prepare a written report on the council's operations for the year.

**(2)** The annual report must include particulars in relation to the following matters—

- (a) the charter;
- (b) the council's aims and objectives for the year, and the extent to which the aims and objectives were achieved during the year;
- (c) the council's management and structure;
- (d) indications of program efficiency and effectiveness;
- (e) relevant changes to the law.

**(3)** The annual report must also contain—

- (a) a list of the registers kept by the council and available for inspection; and
- (b) a list of all resolutions made under sections 42(5), 44(1) and 46(2) during the year; and
- (c) a summary of all concessions allowed by the council in relation to rates; and
- (d) a comparison between the council's actual performance and its projected performance proposed in its budget for the year; and
- (e) a summary of the salaries and allowances paid to council members; and
- (f) particulars of such other matters as are relevant to making an informed assessment of the council's operations and performance during the year.

**(4)** The annual report must also contain—

- (a) the financial statements for the year as certified by the auditor-general; and
- (b) the auditor-general's certificate on the financial statements.

**Annual report to be adopted by the council**

**120.** The annual report for a financial year must be adopted by the council no later than the end of the following November or within such further period as the Minister approves.

**Copies of annual report to be given to Minister and available for inspection and purchase**

**121.(1)** As soon as practicable after the annual report is adopted, the council must—

- (a) give a copy of the report to the Minister; and
- (b) give notice of the adoption of the report, and its availability for inspection and purchase, in a newspaper circulating in the city.

**(2)** The annual report must be available for inspection and purchase at the council's office.

***Division 5—Audit*****Auditor-general to conduct audits**

**122.** Audits of the council are to be conducted by the auditor-general under the *Financial Administration and Audit Act 1977*.

**Auditor-general to audit accounts of superannuation schemes**

**125.(1)** The accounts of the trustees of any scheme maintained under section 23 or 25E are to be audited by the auditor-general.

**(2)** The auditor-general must certify on the statements of account prepared by the trustees whether or not—

- (a) the auditor-general received all the information and explanations that the auditor-general required; and
- (b) the statements are in the form required by this Act and are in agreement with the trustee's accounting records; and
- (c) in the auditor-general's opinion—

- (i) all requirements for establishing and keeping accounting records have been complied with in all material respects; and
  - (ii) the statements present fairly—
    - (A) the trustees' operations for the year; and
    - (B) the trustees' financial position at the end of the year.
- (3) The auditor-general must—
- (a) give the certified financial statements to the mayor; and
  - (b) give a copy of the certified financial statements to the trustees.
- (4) The mayor must table a copy of the statements at the next meeting of the council.
- (5) The certified financial statements must be available for inspection and purchase at the council's office.

### **General reporting provisions**

**126.(1)** The auditor-general may prepare a report on any audit performed by the auditor-general.

- (2) A copy of the report must be given to—
- (a) if the report arose out of an audit of the council—the mayor; or
  - (b) if the report arose out of an audit of the accounts of the trustees of a scheme maintained under section 23 or 25E—the trustees and the mayor.
- (3) The auditor-general must also give a copy of the report to the Minister.
- (4) The mayor must table a copy of the report at the next meeting of the council.
- (5) This section is in addition to, and not in substitution for, the *Financial Administration and Audit Act 1977*, part 6, division 3.

***Division 6—Standards*****Financial management standards**

**127.(1)** A regulation may prescribe financial management standards for the purposes of this Act.

**(2)** The council, and trustees of any scheme maintained under section 23 or 25E, must comply with the standards.

***Division 7—Sinking funds*****City debt redemption fund**

**128.(1)** For the purpose of administering sinking funds for the liquidation of sums borrowed by the council, including such funds established before the passing of the *City of Brisbane Act Amendment Act 1982*, the persons for the time being holding the offices of Under Treasurer, chief executive of the department in which the *Local Government Act 1993* is administered, and town clerk shall constitute a body corporate under the name and style ‘trustees of the city debt redemption fund’, which body corporate by that name and style shall have perpetual succession and an official seal, which shall be judicially noticed, and shall be capable in law of suing and being sued.

**(1A)** In this section the body corporate is referred to as “**the trustees**”.

**(2)** The trustees shall not represent the Crown for any purpose.

**(3)** The Under Treasurer shall be chairperson of the trustees and shall preside at meetings of the trustees at which the Under Treasurer is present.

**(3A)** Any 2 members of the trustees shall constitute a quorum at meetings of the trustees.

**(3B)** The trustees shall—

- (a) be vested with and control every sinking fund established pursuant to this Act; and
- (b) appoint a secretary who shall perform such duties as the trustees may direct.

(4) The trustees shall establish and maintain a separate sinking fund with respect to each loan for which contributions are made pursuant to this Act.

(4A) There shall be paid into each sinking fund—

- (a) all moneys received by the trustees for the purpose for which that fund is established; and
- (b) all moneys required by this Act or any other Act to be paid into that fund.

(4B) Moneys standing to the credit of a sinking fund may be applied to—

- (a) the purchase, redemption (including upon conversion) or repayment of any security or loan to which that fund is relevant; and
- (b) the making of investment pursuant to subsection (5); and
- (c) such other purposes as are prescribed by this Act or any other Act.

(4C) If there are moneys standing to the credit of a sinking fund that are not required for the purpose of that fund or that are surplus to the requirements of that fund the trustees may approve and make payment of those moneys or part thereof to the council for such purposes and on such terms and conditions as the trustees may determine or to another sinking fund.

(5) The trustees may invest moneys standing to the credit of a sinking fund and not immediately required for the purpose of that fund in such securities, financial arrangements and other investments as it thinks fit.

(5A) For the purpose of recording transactions relating to such investment the trustees shall establish 1 common investment account called the 'common investment account' and any investment made shall not be made on account of or belong to a particular sinking fund.

(5B) The trustees shall—

- (a) establish within the common investment account a suspense account called the 'sinking funds net earnings account' to which shall be credited moneys received being net earnings on account of investments made by the trustees and to which shall be debited the costs of administering the several sinking funds; and

- (b) from time to time allocate proportionately to the several sinking funds, according to the minimum balance each month in each sinking fund, the balance of the sinking funds net earnings account.

(5C) Where for the purpose of applying moneys standing to the credit of a sinking fund pursuant to subsection (4) to (4)(c) it is necessary to estimate the net earnings of that sinking fund since the balance of the sinking funds net earnings account was last allocated to the several sinking funds, the trustees may make such estimate and credit the amount so estimated to the sinking fund and debit it to the sinking funds net earnings account.

(6) The trustees shall establish and maintain 1 consolidated bank account into which shall be promptly paid all moneys collected or received by it and from which moneys shall be paid only for purposes relevant to the sinking funds.

(7) The trustees may obtain advances or financial accommodation by way of overdraft from any bank.

(8) The trustees shall cause proper books of accounts to be provided and kept and true and regular entries to be made therein in respect of all transactions entered into by the trustees.

(9) As soon as is practicable after the end of each financial year the trustees shall cause statements of account (in this section called the “**annual statements of account**”) to be prepared with respect to the financial operations of the trustees during that year.

(9A) The annual statements of account—

- (a) shall set forth in a summarised form particulars of transactions in the common investment account during the financial year in question and a balance sheet showing the financial position of the trustees as at the end of that year; and
- (b) shall be certified under the seal of the trustees as to whether in the trustees’ opinion they fairly set out the financial transactions of the city debt redemption fund for the period to which they relate and show a true and fair view of the position of that fund at the end of that period on a basis consistent with the basis applied in respect of the financial year last preceding that period; and



(c) shall thereupon be submitted to the auditor-general.

(10) The auditor-general shall audit the accounts of the trustees and in respect thereof shall have and may exercise all the powers and authorities conferred by the *Financial Administration and Audit Act 1977*.

(10A) The fee payable by the trustees in respect of the audit shall be fixed by the auditor-general.

(11) The auditor-general shall certify on the annual statements of account whether or not such statements—

- (i) are prepared in the form required by this Act; and
- (ii) are in agreement with the accounts of the trustees; and
- (iii) have, in the auditor-general's opinion, been properly drawn up so as to present a true and fair view of the transactions for the financial year in question and the financial position at the end of that year on a basis consistent with that applied in respect of the financial year last preceding;

and, after such certification, shall deliver those statements to the trustees.

(12) As soon as practicable after receipt of the annual statements of account duly certified by the auditor-general, the trustees shall prepare and furnish to the Treasurer a report on their operations for the financial year in question.

(12A) Such report shall include—

- (i) the certified annual statements of account;
- (ii) particulars of any case where the council has failed to comply with this Act with respect to any sinking fund;
- (iii) such other information as the trustees think fit.

(13) The Treasurer shall lay the report of the trustees before the Legislative Assembly within 14 sitting days from the day on which the Treasurer receives the report.

(14) Until the annual statements of accounts have been audited and laid before the Legislative Assembly no such statement shall be sold or made available to any person other than a member of the trustees, the auditor-general or the authorised officer acting at his or her direction or the Treasurer or a person acting in aid of any of those persons.

(15) Where it is indicated in the trustees' report that the council has failed to comply with this Act in respect of a sinking fund specified by the trustees the Treasurer shall direct the council to raise the sum in respect of which default has been made and to pay that sum to the trustees.

(16) Compliance with such a direction may be enforced by the Treasurer in the manner in which payment of a debt due and owing by a local government to the Treasurer may be enforced in respect of moneys borrowed under the *Statutory Bodies Financial Arrangements Act 1982*.

(17) Where such compliance is enforced, the Treasurer shall, after deducting from the moneys recovered by the Treasurer the expenses of recovery, cause the moneys recovered to be paid into the specified sinking fund.

## **PART 5—MISCELLANEOUS**

### **Publication of proclamations and orders in council**

**132.(1)** Every proclamation, order in council, rule and direction made under this Act shall—

- (a) be published in the gazette; and
- (b) upon its publication in the gazette, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein; and
- (c) take effect on and from the date of such publication, unless in the case of any such order in council, rule or direction a later date is specified in that or any other such order in council, rule or direction for its commencement when in such event it shall take effect from that later date; and
- (d) be laid before the Legislative Assembly within 14 sitting days after such publication if the Legislative Assembly is in session, and if not, then within 14 sitting days after the commencement of the next session.

(2) If the Legislative Assembly passes a resolution, of which notice has

been given at any time within 14 sitting days after any such proclamation, order in council, rule or direction has been laid before the Legislative Assembly, disallowing such proclamation, order in council, rule or direction or part thereof, that proclamation, order in council, rule or direction or part shall thereupon cease to have effect, but without prejudice to the validity of anything done thereunder in the meantime or to the power to make a new proclamation, or, as the case may be, order in council, rule or direction.

### **Regulations**

**133.** The Governor in Council may make regulations for the purposes of this Act.

### **Resumption of land by council**

**134.(1)** Where in respect of excluded land—

- (a) an application is made by, on behalf of or with the consent of the registered proprietor of the land to include the land in a zone other than a special uses zone in respect of which the purpose indicated on the relevant scheme maps included in the town plan is ‘television station purposes’; or
- (b) the land is sold or offered for sale and the council forms the opinion that the land is likely to be used for a purpose other than television station purposes or purposes incidental thereto; or
- (c) the land is being used for a purpose other than television station purposes or purposes incidental thereto;

the council may resolve to acquire the land either by agreement under the *Acquisition of Land Act 1967* or compulsorily for a purpose specified in that Act.

**(2)** Where the council resolves pursuant to subsection (1) to take excluded land pursuant to the *Acquisition of Land Act 1967* and that resolution or an instrument issued pursuant to that Act as a consequence of that resolution specifies the public purpose for which the land is to be or is taken as ‘park’, ‘recreation ground’, or ‘road’, neither the purpose for which the land is to be or is taken nor the bona fides of the council in taking the

land for that purpose, shall be questioned in a court and, where the council purports to take excluded land for ‘park’ or ‘recreation ground’ purposes, the provisions of the *Acquisition of Land Act 1967*, section 8(3) shall not apply in respect of the taking of that land.

(3) The power conferred on the council by subsections (1) and (2) shall be read and construed as being in addition to and not in derogation of the powers conferred on the council as a constructing authority under and pursuant to the *Acquisition of Land Act 1967*.

(4) Words and expressions used in this section and in the repealed *Land (Mt Coot-tha Television Stations) Sales Act 1986* continue to have the same respective meanings as they had in that repealed Act.

### **References to vice mayor**

135. In an Act or document, a reference to the vice mayor of the city, if the context permits, may be taken to be a reference to the deputy mayor of the city.

## **PART 6—TRANSITIONAL AND SAVINGS PROVISION FOR AMENDMENTS UNDER LOCAL GOVERNMENT LEGISLATION AMENDMENT ACT 1996**

### **Provisions about electoral roll for triennial elections**

136. It is declared that section 17(3A)<sup>4</sup> as amended by the *Local Government Legislation Amendment Act 1996* applies and always did apply from 18 December 1990.

### **Expiry of pt**

137. This part expires on 1 May 1997.

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<sup>4</sup> Section 17 (Provisions concerning elections)

## **SCHEDULE 3**

### **APPEALS**

sections 25C and 25D

#### **Positions to be advertised**

**1.(1)** No vacancy in an administrative, professional, or clerical office, or no new administrative, professional or clerical office shall be filled unless applications have been invited from employees of the council.

**(2)** Applications may be invited by public advertisement from qualified persons outside the service of the council, and such advertisement shall contain particulars of the minimum and maximum salaries prescribed for the vacant or new office and the closing date for receipt of applications.

**(3)** Each such vacant or new position shall be advertised at least 3 weeks prior to the closing date for receipt of applications.

**(4)** The vacant or new office shall be filled by an applicant who is an employee of the council unless in the opinion of the council all such applicants are unsuitable.

#### **Composition of appeal board**

**2.(1)** For the purposes of appeals in accordance with the provisions of sections 25C and 25D of this Act, the appeal board shall consist of 3 persons, namely—

- (a) a stipendiary magistrate, who shall be appointed in each case by the Minister; and
- (b) a council's representative appointed in each case by the establishment and coordination committee of the council; and
- (c) a members' representative appointed in each case by the executive of the union of which the appellant is a member.

## SCHEDULE 3 (continued)

**Chairperson**

(2) The stipendiary magistrate appointed as aforesaid shall be the chairperson of the appeal board.

**Board to hear and determine appeals**

(3) The appeal board shall hear and determine the appeal.

**Secretary to board**

(4) There shall be appointed by the council a secretary to the appeal board.

**Board to act by majority**

(5) All powers of the appeal board may be exercised by a majority of the members thereof.

**Failure to appoint representative**

(6) The secretary shall—

- (a) in any case where the secretary is not notified within the time prescribed by section 9 and otherwise pursuant to that section of the name and address of the council's representative on the board; and
- (b) in any case where the secretary is not notified within the time prescribed by section 10 and otherwise pursuant to that section of the appointment of and the name and address of the members' representative on the board;

immediately notify the Minister, and in any such case the Minister may appoint a person to be the council's representative or the members' representative, as the case may be, and the person so appointed by the Minister shall be deemed to have been appointed by the establishment and coordination committee as the council's representative on the board or appointed by the executive of the union of which the appellant is a member as the members' representative on the board as the case may be.

(7) The Minister shall cause the secretary to be notified of the name and address of any person appointed by the Minister pursuant to subsection (6).

## SCHEDULE 3 (continued)

**Unsuccessful applicants, when to be informed of result of application for classified office**

3. As soon as practicable after an office in respect of the filling of which there is a right of appeal has been filled, the town clerk shall inform every unsuccessful applicant accordingly, giving the name of the person appointed to the office, date of appointment, and particulars as to the seniority of the successful applicant as compared with such unsuccessful applicant.

**Form of notice of appeal**

4. Notice of appeal shall be in the form following—

## NOTICE OF APPEAL

I, \_\_\_\_\_ of \_\_\_\_\_, hereby give notice of appeal against the decision of the decision made by or on behalf of the Brisbane City Council and communicated to me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, whereby (*here insert briefly subject matter of decision*).

The grounds on which I make my appeal are (*here insert grounds of appeal*).

\*At present I occupy the position of \_\_\_\_\_, at \_\_\_\_\_,

\*I formerly occupied

classification \_\_\_\_\_ \$ \_\_\_\_\_ minimum, and \$ \_\_\_\_\_ maximum,

and \*am in receipt of \*a salary of \$ \_\_\_\_\_ per annum.

\*was \_\_\_\_\_ \*wages of \$ \_\_\_\_\_ per week.

I am a member of (*here insert name of union*) union.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Appellant

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\*Cross out whichever is inapplicable.

## SCHEDULE 3 (continued)

**Where to be forwarded**

5. Notice of appeal shall be despatched to the secretary to the appeal board within 14 days of the date on which the recommendation or decision affecting an officer or employee is communicated to the officer or employee directly.

**Dealing with notice of appeal**

6. Upon receipt of a notice of appeal the secretary shall forward a copy of it to each of them the Minister, the town clerk, and the union of which the appellant is a member, and shall take the necessary action to cause the appeal board to be constituted to hear and determine the appeal.

**Fixation of hearing**

7.(1) The chairperson of the appeal board shall, as early as practicable after the date of the constitution of the appeal board, fix the date on which the appeal shall be heard.

(2) However, the appeal board may decline to hear or entertain any matter of appeal which in the board's opinion, is based on trivial or frivolous grounds.

**Notice of hearing—form of notice of hearing**

8.(1) The secretary to the appeal board shall give the town clerk, the appellant, and the union not less than 7 clear days notice of the date when the appeal will be heard and the particulars provided for in the form prescribed by this section.

(2) The notice of hearing shall be in the form following—

## NOTICE OF HEARING OF APPEAL

Appeal against the decision of the (here insert by whom decision made) whereby (here insert subject matter of decision).



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SCHEDULE 3 (continued)

To

Take notice that the above matter will be heard by the appeal board, at the (building and location), at (time) on (day of week and date).

The names of the persons appointed to constitute the appeal board are as follows— (*here insert names of members of the board*).

Dated at                      this                      day of                      , 19                      .

Secretary to the board.

**Town clerk to notify appointment of representative**

**9.** The town clerk shall, within 14 days of the receipt by the town clerk of the copy of the notice of appeal pursuant to section 6, inform the secretary to the appeal board of the name and address of the person appointed by the establishment and coordination committee as the council's representative on the board.

**Union to notify appointment of representative**

**10.(1)** The appointment of a members' representative in accordance with the provisions of section 2, and the name and address of such representative, shall be notified by the union concerned, to the secretary to the appeal board within 14 days of the receipt by the union of the copy of the notice of appeal pursuant to section 6.

**(2)** If the member's representative is an officer of the council, the member's representative shall be granted leave of absence on full pay to enable him or her to act as such members' representative.

**Withdrawal of appeal**

**11.** If the appellant wishes to withdraw the appeal the appellant shall notify the secretary to the appeal board at least 3 days before the hearing.

## SCHEDULE 3 (continued)

**Procedure**

**12.** The parties to the appeal shall be entitled to subpoena witnesses in the same manner and subject to the same penalties and conditions as witnesses may be summoned to give evidence before a Magistrates Court, and to have all witnesses examined on oath or affirmation.

**Appellants and town clerk to supply names of witnesses**

**13.** The appellant and the town clerk, respectively, shall supply the secretary to the appeal board with a list of all persons to be subpoenaed by the chairperson of the board, to give evidence on behalf of the council and the appellant, respectively, relevant to the appeal.

**Leave to be granted to witnesses etc.**

**14.** Such leave of absence to officers as is necessary shall be granted on full pay to ensure the attendance of witnesses who are required to give evidence before the appeal board, and to admit of the appearance of officers required to act as agents for appellants.

**Relative papers to be available for appellant**

**15.** Before proceeding to take evidence all papers and correspondence bearing on the decision appealed against shall be read, or otherwise made available for the use of the appellant, provided that the establishment and coordination committee may withhold from the appeal board and the appellant any papers, minutes, or correspondence, if for any reasons of public policy, of which the committee shall be the judge, it is considered undesirable to produce them.

**Evidence to be taken in presence of appellant**

**16.** All evidence shall be taken in the presence of the appellant, but if the appellant fail to appear the appeal board may deal with the appeal on such evidence as is available.

## SCHEDULE 3 (continued)

**Record of proceedings**

**17.** The secretary to the appeal board shall convene all meetings of the board, and keep all records of proceedings and decisions in such manner as may be directed.

**Public or private appeal, and representation**

**18.(1)** An appeal under section 25C or 25D of this Act shall be heard in private except where the appellant, at any time up to the commencement of the hearing of the appeal, requests that it be heard in public, in which case the appeal shall be so heard.

**(2)** Where an appeal under section 25C of this Act is heard in private, neither the council nor the appellant shall be represented in the proceedings by counsel or solicitor, but they may respectively be represented in the proceedings by an agent, not being counsel or solicitor, duly appointed in writing in that behalf.

**(3)** Where—

- (a) an appeal under section 25C of this Act is heard in public;
- (b) an appeal is heard under section 25D of this Act;

the council and the appellant may respectively be represented in the proceedings by a counsel or solicitor or by an agent duly appointed in writing in that behalf.

**(4)** Any agent who may represent the council or the appellant pursuant to this section, as well as any counsel or solicitor who may represent the council or the appellant pursuant to this section, may examine witnesses and address the board.

**Duty of board**

**19.(1)** The appeal board shall in respect of every appeal transmit the evidence taken together with its decision thereon to the town clerk or, where the appeal is against the town clerk being dismissed or otherwise disciplined, to the mayor.

## SCHEDULE 3 (continued)

(2) The appeal board shall make its inquiry without regard to legal forms and solemnities, and shall direct itself by the best evidence it can procure or that is laid before it, whether the same is such evidence as the law would require or admit in other cases or not.

(3) For the purposes of an appeal under section 25C or 25D of this Act, the appeal board shall have and may exercise all or any of the powers, authorities, protections and jurisdictions of a commission or a commissioner within the meaning of the *Commissions of Inquiry Act 1950*.

(4) Subject to section 25D(6) of this Act, the appeal board, in making a determination in respect of an appeal under section 25D of this Act, may—

- (a) in the case of an appeal against being dismissed—dismiss the appeal or allow it or vary the decision of dismissal, and, where it allows the appeal, it shall determine that the appellant be reinstated;
- (b) in the case of an appeal against being otherwise disciplined—dismiss the appeal or allow it or vary the decision of otherwise disciplining, and, where it allows the appeal, it shall determine that the appellant be in all respects in no less favourable a position than the appellant would have been had the appellant not been otherwise disciplined.

(5) Every determination shall, subject to section 25D of this Act and to this schedule, have effect according to its tenor.

(6) The appeal board in varying a decision of dismissal or otherwise disciplining pursuant to subsection (4) shall determine such punishment as it considers appropriate in substitution therefor and the substituted punishment shall constitute the punishment of the appellant in lieu of that appealed against.

(7) However, the punishment shall be such that could have been imposed on the appellant in the first instance when the appellant was dismissed or otherwise disciplined.

(8) The appeal board, in making a determination in respect of an appeal under section 25C of this Act, shall determine as it deems just having regard to the considerations prescribed for determining the claims of

## SCHEDULE 3 (continued)

officers for promotion to fill a vacancy or a new office, whether—

- (a) it upholds the appeal and recommends to the establishment and coordination committee that the promotion appealed against be set aside; or
- (b) it dismisses the appeal and recommends to the establishment and coordination committee accordingly.

**Evidence and decision on appeal to be forwarded to council or committee**

**20.(1)** The town clerk shall forward to the establishment and coordination committee the evidence and decision of the appeal board in every case where it is transmitted to the town clerk pursuant to section 19, within 14 days of receiving it.

**(2)** The mayor shall forward to the council the evidence and decision of the appeal board in every case where it is transmitted to the mayor pursuant to section 19, within 14 days of receiving it.

**Powers of committee in respect of appeals under section 25C of this Act, and committee's decision**

**21.(1)** In the case of an appeal under section 25C of this Act, the establishment and coordination committee shall consider the evidence and decision forwarded to it pursuant to section 20 and may confirm or set aside the promotion appealed against.

**(2)** In every such case the decision of the committee shall be final and shall not be subject to any further appeal to any court or tribunal whatsoever and no writ of prohibition or mandamus or certiorari shall lie in respect thereof.

**Decision in respect of appeal to be notified to appellant**

**22.(1)** In the case of an appeal under section 25C of this Act, the town clerk shall, within 14 days of the decision of the establishment and

## SCHEDULE 3 (continued)

coordination committee in respect of the appeal, notify the appellant of such decision.

(2) The mayor shall, within the time referred to in section 20(2), cause the appellant to be notified of the decision of the appeal board in every case where the evidence and decision is transmitted to the mayor under section 19.

(3) Subject as aforesaid, the town clerk shall, within the time referred to in section 20(1), notify the appellant of the decision of the appeal board in every case where the evidence and decision is transmitted to the town clerk under section 19.

**Decision of appeal board final in respect of appeals under section 25D of this Act**

23. Subject to section 23A, a decision or determination of the appeal board in respect of an appeal under section 25D of this Act shall be final and shall be given effect to by the establishment and coordination committee and the council and shall not be subject to any further appeal to any court or tribunal whatsoever and no writ of prohibition or mandamus or certiorari shall lie in respect thereof.

**Compensation in lieu of reinstatement**

23A.(1) Notwithstanding a decision or determination of the appeal board that an appellant who has appealed against being dismissed be reinstated, the council (in the case of the dismissed employee being the town clerk) and the establishment and coordination committee (in the case of any other dismissed employee) may elect not to reinstate the dismissed employee but, in lieu, to pay to the employee compensation of an amount equivalent to 4 weeks salary or wages for each year of service with the council or, where the employee has served also with any local government constituted under the *Local Government Act 1993*, for each year of service with the council and any such local government, such salary or wages being reckoned on the average of the weekly salary or wages paid to the employee during the 52 weeks immediately preceding the date upon which the employee was

## SCHEDULE 3 (continued)

dismissed or paid to the employee during the employee's period of service with the council if that period is of a duration of less than 52 weeks.

(2) Where in the calculation of the period of service there is part of a year as a residue, or where the period of service is for part of a year only, compensation pro rata shall be paid in respect of that part of a year.

(3) In the calculation of the period of service, the employee shall be deemed to have continued in the service of the council up to the date of election referred to in this section.

(4) An election shall be made by the council or the establishment and coordination committee, as the case may be, within 14 days of the appeal board's decision being forwarded to it and on making the election, it shall notify the employee forthwith.

(5) Where an election is made in accordance with this section and the employee is not paid the amount of compensation as prescribed, the employee may recover the amount from the council in any court of competent jurisdiction as a debt due to the employee by the council.

**Preservation of rights of employee**

**23B.(1)** Where an employee is reinstated in the employment of the council pursuant to this Act following an appeal by the employee against dismissal, the employee's employment shall be on terms and conditions not less favourable than those on which the employee held employment immediately prior to dismissal and, without limiting the generality of the foregoing—

- (a) the employee's rights to annual, sick and long service leave, superannuation benefits and incremental payments shall be preserved, and any period of absence from duty because of such dismissal shall not be treated as a break in the period of the employee's continuous service with the council but shall be deemed to be part of such continuous service;
- (b) all necessary adjustments shall be made with respect to any payments made to the employee in relation to long service leave or superannuation benefits, including repayment by the employee

## SCHEDULE 3 (continued)

of payments made to the employee by the council or the appropriate superannuation fund, and with respect to superannuation premiums or contributions so that the position will be the same as it would have been had the employee not been dismissed but, in lieu, had continued to be employed by the council;

- (c) the council shall pay to the employee the appropriate salary or wages that would have been payable to the employee from the time of dismissal to the time of reinstatement had the employee not been dismissed.

(2) Where the council or the establishment and coordination committee elects pursuant to section 23A not to reinstate the employee the council shall pay to the employee the appropriate salary or wages, annual, sick and long service leave payments, payments in respect of superannuation contributions and incremental payments that would have been due or payable to the employee up to the time compensation is paid to the employee pursuant to the said section had he or she remained an employee up to that time.

(3) Any moneys payable in accordance with this section may be recovered by the person to whom they are payable from the person by whom they are payable in any court of competent jurisdiction as a debt due.

(4) Any payments or adjustments made pursuant to this section shall take into account any period of suspension of the employee from duties during which the employee was not paid salary or wages, and for this purpose a period between dismissal and reinstatement or election includes a period of suspension.

(5) The provisions of this section apply subject to any appeal board determination with respect to a substituted punishment in accordance with section 19(6) and (7).

**Travelling expenses**

**24.(1)** Any witness, not being an officer, summoned on behalf of the establishment and coordination committee to give evidence before the



## SCHEDULE 3 (continued)

board, shall be paid an allowance by the unit of administration in which the appellant is employed, upon the certificate of the chairperson of the board.

(2) Such allowance shall be a sum equal to the amount of salary or wages lost by the witness for the day or days of attendance at the hearing of the appeal; or, if the witness is not in receipt of salary or wages, a sum which, in the opinion of the chairperson, would be proper payment, taking into consideration the occupation of the witness, and the time lost in attendance.

(3) In addition to allowance for attendance, reasonable travelling expenses actually paid by a witness may be allowed, but not exceeding 6.25 cents for every kilometre a witness resides from the place at which the witness is required to attend.

**Council not responsible for expenses of appellant's witnesses**

**25.(1)** Except as hereinafter provided, the council shall not be responsible for travelling or other expenses of witnesses subpoenaed by the appellant.

**Appeal against promotion—expenses when payable by council**

(2) In the case of an appeal against promotion, the council will not be responsible for travelling or other expenses of any witnesses summoned by or on behalf of the appellant, excepting in cases where the appeal has been upheld by the board, and the evidence of such witnesses was, in the opinion of the chairperson, necessary and material.

**Officer charged with an offence—expenses when payable by council**

(3) The council will not be responsible for travelling or other expenses of any witnesses summoned by or on behalf of an officer charged with an offence, excepting in cases where the charge has been found to be not proved, and the evidence of such witnesses was, in the opinion of the chairperson, necessary and material.

**Claims to be submitted to chairperson**

**26.** The secretary to the appeal board shall submit the claim made by a

## SCHEDULE 3 (continued)

witness for expenses to the chairperson of the board, who shall give a certificate as to attendance, and determine the amount to be allowed.

**Expenses to appellant**

27. In cases where the appellant is successful, and the appeal board considers that reasonable expenses or any part thereof should be paid to the appellant, the chairperson shall certify accordingly.

**Expenses of board, by whom paid**

28.(1) All expenses whatsoever payable by the council in connection with appeals heard by the appeal board, including the expenses of the members of the board, secretary, reporters, and others, shall be defrayed by the unit of administration to which the appellant belongs.

(2) The chairperson of the board shall certify to the vouchers for expenses, and shall be responsible for the correctness.

**Meaning of term “establishment and coordination committee”**

29.(1) In this schedule—

“**establishment and coordination committee**” means the establishment and coordination committee of the Brisbane City Council constituted pursuant to chapter 59 of the ordinances of the said council, which ordinances were approved by His Excellency the Governor with the advice of the Executive Council on 1 March 1940, and published in the gazette of 1 March 1940.

(2) For the purposes of section 25C of this Act and this schedule—

**Seniority**

- (a) seniority of one officer over another shall be determined according to the following rules—
  - (i) that officer whose position has the higher maximum salary shall be senior, and if such salaries are equal that officer who

## SCHEDULE 3 (continued)

held for a longer period a position with that maximum salary shall be senior;

- (ii) if upon the first application of the rule in subparagraph (i) neither officer is found to be senior to the other, the same rule shall be applied a second and, if necessary, any number of subsequent times to the maximum salaries of the positions held by such officers immediately prior to the period during which the officers were found on the preceding application of the said rule to have held positions with the same maximum salary and to the periods during which they held positions carrying such first-mentioned maximum salaries until 1 of such officers shall be found to be senior to the other or until the rule can be no longer applied;
- (iii) if thereupon neither officer is found to be senior to the other—that officer having the longer period of service as a permanent officer of the council shall be senior;
- (iv) if thereupon neither officer is found to be senior to the other—the establishment and coordination committee shall determine upon such basis as it considers equitable which officer is senior.

**Efficiency**

- (b) The term “**efficiency**” means special qualifications and aptitude which in the opinion of the committee or the permanent head, as the case may be, are necessary for the proper discharge of the duties of the position to be filled, together with merit, diligence, and good conduct.
- (c) In determining, according to the rules prescribed by this section, the seniority of an officer who is absent from the council on service with or with any service forming part of Her Majesty’s naval, military, or air forces, the period during which such officer is so absent shall be taken into account, and such officer shall not during or by reason of such absence be prejudiced in respect of

## SCHEDULE 3 (continued)

the officer's right to promotion to fill a vacancy in, or a new office created in, a unit of administration of the council.

**Reports etc. may be tabled**

**30.** Any evidence, report, recommendation and decision in respect of any such appeal may, at the request of any councillor, be placed on the table of the council.

## ENDNOTES

### 1 Index to endnotes

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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 18 February 1997. Future amendments of the City of Brisbane Act 1924 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[X]	=	Reprint No.[X]
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 earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 58 of 1995	13 February 1996

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

## 6 List of legislation

### **City of Brisbane Act 1924 15 Geo 5 No. 32**

date of assent 30 October 1924

commenced on date of assent

as amended by—

### **City of Brisbane Act Amendment Act 1930 21 Geo 5 No. 45**

date of assent 30 December 1930

commenced on date of assent

### **City of Brisbane Acts Amendment Act 1933 24 Geo 5 No. 13**

date of assent 2 November 1933

commenced on date of assent

### **Local Authorities Acts and Other Acts Amendment Act 1934 25 Geo 5 No. 32 pt 5**

date of assent 12 December 1934

commenced on date of assent

### **City of Brisbane Acts Amendment Act 1936 1 Edw 8 No. 5**

date of assent 5 October 1936

commenced on date of assent

**City of Brisbane Acts Amendment Act 1937 1 Geo 6 No. 19**

date of assent 18 November 1937  
commenced on date of assent

**Brisbane City Council Business and Procedure Act 1939 3 Geo 6 No. 30 s 7**

date of assent 1 December 1939  
commenced on date of assent

**City of Brisbane Acts Amendment Act 1940 4 Geo 6 No. 19**

date of assent 21 November 1940  
commenced on date of assent

**Local Government Acts and Another Act Amendment Act 1943 7 Geo 6 No. 2  
pt 3**

date of assent 28 January 1943  
commenced on date of assent

**Local Government Acts and Other Acts Amendment Act 1943 7 Geo 6 No. 13  
pt 3**

date of assent 29 April 1943  
commenced on date of assent

**City of Brisbane Acts Amendment Act 1943 7 Geo 6 No. 30**

date of assent 18 November 1943  
commenced on date of assent

**Valuation of Land Act 1944 8 Geo 6 No. 3 s 3(2) sch 2**

date of assent 23 November 1944  
commenced 1 July 1946 (proc pubd gaz 29 June 1946 p 1688)

**City of Brisbane Acts Amendment Act 1944 8 Geo 6 No. 15**

date of assent 1 December 1944  
commenced on date of assent

**Local Government Acts and Another Act Amendment Act 1945 10 Geo 6 No. 5  
pt 3**

date of assent 13 December 1945  
commenced on date of assent

**City of Brisbane Acts and Another Act Amendment Act 1948 12 Geo 6 No. 45  
pt 2**

date of assent 29 November 1948  
commenced on date of assent

**City of Brisbane Acts Amendment Act 1949 13 Geo 6 No. 21**

date of assent 1 April 1949  
commenced on date of assent

**Traffic Act 1949 13 Geo 6 No. 26 s 5(5)**

date of assent 22 April 1949  
commenced 1 February 1950 (proc pubd gaz 7 January 1950 p 37)

**City of Brisbane Acts Amendment Act 1950 14 Geo 6 No. 19**

date of assent 30 November 1950  
commenced on date of assent

**Local Government Acts and Another Act Amendment Act 1951 15 Geo 6 No. 12  
pt 3**

date of assent 30 March 1951  
commenced on date of assent

**Local Government Acts and Another Act Amendment Act 1951 (No. 2) 15 Geo 6  
No. 40 pt 3**

date of assent 15 November 1951  
commenced on date of assent

**City of Brisbane Acts Amendment Act 1952 1 Eliz 2 No. 52**

date of assent 18 December 1952  
commenced on date of assent

**City of Brisbane Acts and Other Acts Amendment Act 1953 2 Eliz 2 No. 19 pt 2**

date of assent 10 December 1953  
commenced on date of assent

**City of Brisbane Acts Amendment Act 1954 3 Eliz 2 No. 26**

date of assent 11 October 1954  
commenced on date of assent

**Local Government Acts and Another Act Amendment Act 1957 6 Eliz 2 No. 41  
pt 3**

date of assent 20 December 1957  
commenced on date of assent

**Local Government Acts and Another Act Amendment Act 1958 7 Eliz 2 No. 1  
pt 3**

date of assent 5 March 1958  
commenced on date of assent

**City of Brisbane (Town Plan) Act 1959 8 Eliz 2 No. 18**

date of assent 10 April 1959  
commenced 15 October 1959 (proc pubd gaz 17 October 1959 p 1007)

**City of Brisbane Acts and Another Act Amendment Act 1959 8 Eliz 2 No. 70**

date of assent 23 December 1959  
commenced on date of assent

**City of Brisbane Acts Amendment Act 1960 9 Eliz 2 No. 23**

date of assent 14 November 1960  
commenced on date of assent

**City of Brisbane Acts Amendment Act 1966 No. 31**

date of assent 21 December 1966  
commenced on date of assent

**Acquisition of Land Act 1967 No. 48 s 3(2) sch 1**

date of assent 22 December 1967  
commenced 23 March 1968 (proc pubd gaz 23 March 1968 p 1206)

**City of Brisbane Acts Amendment Act 1967 No. 52**

date of assent 22 December 1967  
commenced on date of assent



**City of Brisbane Act Amendment Act 1969 No. 26**

date of assent 18 December 1969  
commenced on date of assent

**City of Brisbane Act Amendment Act 1972 No. 3**

date of assent 7 September 1972  
commenced on date of assent

**Metric Conversion Act 1972 No. 31 pt 2 sch 1**

date of assent 21 December 1972  
commenced 1 September 1973 (proc pubd gaz 1 September 1973 p 74)

**City of Brisbane Act Amendment Act 1973 No. 59**

date of assent 15 November 1973  
commenced on date of assent

**City of Brisbane Act Amendment Act 1974 No. 62**

date of assent 27 September 1974  
commenced on date of assent

**Electricity Act 1976 No. 66 s 4(4) sch 1 pt C**

date of assent 29 November 1976  
commenced 1 July 1977 (proc pubd gaz 25 December 1976 p 1855)

**City of Brisbane Act and Another Act Amendment Act 1976 No. 84 pt 2**

date of assent 16 December 1976  
commenced on date of assent

**Electoral Districts Act and Another Act Amendment Act 1977 No. 6 pt 3**

date of assent 5 April 1977  
commenced on date of assent

**City of Brisbane Town Planning Act and Another Act Amendment Act 1980 No. 18 pt 3**

date of assent 12 May 1980  
commenced 24 May 1980 (proc pubd gaz 24 May 1980 p 564)

**Statutory Bodies Financial Arrangements Act 1982 No. 33 s 14(2), (4) sch 3**

date of assent 1 September 1982  
commenced on date of assent

**City of Brisbane Act Amendment Act 1982 No. 38**

date of assent 15 September 1982  
commenced on date of assent

**City of Brisbane Act Amendment Act 1982 (No. 2) No. 68**

date of assent 14 December 1982  
commenced on date of assent

**City of Brisbane Act Amendment Act 1984 No. 33**

date of assent 18 April 1984  
commenced on date of assent

**City of Brisbane Act Amendment Act 1986 No. 17**

date of assent 8 April 1986

ss 1–2 commenced on date of assent (see s 2(1))

ss 21–22 commenced 24 May 1986 (proc pubd gaz 24 May 1986 p 829)

remaining provisions commenced 26 April 1986 (proc pubd gaz 26 April 1986 p 2090)

**Local Government Act and Another Act Amendment Act 1987 No. 36 pt 3**

date of assent 30 April 1987

commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch**

date of assent 25 October 1989

commenced on date of assent (see s 2(1))

**Local Government Acts Amendment Act 1990 No. 24 pt 3**

date of assent 13 June 1990

commenced on date of assent

**Electricity Superannuation Restoration Act 1990 No. 26 pt 3**

date of assent 13 June 1990

s 13 commenced 18 October 1988 (see s 2(1))

remaining provisions commenced on date of assent (see s 2(2))

**Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 sch 5**

date of assent 14 November 1990

commenced on date of assent (see s 2(1))

**Referendums Legislation Amendment Act 1990 No. 101 pt 3**

date of assent 12 December 1990

commenced on date of assent

**Local Government Act and Other Acts Amendment Act 1990 No. 107 pt 3 (as  
amd 1991 No. 97 s 3 sch 2 (as from 18 December 1990))**

date of assent 18 December 1990

commenced on date of assent (see s 1.2(1))

**Local Government Legislation Amendment Act 1991 No. 25 pt 3**

date of assent 5 June 1991

commenced on date of assent

**Local Government Legislation Amendment Act 1992 No. 13 pts 1–2, s 7 sch**

date of assent 13 May 1992

commenced on date of assent

**Electoral Act 1992 No. 28 ss 1–2, pt 10 div 2**

date of assent 1 June 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 19 June 1992 (1992 SL No. 160)

**Local Government Legislation Amendment Act (No. 2) 1992 No. 49 ss 1–2**

date of assent 30 November 1992

commenced on date of assent

**Lands Legislation Amendment Act 1992 No. 64 ss 1–3 sch 1**

date of assent 7 December 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 26 March 1993 (1993 SL No. 88)

**Local Government Legislation Amendment Act 1993 No. 8 pts 1–2**

date of assent 26 March 1993

commenced on date of assent

**Audit Legislation Amendment Act 1993 No. 9 pts 1, 3**

date of assent 26 March 1993

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 1993 (1993 SL No. 125)

**Local Government Legislation Amendment Act (No. 2) 1993 No. 22 pts 1–2**

date of assent 2 June 1993

commenced on date of assent

**Local Government Act 1993 No. 70 ch 1 pt 1, ch 14 pt 3, sch**

date of assent 7 December 1993

ss 1–2 commenced on date of assent

remaining provisions commenced 26 March 1994 (see s 2(5))

**Local Government Legislation Amendment Act 1994 No. 1 pts 1–2**

date of assent 24 February 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 1994 (see s 2)

**Local Government Legislation Amendment Act 1995 No. 11 pts 1–2**

date of assent 5 April 1995

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1995 (see s 2)

**Transport Infrastructure Amendment (Rail) Act 1995 No. 32 pt 1, s 23 sch**

date of assent 14 June 1995

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1995 (see s 2(2), 1995 SL No. 162 ss 2(3), 19)

**List of legislation to Land (Mt Coot-tha Television Stations) Sales Act 1986—before relocation of s 8 to City of Brisbane Act 1924****Land (Mt Coot-tha Television Stations) Sales Act 1986 No. 11**

date of assent 26 March 1986

commenced on date of assent

as amended by—

**Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1**

date of assent 28 November 1995

commenced on date of assent

**Amending legislation to City of Brisbane Act 1924—after relocation of Land (Mt Coot-tha Television Stations) Sales Act 1986 No. 11 s 8**

**Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1**

date of assent 28 November 1995  
 commenced on date of assent

**Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1**

date of assent 28 November 1995  
 commenced on date of assent

**Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch**

date of assent 20 November 1996  
 ss 1–2 commenced on date of assent  
 remaining provisions not yet proclaimed into force

**Local Government Legislation Amendment Act 1996 No. 81 pts 1–2**

date of assent 16 December 1996  
 commenced on date of assent

## 7 List of annotations

**Parts of Act**

s 2 amd 1952 1 Eliz 2 No. 52 s 2; 1959 8 Eliz 2 No. 18 s 2(a)  
 om 1992 No. 13 s 7 sch s 1

**Interpretation**

s 3 amd 1986 No. 17 s 3(a), (c)  
 def “**administrative body**” ins 1986 No. 17 s 3(b)(i)  
 def “**Alderman**” om 1993 No. 70 s 804 sch  
 def “**chief executive (valuations)**” ins 1992 No. 64 s 3 sch 1  
 def “**city**” sub 1993 No. 70 s 804 sch  
 def “**Corporation**” ins 1930 21 Geo 5 No. 45 s 2(a)  
 om 1933 24 Geo 5 No. 13 s 2(a)  
 def “**councillor**” ins 1993 No. 70 s 804 sch  
 def “**Crown**” ins 1992 No. 13 s 4  
 def “**decision maker**” ins 1992 No. 13 s 4  
 def “**differential general rate**” ins 1992 No. 13 s 4  
 def “**election**” ins 1972 No. 3 s 2(a)  
 amd 1984 No. 33 s 2  
 sub 1993 No. 70 s 804 sch  
 def “**Elections Act**” sub 1936 1 Edw 8 No. 5 s 2(a)  
 om 1992 No. 28 s 187  
 def “**Electoral**” sub 1930 21 Geo 5 No. 45 s 2(b); 1933 24 Geo 5 No. 13  
 s 2(b); 1936 1 Edw 8 No. 5 s 2(b); 1949 13 Geo 6 No. 21 s 2; 1992 No.  
 28 s 187  
 def “**Electoral Act**” ins 1992 No. 28 s 187  
 def “**electoral district**” prev def om 1930 21 Geo 5 No. 45 s 2(c)  
 pres def ins 1933 24 Geo 5 No. 13 s 2(c)  
 amd 1972 No. 3 s 2(b)  
 sub 1992 No. 28 s 187  
 def “**electoral ward**” ins 1930 21 Geo 5 No. 45 s 2(c)

- om 1936 1 Edw 8 No. 5 s 2(c)
- def **“Electric Light and Power Act”** om 1992 No. 13 s 7 sch s 2
- def **“Executive Committee”** or **“Executive”** ins 1930 21 Geo 5 No. 45 s 2(d)
  - om 1933 24 Geo 5 No. 13 s 2(d)
- def **“general charge”** ins 1992 No. 13 s 4
- def **“general rate”** ins 1992 No. 13 s 4
- def **“Health Act”** om 1992 No. 13 s 7 sch s 2
- def **“Instrument of subordinate legislation”** ins 1986 No. 17 s 3(b)(ii)
  - om 1992 No. 13 s 7 sch s 2
- def **“leader of the opposition”** ins 1991 No. 25 s 5
  - sub 1993 No. 70 s 804 sch
- def **“Local Authorities Act”** amd 1953 2 Eliz 2 No. 19 s 4
  - om 1992 No. 13 s 7 sch s 2
- def **“Local Government Act”** ins 1992 No. 13 s 4
  - sub 1993 No. 70 s 804 sch
- def **“Mayor”** amd 1986 No. 17 s 3(b)(iii)
  - om 1992 No. 13 s 7 sch s 2
- def **“Metropolitan Water Supply and Sewerage Act”** om 1992 No. 13 s 7 sch s 2
- def **“minimum general rate levy”** ins 1992 No. 13 s 4
- def **“Minister”** sub 1943 7 Geo 6 No. 13 s 7; 1972 No. 3 s 2; 1990 No. 80 s 3 sch 5
  - om 1992 No. 13 s 7 sch s 2
- def **“Occupier”** ins 1930 21 Geo 5 No. 45 s 2(e)
  - om 1933 24 Geo 5 No. 13 s 2(e)
- def **“Occupiers’ register”** ins 1930 21 Geo 5 No. 45 s 2(e)
  - om 1933 24 Geo 5 No. 13 s 2(e)
- def **“Ordinances”** om 1992 No. 13 s 7 sch s 2
- def **“owner”** ins 1992 No. 13 s 4
  - sub 1993 No. 70 s 804 sch
- def **“pensioner”** ins 1992 No. 13 s 4
- def **“Prescribed”** om 1992 No. 13 s 7 sch s 2
- def **“rate”** ins 1992 No. 13 s 4
- def **“rateable land”** ins 1992 No. 13 s 4
- def **“separate rate of charge”** ins 1992 No. 13 s 4
- def **“Subunit of administration”** ins 1986 No. 17 s 3(b)(iv)
- def **“This Act”** om 1992 No. 13 s 7 sch s 2
- def **“Town Clerk”** om 1992 No. 13 s 7 sch s 2
- def **“Trustee”** ins 1930 21 Geo 5 No. 45 s 2(f)
  - om 1933 24 Geo 5 No. 13 s 2(f)
- def **“unit of administration”** ins 1986 No. 17 s 3(b)(v)
- def **“utility charge”** ins 1992 No. 13 s 4
- def **“valuation authority”** ins 1992 No. 13 s 4
  - om 1992 No. 64 s 3 sch 1
- def **“Valuer-General”** ins 1986 No. 17 s 3(b)(v)
  - om 1992 No. 13 s 7 sch s 2
- def **“Victoria Bridge Act”** om 1986 No. 17 s 3(b)(vi)

**Application of the Local Government Act**

**s 3A** ins 1993 No. 70 s 804 sch  
amd 1996 No. 81 s 3

**PART 2—THE CITY CHARTER**

**pt 2 hdg** (prec s 4) sub 1992 No. 13 s 7 sch s 3

**City of Brisbane**

**hdg** (prec s 4) om 1992 No. 13 s 7 sch s 3

**Division 1—City of Brisbane**

**div 1 hdg** (prec s 4) ins 1992 No. 13 s 7 sch s 3

**City of Brisbane**

**s 4** amd 1944 8 Geo 6 No. 15 s 2; 1974 No. 62 s 2  
sub 1993 No. 8 s 3  
amd 1993 No. 70 s 804 sch

**Brisbane City Council**

**hdg** (prec s 5) om 1992 No. 13 s 7 sch s 4

**Division 2—Brisbane City Council**

**div 2 hdg** (prec s 5) ins 1992 No. 13 s 7 sch s 4

**Composition of council**

**s 5** sub 1930 21 Geo 5 No. 45 s 3; 1933 24 Geo 5 No. 13 s 3  
amd 1950 14 Geo 6 No. 19 s 2; 1960 9 Eliz 2 No. 23 s 2  
sub 1972 No. 3 s 3; 1984 No. 33 s 3  
amd 1992 No. 13 s 7 sch s 5; 1993 No. 70 s 804 sch

**Council is body corporate etc.**

**s 6** sub 1992 No. 13 s 5

**Powers of council**

**s 6A** ins 1992 No. 13 s 5

**Qualifications for election**

**s 7** sub 1930 21 Geo 5 No. 45 s 4; 1933 24 Geo 5 No. 13 s 4; 1936 1 Edw 8  
No. 5 s 3  
amd 1949 13 Geo 6 No. 21 s 3; 1972 No. 3 s 4; 1977 No. 6 s 9; 1984  
No. 33 s 4  
sub 1992 No. 28 s 188  
om 1993 No. 70 s 804 sch

**Disabilities**

**s 8** amd 1954 3 Eliz 2 No. 26 s 2; 1966 No. 31 s 4 sch; 1972 No. 3 s 5; 1984  
No. 33 s 5; 1986 No. 17 s 4; 1989 No. 103 s 3 sch; 1990 No. 107 s 3.2  
(as amended 1991 No. 97 s 3 sch 2); 1992 No. 13 s 7 sch ss 6–9  
om 1993 No. 70 s 804 sch

**Tenure of office**

**s 9** amd 1960 9 Eliz 2 No. 23 s 3; 1992 No. 13 s 7 sch s 10  
om 1993 No. 70 s 804 sch

**When office is vacant**

**s 10** amd 1930 21 Geo 5 No. 45 s 5; 1933 24 Geo 5 No. 13 s 5; 1966 No. 31 s 4 sch; 1972 No. 3 s 6  
om 1993 No. 70 s 804 sch

**Resignations**

**s 11** amd 1924 15 Geo 5 No. 32 s 36A (ins 1930 21 Geo 5 No. 45 s 19)  
sub 1933 24 Geo 5 No. 13 s 6  
om 1993 No. 70 s 804 sch

**Members may be re-elected**

**s 12** amd 1972 No. 3 s 7; 1984 No. 33 s 6  
om 1993 No. 70 s 804 sch

**Elections**

**hdg** (prec s 13) om 1992 No. 13 s 7 sch s 11

**Division 3—Elections for council**

**div 3 hdg** (prec s 13) ins 1992 No. 13 s 7 sch s 11

**Election of mayor**

**s 13** prev s 13 om 1930 21 Geo 5 No. 45 s 6  
pres s 13 ins 1933 24 Geo 5 No. 13 s 7  
sub 1936 1 Edw 8 No. 5 s 4; 1949 13 Geo 6 No. 21 s 4; 1972 No. 3 s 8;  
1984 No. 33 s 7

**Present Council**

**s 14** sub 1930 21 Geo 5 No. 45 s 7; 1933 24 Geo 5 No. 13 s 8; 1936 1 Edw 8 No. 5 s 5; 1950 14 Geo 6 No. 19 s 3; 1960 9 Eliz 2 No. 23 s 4; 1972 No. 3 s 9  
amd 1984 No. 33 s 8  
om 1992 No. 13 s 7 sch s 12

**Electoral wards and election of councillors therefor**

**s 14A** ins 1950 14 Geo 6 No. 19 s 4  
sub 1960 9 Eliz 2 No. 23 s 5; 1972 No. 3 s 9  
amd 1984 No. 33 s 9; 1992 No. 13 s 7 sch ss 13–14; 1992 No. 49 s 3

**Candidature for only one office**

**s 14AA** ins 1984 No. 33 s 10  
om 1993 No. 70 s 804 sch

**First distribution of electoral wards**

**hdg** (prec s 14B) ins 1972 No. 3 s 10  
om 1992 No. 13 s 7 sch s 15

**Division 4—Distribution and redistribution of wards**

**div 4 hdg** (prec s 14B) ins 1992 No. 13 s 7 sch s 15  
om 1996 No. 81 s 4

**Subdivision A—Division of City for 1994 triennial election**

**sdiv hdg** (prec s 14B) ins 1992 No. 13 s 7 sch s 15  
sub 1992 No. 49 s 4  
om R1 (see RA s 39)

**Distribution for 1994 triennial election**

- s 14B** prev s 14B ins 1950 14 Geo 6 No. 19 s 5  
om 1960 9 Eliz 2 No. 23 s 6  
pres s 14B ins 1972 No. 3 s 10  
amd 1992 No. 13 s 7 sch ss 16–17  
sub 1992 No. 49 s 4  
om R1 (see RA s 39)

**Subdivision 2—Redistributions**

- sdiv B hdg** (prev prec s 14F)  
ins 1992 No. 13 s 7 sch s 18  
sub and reloc 1992 No. 49 s 5  
om 1996 No. 81 s 5

**Appointment of electoral commissioners**

- s 14C** prev s 14 C ins 1972 No. 3 s 10  
om 1992 No. 49 s 4  
pres s 14C ins 1992 No. 49 s 5  
om 1996 No. 81 s 5

**Duty of electoral commissioners**

- s 14D** prev s 14D ins 1972 No. 3 s 11  
amd 1984 No. 33 s 11; 1992 No. 28 s 189  
om 1992 No. 49 s 4  
pres s 14D ins 1992 No. 49 s 5  
om 1996 No. 81 s 5

**Equitable division of city**

- s 14E** prev s 14E ins 1972 No. 3 s 11  
om 1992 No. 49 s 4  
pres s 14E ins 1992 No. 49 s 5  
om 1996 No. 81 s 5

**Quota to be observed in division of city into electoral wards**

- s 14F** ins 1972 No. 3 s 12  
sub 1992 No. 49 s 5  
om 1996 No. 81 s 5

**Further matters to be considered in dividing city into electoral wards**

- s 14G** ins 1972 No. 3 s 12  
sub 1992 No. 49 s 5  
om 1996 No. 81 s 5

**Duty of Commissioners**

- s 14H** ins 1972 No. 3 s 12  
om 1992 No. 49 s 5

**Fresh quotas**

- s 14J** ins 1972 No. 3 s 12  
amd 1977 No. 6 s 10; 1984 No. 33 s 12; 1992 No. 28 s 190  
om 1992 No. 49 s 5



**Existing council**

**s 14K** ins 1972 No. 3 s 12  
 amd 1984 No. 33 s 13; 1986 No. 17 s 5; 1992 No. 28 s 191; 1992 No. 49  
 s 6  
 om 1996 No. 81 s 5

**Distribution and Redistribution—General**

**hdg** (prec s 14L) ins 1972 No. 3 s 13  
 om 1992 No. 13 s 7 sch s 19

**Subdivision 3—General provisions**

**sdiv 3 hdg** (prec s 14L) ins 1992 No. 13 s 7 sch s 19  
 om 1996 No. 81 s 6

**Names of electoral wards**

**s 14L** ins 1972 No. 3 s 13  
 amd 1992 No. 28 s 192  
 om 1996 No. 81 s 7

**Notice of proposed redistribution**

**prov hdg** amd 1992 No. 49 s 7  
**s 14M** ins 1972 No. 3 s 13  
 amd 1976 No. 84 s 4; 1992 No. 49 s 7  
 om 1996 No. 81 s 7

**Objections**

**s 14N** ins 1972 No. 3 s 13  
 amd 1992 No. 49 s 8  
 om 1996 No. 81 s 7

**Report by commissioners**

**s 14O** ins 1972 No. 3 s 14  
 amd 1992 No. 49 s 9  
 om 1996 No. 81 s 7

**Proclamation of electoral wards**

**s 14P** ins 1972 No. 3 s 14  
 amd 1974 No. 62 s 3; 1992 No. 13 s 7 sch s 20; 1992 No. 49 s 10  
 om 1996 No. 81 s 7

**Electoral rolls**

**s 14Q** ins 1972 No. 3 s 14  
 amd 1992 No. 28 s 193; 1996 No. 81 s 8

**Non-application of s 4F of *Local Government Act 1936* to redistribution before 1994 triennial election**

**s 14R** ins 1992 No. 49 s 11  
 om R1 (see RA s 39)

**First election**

**s 15** om 1972 No. 3 s 15

**First election after the passing of “*The City of Brisbane Act Amendment Act of 1930*”**

**s 15A** ins 1930 21 Geo 5 No. 45 s 8  
om 1933 24 Geo 5 No. 13 s 9

**Triennial Elections and Extraordinary Vacancies**

**hdg** (after s 14Q and prec s 16) ins 1972 No. 3 s 14  
om 1992 No. 13 s 7 sch s 21

**Division 5—Triennial elections and extraordinary vacancies**

**div 5 hdg** (prec s 16) ins 1992 No. 13 s 7 sch s 21

**Triennial elections**

**s 16** sub 1930 21 Geo 5 No. 45 s 9; 1933 24 Geo 5 No. 13 s 10; 1936 1 Edw 8 No. 5 s 6  
amd 1943 7 Geo 6 No. 2 s 7; 1950 14 Geo 6 No. 19 s 6; 1951 15 Geo 6 No. 12 s 9; 1951 15 Geo 6 No. 40 s 11; 1958 7 Eliz 2 No. 1 s 6; 1960 9 Eliz 2 No. 23 s 7; 1969 No. 26 s 2  
sub 1972 No. 3 s 16  
amd 1984 No. 33 s 14; 1996 No. 81 s 9

**One vote only**

**s 17** sub 1930 21 Geo 5 No. 45 s 10; 1933 24 Geo 5 No. 13 s 11; 1936 1 Edw 8 No. 5 s 7  
amd 1949 13 Geo 6 No. 21 s 5; 1958 7 Eliz 2 No. 1 s 7; 1960 9 Eliz 2 No. 23 s 8; 1969 No. 26 s 3; 1972 No. 3 s 17; 1984 No. 33 s 15; 1990 No. 101 s 14; 1990 No. 107 s 3.3; 1992 No. 13 s 7 sch ss 22–23; 1992 No. 28 s 194; 1994 No. 1 s 4; 1996 No. 81 s 10

**Filling vacancies**

**s 18** sub 1930 21 Geo 5 No. 45 s 11; 1933 24 Geo 5 No. 13 s 12  
amd 1936 1 Edw 8 No. 5 s 8; 1949 13 Geo 6 No. 21 s 6; 1950 14 Geo 6 No. 19 s 7; 1960 9 Eliz 2 No. 23 s 9; 1969 No. 26 s 4; 1972 No. 3 s 18  
sub 1984 No. 33 s 16  
amd 1986 No. 17 s 6; 1992 No. 28 s 195  
om 1993 No. 70 s 804 sch

**Governor in Council may appoint Mayor or aldermen in default of election**

**s 19** sub 1930 21 Geo 5 No. 45 s 12; 1933 24 Geo 5 No. 13 s 13; 1972 No. 3 s 19; 1984 No. 33 s 17  
om 1993 No. 70 s 804 sch

**Conclusion of elections**

**s 20** amd 1930 21 Geo 5 No. 45 s 13; 1933 24 Geo 5 No. 13 s 14; 1936 1 Edw 8 No. 5 s 9  
sub 1972 No. 3 s 20  
amd 1984 No. 33 s 18  
om 1996 No. 81 s 11

**Election of Mayor**

**s 20A** ins 1930 21 Geo 5 No. 45 s 14  
om 1933 24 Geo 5 No. 13 s 15

**Provisions for Election of Mayor**

**s 20B** ins 1930 21 Geo 5 No. 45 s 14  
om 1933 24 Geo 5 No. 13 s 15

**Meetings**

**s 21** sub 1930 21 Geo 5 No. 45 s 15  
om 1939 3 Geo 6 No. 30 s 7

**Financial year**

**hdg** (prec s 21A) om 1992 No. 13 s 7 sch s 24

**Division 6—Members of council**

**div 6 hdg** (prec s 21A) ins 1992 No. 13 s 7 sch s 24

**Financial year**

**s 21A** ins 1930 21 Geo 5 No. 45 s 16  
om 1992 No. 13 s 7 sch s 25

**Remuneration of mayor and councillors**

**s 22** amd 1930 21 Geo 5 No. 45 s 17  
sub 1933 24 Geo 5 No. 13 s 16; 1948 12 Geo 6 No. 45 s 4  
amd 1986 No. 17 s 7; 1991 No. 25 s 6; R1 (see RA s 39)

**Superannuation benefits for councillors**

**s 23** prev s 23 amd 1930 21 Geo 5 No. 45 s 18  
sub 1933 24 Geo 5 No. 13 s 17; 1937 1 Geo 6 No. 19 s 2; 1944 8 Geo 6  
No. 15 s 3  
om 1948 12 Geo 6 No. 45 s 4  
pres s 23 ins 1967 No. 52 s 2  
amd 1986 No. 17 s 8; 1992 No. 13 s 7 sch s 26  
sub 1995 No. 11 s 4

**Mayor**

**hdg** (prec s 23A) ins 1986 No. 17 s 9  
om 1992 No. 13 s 7 sch s 27

**Mayor**

**s 23A** ins 1986 No. 17 s 9

**Deputy Mayor**

**hdg** (prec s 24) sub 1986 No. 17 s 10  
om 1992 No. 13 s 7 sch s 28

**Deputy mayor**

**prov hdg** sub 1986 No. 17 s 11(1)  
**s 24** amd 1934 25 Geo 5 No. 32 s 23; 1986 No. 17 s 11(1)

**Acting appointment during absence of mayor and deputy mayor**

**prov hdg** amd 1986 No. 17 s 12(a)  
**s 24A** ins 1936 1 Edw 8 No. 5 s 10  
amd 1986 No. 17 s 12(b)

**Disability of alderman for voting on account of interest in contracts, &c.**

**s 24B** (prev s 25A) ins 1936 1 Edw 8 No. 5 s 11  
 amd 1966 No. 31 s 4 sch; 1987 No. 36 s 17  
 reloc as s 24B 1992 No. 13 s 7 sch s 30  
 om 1993 No. 70 s 804 sch

**Town Clerk**

**hdg** (prec s 25) om 1992 No. 13 s 7 sch s 29

**Division 7—Town clerk and officers and employees of council**

**div 7 hdg** (prec s 25) ins 1992 No. 13 s 7 sch s 29

**Town clerk**

**s 25** sub 1924 15 Geo 5 No. 32 s 36A (ins 1930 21 Geo 5 No. 45 s 19); 1933  
 24 Geo 5 No. 13 s 18

**Disclosure by officers of interest in contracts**

**s 25B** ins 1936 1 Edw 8 No. 5 s 11  
 amd 1966 No. 31 s 4 sch; 1992 No. 13 s 7 sch s 31

**Appeal by officer against promotion of other officer**

**s 25C** ins 1936 1 Edw 8 No. 5 s 12  
 amd 1940 4 Geo 6 No. 19 s 2  
 sub 1943 7 Geo 6 No. 30 s 2  
 amd 1986 No. 17 s 13

**Appeal by employee against disciplinary action**

**s 25D** ins 1943 7 Geo 6 No. 30 s 2  
 sub 1973 No. 59 s 2  
 amd 1986 No. 17 s 14

**Superannuation scheme for employees**

**s 25E** ins 1986 No. 17 s 15  
 amd 1990 No. 26 s 13; 1992 No. 13 s 7 sch ss 32–33  
 sub 1995 No. 11 s 5

**Powers until 1st October, 1925**

**hdg** (prec s 26) om 1986 No. 17 s 16(a)

**Duties of Council until 1st October, 1925**

**s 26** om 1986 No. 17 s 16(a)

**Interim expenditure**

**s 27** om 1986 No. 17 s 16(a)

**Powers preparatory to union of parts of Shires of Tingalpa and Yeerongpilly with the City**

**s 28** om 1986 No. 17 s 16(a)

**Abolition of Component Areas and Local Bodies**

**hdg** (prec s 29) om 1986 No. 17 s 16(b)

**Abolition of Areas, &c.**

**s 29** om 1986 No. 17 s 16(b)

**Transfer of property**

**s 30** om 1986 No. 17 s 16(b)

**Control of Victoria Bridge**

**s 31** amd 1957 6 Eliz 2 No. 41 s 18  
om 1986 No. 17 s 16(b)

**Botanic Gardens**

**hdg** (prec s 32) om 1992 No. 13 s 7 sch s 34

**Division 8—Botanic gardens**

**div 8 hdg** (prec s 32) ins 1992 No. 13 s 7 sch s 34

**Control of botanic gardens**

**s 32** amd 1992 No. 13 s 7 sch s 35

**Existing Loans**

**hdg** (prec s 33) om 1986 No. 17 s 16(c)

**Existing Treasury loans**

**s 33** amd 1966 No. 31 s 4 sch  
om 1986 No. 17 s 16(c)

**Victoria Bridge loan**

**s 34** om 1986 No. 17 s 16(c)

**Current debentures where interest only payable by instalments**

**s 35** om 1986 No. 17 s 16(c)

**Powers and Jurisdiction**

**hdg** (prec s 36) om 1992 No. 13 s 7 sch s 36

**Division 9—Powers and jurisdiction**

**div 9 hdg** (prec s 36) ins 1992 No. 13 s 7 sch s 36

**Powers and jurisdiction of the Council**

**s 36** amd 1940 4 Geo 6 No. 19 s 3; 1959 8 Eliz 2 No. 70 s 2; 1976 No. 66  
s 4(4) sch 1 pt C; 1990 No. 24 s 3.2; 1992 No. 13 s 7 sch ss 37–38  
om 1993 No. 70 s 804 sch

**Bridges**

**s 36A** prev s 36A ins 1930 21 Geo 5 No. 45 s 19  
om 1933 24 Geo 5 No. 13 s 19  
pres s 36A ins 1953 2 Eliz 2 No. 19 s 5  
amd 1992 No. 13 s 7 sch s 39  
sub 1993 No. 8 s 4  
amd 1993 No. 70 s 804 sch

**Appeals against Valuations**

**s 36B** ins 1930 21 Geo 5 No. 45 s 19  
sub 1933 24 Geo 5 No. 13 s 20  
om 1944 8 Geo 6 No. 3 sch 2 s 1(1)

**Acquisition of land**

**s 37** sub 1967 No. 48 s 3(2) sch 1

**Ordinances****hdg** (prec s 38) om 1992 No. 13 s 7 sch s 40**Division 10—Ordinances****div 10 hdg** (prec s 38) ins 1992 No. 13 s 7 sch s 40  
om 1993 No. 70 s 804 sch**Ordinances****s 38** amd 1966 No. 31 s 4 sch; 1969 No. 26 s 5(1); 1976 No. 84 s 5; 1980  
No. 18 s 31; 1986 No. 17 s 17; 1990 No. 107 s 3.4; 1992 No. 13 s 7 sch  
ss 41–43  
om 1993 No. 70 s 804 sch**Validation of ordinances, acts etc.****s 38A** ins 1993 No. 22 s 4  
exp 2 July 1993 (see s 38A(4))  
om 1993 No. 70 s 804 sch**Repeal of ordinances****s 39** om 1993 No. 70 s 804 sch**Administration****hdg** (prec s 39A) ins 1986 No. 17 s 18  
om 1992 No. 13 s 7 sch s 44**Division 11—Administration****div 11 hdg** (prec s 39A) ins 1992 No. 13 s 7 sch s 44**Administration of council business****s 39A** ins 1986 No. 17 s 18**Delegation****s 39B** ins 1986 No. 17 s 18  
sub 1992 No. 13 s 7 sch s 45**Council register****s 39C** ins 1986 No. 17 s 18  
amd 1992 No. 13 s 7 sch s 46**Revenue****hdg** (prec s 40) sub 1936 1 Edw 8 No. 5 s 13  
om 1992 No. 13 s 7 sch s 47**Division 12—Contracts and tendering****div 12 hdg** (prec s 40) ins 1992 No. 13 s 6**Formalities of making etc. of contracts****s 40** sub 1936 1 Edw 8 No. 5 s 13  
amd 1943 7 Geo 6 No. 13 s 8; 1980 No. 18 s 33; 1982 No. 38 s 2; 1990  
No. 24 s 3.3  
sub 1992 No. 13 s 6

**Limitation on entering into contracts under delegation**

- s 41** sub 1936 1 Edw 8 No. 5 s 13  
 amd 1943 7 Geo 6 No. 13 s 9; 1945 10 Geo 6 No. 5 s 13; 1986 No. 17 s 19  
 sub 1992 No. 13 s 6

**Books and accounts**

- s 41A** ins 1936 1 Edw 8 No. 5 s 13  
 om 1992 No. 13 s 6

**Powers of Governor in Council in relation to ss 41 and 41A**

- prov hdg** amd 1982 No. 38 s 3  
**s 41B** ins 1936 1 Edw 8 No. 5 s 13  
 om 1992 No. 13 s 6

**Requirements for tenders and quotations**

- s 42** amd 1933 24 Geo 5 No. 13 s 21  
 sub 1936 1 Edw 8 No. 5 s 14; 1992 No. 13 s 6

**Modification of tenders**

- s 43** sub 1992 No. 13 s 6

**Guarantee of loans**

- s 43A** ins 1936 1 Edw 8 No. 5 s 15  
 om 1982 No. 33 s 14(2) sch 3

**Brokerage**

- s 43B** ins 1936 1 Edw 8 No. 5 s 15  
 amd 1986 No. 17 s 20  
 om 1992 No. 13 s 6

**Short-listing after calling for expressions of interest**

- s 44** amd 1930 21 Geo 5 No. 45 s 20; 1933 24 Geo 5 No. 13 s 22; 1944 8 Geo 6  
 No. 3 s 3(2) sch 2 s 1(2); 1966 No. 31 s 2; 1980 No. 18 s 34; 1982  
 No. 68 s 2; 1986 No. 17 s 21; 1990 No. 24 s 3.4  
 sub 1992 No. 13 s 6

**Power to compound rates**

- s 44A** ins 1936 1 Edw 8 No. 5 s 16  
 sub 1944 8 Geo 6 No. 15 s 4  
 amd 1980 No. 18 s 35; 1986 No. 17 s 22; 1990 No. 24 s 3.5; 1991 No. 25  
 s 7  
 om 1992 No. 13 s 6

**Charges and Fees**

- hdg** (prec s 44B) ins 1991 No. 25 s 8  
 om 1992 No. 13 s 6

**Charges and fees**

- s 44B** ins 1991 No. 25 s 8  
 om 1992 No. 13 s 6

**Sinking Funds**

- hdg** (prec s 45) om 1992 No. 13 s 7 sch s 48

**Acceptance of tender or quotation**

**s 45** prev s 45 reloc as s 128 1992 No. 13 s 7 sch s 49  
pres s 45 ins 1992 No. 13 s 6

**Sale of goods etc.**

**s 46** prev s 46 om 1992 No. 13 s 7 sch s 50  
pres s 46 ins 1992 No. 13 s 6

**PART 3—RATES AND CHARGES**

**pt 3 hdg** (prec s 47) ins 1992 No. 13 s 6

**Division 1—General**

**div 1 hdg** (immediately prec s 47) ins 1992 No. 13 s 6

**What land is rateable?**

**s 47** prev s 47 amd 1966 No. 31 s 4 sch  
om 1992 No. 13 s 7 sch s 50  
pres s 47 ins 1992 No. 13 s 6  
amd 1995 No. 32 s 23 sch

**Audit of books and accounts**

**s 47A** ins 1936 1 Edw 8 No. 5 s 17  
amd 1940 4 Geo 6 No. 19 s 5  
om 1992 No. 13 s 7 sch s 50

**Power to make and levy rates and charges**

**s 48** prev s 48 om 1949 13 Geo 6 No. 26 s 5(5)  
pres s 48 ins 1992 No. 13 s 6

**Fire Brigades**

**hdg** (prec s 49) om 1992 No. 13 s 7 sch s 51

**Meaning of “general rate” and “differential general rate”**

**s 49** prev s 49 om 1992 No. 13 s 7 sch s 52  
pres s 49 ins 1992 No. 13 s 6

**Meaning of “minimum general rate levy”**

**s 50** prev s 50 om 1992 No. 13 s 7 sch s 52  
pres s 50 ins 1992 No. 13 s 6

**Meaning of “separate rate or charge”**

**s 51** prev s 51 om 1992 No. 13 s 7 sch s 52  
pres s 51 ins 1992 No. 13 s 6

**Meaning of “utility charge”**

**s 52** prev s 52 om 1992 No. 13 s 7 sch s 52  
pres s 52 ins 1992 No. 13 s 6

**Enlargement of the city**

**hdg** (prec s 53) om 1992 No. 13 s 7 sch s 53

**Making of rates and charges**

**s 53** prev s 53 reloc as s 129 1992 No. 13 s 7 sch s 54  
pres s 53 ins 1992 No. 13 s 6



**General provisions****hdg** (prec s 54) om 1992 No. 13 s 7 sch s 55**General rate or differential general rates must be made each year****s 54** prev s 54 om 1992 No. 13 s 7 sch s 56  
pres s 55 ins 1992 No. 13 s 6**Differential general rates****s 55** prev s 55 reloc as s 131 1992 No. 13 s 7 sch s 59  
pres s 55 ins 1992 No. 13 s 6**PART III—CITY OF BRISBANE PLANNING SCHEME****pt 3 hdg** (prec s 56) ins 1952 1 Eliz 2 No. 52 s 3  
om 1959 8 Eliz 2 No. 18 s 2(b)**Minimum general rate levies****s 56** prev s 56 reloc as s 132 1992 No. 13 s 7 sch s 60  
pres s 56 ins 1992 No. 13 s 6**Separate rates and charges****s 57** prev s 57 ins 1952 1 Eliz 2 No. 52 s 4  
om 1959 8 Eliz 2 No. 18 s 2(c)  
pres s 57 ins 1992 No. 13 s 6**Utility charges****s 58** prev s 58 ins 1952 1 Eliz 2 No. 52 s 4  
om 1959 8 Eliz 2 No. 18 s 2(c)  
pres s 58 ins 1992 No. 13 s 6  
amd 1996 No. 81 s 12**General charges****s 59** prev s 59 ins 1952 1 Eliz 2 No. 52 s 4  
om 1959 8 Eliz 2 No. 18 s 2(c)  
pres s 59 ins 1992 No. 13 s 6**Division 2—Levying of rates****div 2 hdg** (prec s 60) ins 1992 No. 13 s 6**Levying rates****s 60** prev s 60 ins 1952 1 Eliz 2 No. 52 s 4  
om 1959 8 Eliz 2 No. 18 s 2(c)  
pres s 60 ins 1992 No. 13 s 6**Rate may be levied or adjusted after end of financial year****s 61** prev s 61 ins 1952 1 Eliz 2 No. 52 s 4  
om 1959 8 Eliz 2 No. 18 s 2(c)  
pres s 61 ins 1992 No. 13 s 6**Person who is liable to pay rate****s 62** ins 1992 No. 13 s 6**Liability to pay rate if change of ownership etc.****s 63** ins 1992 No. 13 s 6

**Payment of rates**

**s 64** ins 1992 No. 13 s 6

**Time for payment of rates and recovery of rates**

**s 65** ins 1992 No. 13 s 6  
amd 1993 No. 70 s 804 sch

**Payment by instalments**

**s 66** ins 1992 No. 13 s 6  
amd R1 (see RA s 5(d))

**Unpaid rate may bear interest**

**s 67** ins 1992 No. 13 s 6

**Discount for prompt payment**

**s 68** ins 1992 No. 13 s 6

**Other benefits for prompt payment**

**s 69** ins 1992 No. 13 s 6  
amd 1996 No. 81 s 13  
(2)-(4) exp 30 June 1998 (see s 69(4))

**Levy of rate on alteration in unimproved value etc.**

**s 70** ins 1992 No. 13 s 6

**Adjustment of differential general rate on change in category**

**s 71** ins 1992 No. 13 s 6

**Refund of excess rate and recovery of shortfall**

**s 72** ins 1992 No. 13 s 6

**Refund of rate on termination of entitlement to occupy**

**s 73** ins 1992 No. 13 s 6

**Division 3—Concessions**

**div 3 hdg** (prec s 74) ins 1992 No. 13 s 6

**Meaning of “pensioner” in division**

**s 74** ins 1992 No. 13 s 6

**Remission, composition and settlement of rates**

**s 75** ins 1992 No. 13 s 6  
amd R1 (see RA s 5(d))

**Deferment of payment of liability**

**s 76** ins 1992 No. 13 s 6  
amd R1 (see RA s 5(d))

**Resort to section 75 or 76 requires justification**

**s 77** ins 1992 No. 13 s 6

**Remission for occupancy by pensioners**

**s 78** ins 1992 No. 13 s 6

**Exercise of concession powers requires owner’s application**

**s 79** ins 1992 No. 13 s 6

**Division 4—Categorisation of land for differential rating****div 4 hdg** (prec s 81) ins 1992 No. 13 s 6**Establishing criteria and categories****s 81** ins 1992 No. 13 s 6**Identification of categories for parcels of land****s 82** ins 1992 No. 13 s 6  
amd 1992 No. 64 s 3 sch 1**Specification of categories for parcels of land****s 83** ins 1992 No. 13 s 6**Entry on land to assist differential rating****s 84** ins 1992 No. 13 s 6  
amd 1992 No. 64 s 3 sch 1**Notice to owner of categorisation****s 85** ins 1992 No. 13 s 6  
amd 1992 No. 64 s 3 sch 1**Owner's objection to categorisation****s 86** ins 1992 No. 13 s 6**Determination of owner's objection****s 87** ins 1992 No. 13 s 6**Effect of determinations****s 88** ins 1992 No. 13 s 6**Appeal against determination****s 89** ins 1992 No. 13 s 6**Constitution and procedure of Land Court****s 90** ins 1992 No. 13 s 6**Determination of appeal by Land Court****s 91** ins 1992 No. 13 s 6**Levy and recovery of rate unaffected by objection or appeal****s 92** ins 1992 No. 13 s 6**Late categorisation****s 93** ins 1992 No. 13 s 6**Time of effect of late categorisation****s 94** ins 1992 No. 13 s 6**PART 4—FINANCE****pt 4 hdg** (prec s 95) ins 1992 No. 13 s 6**Division 1—Funds and accounting****div 1 hdg** (immediately prec s 95) ins 1992 No. 13 s 6**Funds****s 95** ins 1992 No. 13 s 6

**Trust fund**

s 96 ins 1992 No. 13 s 6

**Reserves**

s 97 ins 1992 No. 13 s 6

**Sound accounting principles and procedures to be observed**

s 98 ins 1992 No. 13 s 6

**Bank accounts**

s 99 ins 1992 No. 13 s 6

**Basis of accounting**

s 100 ins 1992 No. 13 s 6

**Accounting periods**

s 101 ins 1992 No. 13 s 6

**Accounting records**

s 102 ins 1992 No. 13 s 6

**Surpluses and deficits**

s 103 ins 1992 No. 13 s 6

**Accounting manual**

s 104 ins 1992 No. 13 s 6

**Losses and ex gratia payments**

s 105 ins 1992 No. 13 s 6

**Parking receipts**

s 106 ins 1992 No. 13 s 6  
amd 1993 No. 70 s 804 sch

**Division 2—Budget**

div 2 (ss 107–111) ins 1992 No. 13 s 6

**Division 3—Investment and borrowing**

div 3 hdg (prec s 112) ins 1992 No. 13 s 6

**Borrowing or raising money**

s 112 ins 1992 No. 13 s 6  
sub 1996 No. 54 s 9 sch

**Investing money**

s 113 ins 1992 No. 13 s 6  
om 1996 No. 54 s 9 sch

**Application of Statutory Bodies Financial Arrangements Act**

s 114 ins 1992 No. 13 s 6  
om 1996 No. 54 s 9 sch

**Members' liability for unauthorised borrowings**

s 115 ins 1992 No. 13 s 6  
amd 1996 No. 54 s 9 sch

**Division 4—Annual statements and report****div 4 (ss 116–121)** ins 1992 No. 13 s 6**Division 5—Audit****div 5 hdg** (prec s 122) ins 1992 No. 13 s 6**Auditor-general to conduct audits****s 122** ins 1992 No. 13 s 6  
amd 1993 No. 9 s 26**Nature of audit****s 123** ins 1992 No. 13 s 6  
om 1993 No. 9 s 27**Frequency of audits****s 124** ins 1992 No. 13 s 6  
om 1993 No. 9 s 27**Auditor-general to audit accounts of superannuation schemes****s 125** ins 1992 No. 13 s 6**General reporting provisions****s 126** ins 1992 No. 13 s 6  
amd 1993 No. 9 s 28**Division 6—Standards****div 6 hdg** (prec s 127) ins 1992 No. 13 s 6**Financial management standards****s 127** ins 1992 No. 13 s 6**Division 7—Sinking funds****div 7 hdg** (following s 127) ins 1992 No. 13 s 6  
om 1996 No. 54 s 9 sch**City debt redemption fund****s 128** (prev s 45) amd 1924 15 Geo 5 No. 32 s 36A (ins 1930 21 Geo 5 No. 45 s 19); 1930 21 Geo 5 No. 45 s 21; 1933 24 Geo 5 No. 13 s 23; 1940 4 Geo 6 No. 19 s 4  
sub 1982 No. 38 s 4  
reloc as s 128 1992 No. 13 s 7 sch s 49  
amd 1993 No. 70 s 804 sch  
om 1996 No. 54 s 9 sch**PART 5—MISCELLANEOUS****pt 5 hdg** (prec s 129) ins 1992 No. 13 s 7 sch s 53**Provision for enlargement of the city****s 129** (prev s 53) reloc 1992 No. 13 s 7 sch s 54  
om 1993 No. 8 s 5**Penalties to be paid into City Fund****s 130** ins 1992 No. 13 s 7 sch s 56  
om 1993 No. 70 s 804 sch

**Quinquennial Reprint of Ordinances etc.**

- s 131** (prev s 55) amd 1924 15 Geo 5 No. 32 s 36A (ins 1930 21 Geo 5 No. 45 s 19)  
 sub 1966 No. 31 s 3  
 amd 1992 No. 13 s 7 sch ss 57–58  
 reloc as s 131 1992 No. 13 s 7 sch s 59  
 om 1993 No. 70 s 804 sch

**Publication of proclamations and orders in council**

- s 132** (prev s 56) ins 1952 1 Eliz 2 No. 52 s 3  
 om 1959 8 Eliz 2 No. 18 s 2(c)  
 ins 1966 No. 31 s 3  
 reloc as s 132 1992 No. 13 s 7 sch s 60

**Regulations**

- s 133** ins 1992 No. 13 s 7 sch s 61

**Resumption of land by council**

- s 134** (prev 1986 No. 11 s 8)  
 reloc 1995 No. 57 s 4 sch 1  
 amd 1995 No. 57 s 4 sch 1

**References to vice mayor**

- s 135** prev s 134 ins 1995 No. 58 s 4 sch 1  
 renum as s 135 R1 (see RA s 43)

**PART 6—TRANSITIONAL AND SAVINGS PROVISION FOR AMENDMENTS UNDER LOCAL GOVERNMENT LEGISLATION AMENDMENT ACT 1996**

- pt hdg** ins 1996 No. 81 s 14  
exp 1 May 1997 (see s 137)

**Provisions about electoral roll for triennial elections**

- s 136** ins 1996 No. 81 s 14  
exp 1 May 1997 (see s 137)

**Expiry of pt**

- s 137** ins 1996 No. 81 s 14  
exp 1 May 1997 (see s 137)

**SCHEDULE I—BOUNDARIES OF THE CITY**

- sub 1944 8 Geo 6 No. 15 s 5  
 om 1993 No. 8 s 6

**SCHEDULE II**

- prev sch 2 om 1944 8 Geo 6 No. 15 s 5  
 pres sch 2 ins 1972 No. 3 s 21  
 om 1992 No. 49 s 12

**SCHEDULE 3—APPEALS**

- hdg** ins 1943 7 Geo 6 No. 30 s 3

**Positions to be advertised**

s 1 ins 1943 7 Geo 6 No. 30 s 3  
amd 1986 No. 17 s 23(a)

**Composition of appeal board**

s 2 ins 1943 7 Geo 6 No. 30 s 3  
amd 1973 No. 59 s 3(a)

**Unsuccessful applicants, when to be informed of result of application for classified office**

s 3 ins 1943 7 Geo 6 No. 30 s 3

**Form of notice of appeal**

s 4 ins 1943 7 Geo 6 No. 30 s 3  
amd 1973 No. 59 s 3(b)

**Where to be forwarded**

s 5 ins 1943 7 Geo 6 No. 30 s 3

**Dealing with notice of appeal**

s 6 ins 1943 7 Geo 6 No. 30 s 3  
amd 1973 No. 59 s 3(c)

**Fixation of hearing**

s 7 ins 1943 7 Geo 6 No. 30 s 3

**Notice of hearing—form of notice of hearing**

s 8 ins 1943 7 Geo 6 No. 30 s 3  
amd 1973 No. 59 s 3(d)

**Town clerk to notify appointment of representative**

s 9 ins 1943 7 Geo 6 No. 30 s 3  
amd 1973 No. 59 s 3(e)

**Union to notify appointment of representative**

s 10 ins 1943 7 Geo 6 No. 30 s 3  
amd 1973 No. 59 s 3(f)

**Withdrawal of appeal**

s 11 ins 1943 7 Geo 6 No. 30 s 3

**Procedure**

s 12 ins 1943 7 Geo 6 No. 30 s 3

**Appellants and town clerk to supply names of witnesses**

s 13 ins 1943 7 Geo 6 No. 30 s 3

**Leave to be granted to witnesses etc.**

s 14 ins 1943 7 Geo 6 No. 30 s 3

**Relative papers to be available for appellant**

s 15 ins 1943 7 Geo 6 No. 30 s 3

**Evidence to be taken in presence of appellant**

s 16 ins 1943 7 Geo 6 No. 30 s 3

**Record of proceedings**

s 17 ins 1943 7 Geo 6 No. 30 s 3

**Public or private appeal, and representation**

s 18 ins 1943 7 Geo 6 No. 30 s 3  
sub 1973 No. 59 s 3(g)

**Duty of board**

s 19 ins 1943 7 Geo 6 No. 30 s 3  
sub 1973 No. 59 s 3(h)

**Evidence and decision on appeal to be forwarded to council or committee**

s 20 ins 1943 7 Geo 6 No. 30 s 3  
sub 1973 No. 59 s 3(i)

**Powers of committee in respect of appeals under section 25C of this Act, and committee's decision**

s 21 ins 1943 7 Geo 6 No. 30 s 3  
amd 1966 No. 31 s 4 sch  
sub 1973 No. 59 s 3(j)

**Decision in respect of appeal to be notified to appellant**

s 22 ins 1943 7 Geo 6 No. 30 s 3  
sub 1973 No. 59 s 3(k)

**Decision of appeal board final in respect of appeals under section 25D of this Act**

s 23 ins 1943 7 Geo 6 No. 30 s 3  
sub 1973 No. 59 s 3(l)

**Compensation in lieu of reinstatement**

s 23A ins 1973 No. 59 s 3(m)

**Preservation of rights of employee**

s 23B ins 1973 No. 59 s 3(n)

**Travelling expenses**

s 24 ins 1943 7 Geo 6 No. 30 s 3  
amd 1967 No. 52 s 3; 1972 No. 31 s 6 sch 1; 1986 No. 17 s 23(b)

**Council not responsible for expenses of appellant's witnesses**

s 25 ins 1943 7 Geo 6 No. 30 s 3  
amd 1966 No. 31 s 4 sch

**Claims to be submitted to chairperson**

s 26 ins 1943 7 Geo 6 No. 30 s 3

**Expenses to appellant**

s 27 ins 1943 7 Geo 6 No. 30 s 3

**Expenses of board, by whom paid**

s 28 ins 1943 7 Geo 6 No. 30 s 3  
amd 1986 No. 17 s 23(c)



**Meaning of term “establishment and coordination committee”**

**s 29** ins 1943 7 Geo 6 No. 30 s 3  
amd 1986 No. 17 s 23(d)

## **8 Provisions that have not commenced and are not incorporated into reprint**

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

**Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 s 9 sch**  
reads as follows—

### **1. Sections 112 to 114—**

*omit, insert—*

#### **‘Council is statutory body**

**‘112.(1)** Under the *Statutory Bodies Financial Arrangements Act 1982*, the council is a statutory body.

**‘(2)** The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the council’s powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.’.

### **2. Section 115(4)(b), ‘, section 31(2)’—**

*omit.*

### **3. Part 4, division 7—**

*omit.*