

Queensland



# LOCAL GOVERNMENT (QUEEN STREET MALL) ACT 1981

Reprinted as in force on 1 January 2004  
(includes commenced amendments up to 2003 Act No. 85)

Reprint No. 1D

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

**Also see endnotes for information about—**

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

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# Queensland



## LOCAL GOVERNMENT (QUEEN STREET MALL) ACT 1981

### TABLE OF PROVISIONS

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Short title . . . . .	3
3	Interpretation . . . . .	3
<b>PART 2—ESTABLISHMENT AND EXTENSION OF MALL</b>		
5	Establishment of mall . . . . .	5
5A	Declaration of mall extension area . . . . .	5
5B	Nominated day . . . . .	6
5C	Extension of mall. . . . .	6
6	Restricted traffic on mall . . . . .	6
<b>PART 3—POWERS OF COUNCIL</b>		
7	Construction and provision of extension works . . . . .	7
8	Offence to contravene notification . . . . .	7
9	Operation etc. of mall . . . . .	7
10	Entry of vehicles and beasts into mall. . . . .	8
11	Removal or moving of vehicles in mall area. . . . .	9
11A	Notice to operator if vehicle removed from mall area. . . . .	10
11B	Requirements for return of vehicle . . . . .	11
11C	Sale of vehicle removed from mall . . . . .	12
12	Local laws . . . . .	13
13	Delegation of power . . . . .	14
<b>PART 3A—APPEALS</b>		
13A	Who may appeal . . . . .	14
13B	How to start appeal . . . . .	14

13C	Stay of decision . . . . .	15
13D	Powers of Magistrates Court . . . . .	15
13E	Effect of Magistrates Court's decision . . . . .	15
13F	Appeal to District Court . . . . .	16

**PART 4—ADVISORY COMMITTEE**

14	Establishment of committee . . . . .	16
15	Tenure of office . . . . .	16
16	Deputy of members . . . . .	17
17	Removal of members of committee . . . . .	17
18	Casual vacancies . . . . .	17
19	Meetings and quorum . . . . .	17
20	Secretary to committee . . . . .	18
21	Function of committee. . . . .	19

**PART 6—MISCELLANEOUS PROVISIONS**

30	No entitlement to compensation . . . . .	19
31	Non-application of Land Act, s 371A . . . . .	20
33	Appeal against council's decision etc. . . . .	20
34	Execution of this Act dominant . . . . .	21
38	Prosecutions. . . . .	21
39	Regulation-making power . . . . .	22
40	References in local law to authorised officer . . . . .	22
	<b>SCHEDULE</b> . . . . .	23

**ENDNOTES**

1	Index to endnotes . . . . .	25
2	Date to which amendments incorporated. . . . .	25
3	Key . . . . .	25
4	Table of reprints . . . . .	26
5	Tables in earlier reprints. . . . .	26
6	List of legislation . . . . .	26
7	List of annotations . . . . .	27

# LOCAL GOVERNMENT (QUEEN STREET MALL) ACT 1981

[as amended by all amendments that commenced on or before 1 January 2004]

**An Act to provide for the establishment, management, operation, extension and use of a pedestrian mall, in Brisbane, to be known as the Queen Street Mall and for related purposes**

## PART 1—PRELIMINARY

### 1 Short title

This Act may be cited as the *Local Government (Queen Street Mall) Act 1981*.

### 3 Interpretation

In this Act—

“**authorised person**” means a person appointed by the council as an authorised person under the *Local Government Act 1993*, chapter 15, part 5.<sup>1</sup>

“**court**” means the Planning and Environment Court.

“**designated road areas**” means the areas within the city delineated and shown light stippled on the plan in the schedule or those areas extended or amended by order in council made pursuant to section 5A.

“**extension works**” means all works, facilities and conveniences necessary or desirable to be carried out or provided in the mall area, a mall extension area or the designated road areas in connection with an

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<sup>1</sup> *Local Government Act 1993*, chapter 15 (Provisions aiding local government), part 5 (Enforcement of local government Acts)

*Local Government (Queen Street Mall) Act 1981*

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extension of the mall by the inclusion of a mall extension area, and includes any works to facilitate the passage of traffic, vehicular or otherwise, over or under the mall area, a mall extension area or the designated road areas.

**“mall”** means the Queen Street Mall established and, as the case may be, extended under this Act.

**“mall area”** means the road area within the city delineated and shown dark stippled on the plan in the schedule.

**“mall extension area”** means the road area identified as a mall extension area in an order in council made pursuant to section 5A.

**“officer”** means a person holding office under or employed by the council.

**“operator”**, of a vehicle, includes—

- (a) the person in whose name the vehicle is registered under the *Transport Operations (Road Use Management) Act 1995* or the Act of another State that corresponds to that Act; and
- (b) a person who has the use or control of the vehicle under a hiring agreement, hire purchase agreement or leasing arrangement, other than a driver of the vehicle provided as part of a hiring agreement.

**“rateable property”** means—

- (a) if the council makes and levies a separate rate or charge under the *City of Brisbane Act 1924* on land for a function of local government mentioned in section 7 or 9—that land; or
- (b) if at any time—
  - (i) a separate rate such as is referred to in paragraph (a) is not made and levied; and
  - (ii) a separate charge such as is referred to in paragraph (a) is not imposed and collected;

land abutting any part of the mall, a mall extension area or the designated road areas.

**“the city”** means the area from time to time included in the city of Brisbane constituted and declared by the *City of Brisbane Act 1924*.

**“the committee”** means the Queen Street Mall Advisory Committee established under this Act.

“**the council**” means Brisbane City Council constituted pursuant to the *City of Brisbane Act 1924*.

“**the town clerk**” means the town clerk of the council.

“**vehicle**” includes any articulated vehicle, barrow, cab, car, carriage, cart, dray, hand cart, lorry, motor vehicle, multi-wheeled vehicle, omnibus, tractor or traction engine, trailer, trolley vehicle, truck, van, velocipede, wagon or other means of transport or conveyance whatsoever designed for movement on wheels, whether or not it is at the material time capable of being operated or used in a normal manner but does not include a perambulator or a wheelchair.

“**working beast**” means a beast used, or of a species capable of being used, for carrying persons or for burden or draught.

## **PART 2—ESTABLISHMENT AND EXTENSION OF MALL**

### **5 Establishment of mall**

(1) The mall area shall be a pedestrian mall and shall be known as the Queen Street Mall.

(2) The management, operation and use of the mall shall be subject to and shall accord with this Act and the local laws of the council made with respect thereto.

### **5A Declaration of mall extension area**

(1) The council may request that the Minister recommend to the Governor in Council that the mall be extended.

(2) The Governor in Council may, by order in council, on the recommendation of the Minister—

- (a) declare a road area, identified in the order in council, within the city to be a mall extension area;
- (b) extend or amend previously designated road areas.

(3) A road area that is not contiguous with the mall may be declared a mall extension area.

**5B Nominated day**

(1) Where the Governor in Council makes a declaration pursuant to section 5A(2) the council may request that the Minister recommend to the Governor in Council that a day be nominated under this section for the purpose of extending the mall.

(2) The Governor in Council may, by order in council on the recommendation of the Minister, nominate in respect of a declaration made pursuant to section 5A(2) a day for the purpose of extending the mall.

(3) A day nominated under this section—

- (a) shall be a day subsequent to the completion of the undertaking and provision of the relevant extension works pursuant to section 7; and
- (b) is in this Act, in respect of a mall extension area declared pursuant to section 5A(2), referred to as a nominated day.

**5C Extension of mall**

On and from the nominated day in respect of a declaration made pursuant to section 5A(2) the mall extension area referred to in that declaration shall become a part of the mall.

**6 Restricted traffic on mall**

Notwithstanding any other provision of law, a person—

- (a) shall not drive or ride or permit another person to drive or ride a vehicle or working beast on any part of the mall;
- (b) shall not suffer a vehicle or working beast, of the use of which the person has control, to be on any part of the mall;

except, in either case, pursuant to and in accordance with a notification given or permit issued by or on behalf of the council pursuant to this Act.

Maximum penalty—6 penalty units.



## **PART 3—POWERS OF COUNCIL**

### **7 Construction and provision of extension works**

(1) In addition to all other powers had by it according to law, the council may as a function of local government undertake or provide all or any part of the extension works, or arrange for the undertaking or provision of all or any part of the extension works, and may as a function of local government do all things necessary or desirable for or incidental to undertaking or providing the extension works or part thereof.

(2) Without limiting the generality of the power conferred by subsection (1), the council may, by notification published in the gazette and in a newspaper that circulates throughout the city, close any road or part of a road being—

- (a) a road within the designated road areas; or
- (b) the mall; or
- (c) a mall extension area;

against all traffic or against traffic of a particular description and may by a like notification vary or revoke a notification previously given under this section.

(3) A notification given under this section—

- (a) shall specify a day on which it is to become effective; and
- (b) unless it is a notification of revocation, shall, upon becoming effective, continue to have force and effect, as varied if it be subsequently varied, until its revocation or until the relevant nominated day, whichever is the earlier.

### **8 Offence to contravene notification**

A person shall not contravene or fail to comply with a notification given under section 7 and in force for the time being.

Maximum penalty—6 penalty units.

### **9 Operation etc. of mall**

(1) In addition to all other powers had by it according to law the council may, as a function of local government, do all things necessary for or

incidental to the management, maintenance, cleaning, operation, promotion, development or use of the mall.

(2) Without limiting the generality of the powers conferred by subsection (1), the council may permit the use of any part of the mall and the erection and use of any building or structure in any part of the mall upon such terms and conditions as it thinks fit.

(3) The council may exercise any of its powers in relation to a mall extension area, whether those powers are conferred by this section or otherwise, before a relevant nominated day if the exercise of the power is, in its opinion, necessary or convenient for the management, maintenance, cleaning, operation, promotion, development or use of the mall, immediately upon its extension by the inclusion therein of that mall extension area.

## **10 Entry of vehicles and beasts into mall**

(1) The council may, by notification published in the gazette and in a newspaper that circulates throughout the city, specify—

- (a) vehicles or working beasts that may enter upon or be on any part of the mall;
- (b) hours within which or occasions on which vehicles or working beasts may enter upon or be on any part of the mall.

(2) The council may in writing permit a vehicle or working beast specified in the permit to enter upon and be on any part of the mall for the purposes and for the period and subject to the conditions (if any) specified in the permit.

(3) A notification given under subsection (1)—

- (a) may define the vehicles to which it relates by reference to vehicles generally, vehicles of a specified class or description, vehicles used for a specified purpose, vehicles used by a specified person or persons of a specified class or vehicles used in specified circumstances;
- (b) may so specify hours to which it relates that the hours differ according to different classes or descriptions of vehicles or different uses of vehicles;
- (c) shall specify the day on which the notification shall become effective.

(4) A permit issued under subsection (2) shall specify the day on which the permit shall become effective.

(5) The council—

- (a) may vary or revoke a notification given under subsection (1) by a like notification;
- (b) may revoke a permit issued under subsection (2) by notice of revocation in writing given to the holder of the permit.

(6) A notification given under subsection (1) shall continue to have force and effect, as varied if it be subsequently varied, and a permit issued under subsection (2) shall continue to have force and effect until, in either case, its revocation.

(7) A power conferred by this section may be exercised at any time after the commencement of this Act and before a relevant nominated day as if the mall had included the relevant mall extension area and, if so exercised, the day on which a notification given under subsection (1) or a permit issued under subsection (2) shall become effective may be specified by reference to that nominated day or to a day subsequent to that nominated day and not otherwise.

## **11 Removal or moving of vehicles in mall area**

(1) This section applies if an authorised person is satisfied on reasonable grounds that—

- (a) a vehicle has been—
  - (i) abandoned in any part of the mall area; or
  - (ii) left in the mall area unattended, whether temporarily or otherwise, for a time or in a place, condition, way or circumstances where its presence is hazardous; or
  - (iii) found in the mall area in a place, condition, way or circumstances where its presence is hazardous or contravenes this Act; and
- (b) if paragraph (a)(ii) or (iii) applies—the person who is or appears to be in control of the vehicle—
  - (i) can not readily be located; or
  - (ii) has failed to immediately remove the vehicle when required by the authorised person to do so.

(2) For subsection (1), the presence of a vehicle is hazardous if it is preventing, hindering or obstructing, or is likely to prevent, hinder or obstruct, the use of the mall or a part of the mall for a lawful purpose.

(3) The authorised person may do any of the following—

- (a) remove the vehicle from the mall area and keep it at a safe place;
- (b) move the vehicle, with the consent of the person who is or appears to be in control of the vehicle, to another place within the mall area.

*Example of 'move the vehicle' for paragraph (b)—*

Shunting or bumping the vehicle using a modified vehicle that has a padded attachment at the front.

### **11A Notice to operator if vehicle removed from mall area**

(1) Within 14 days after the removal of a vehicle from the mall area under section 11(3)(a), the town clerk must, unless possession of the vehicle has already been delivered under section 11B, give written notice of the vehicle's removal.

(2) The notice must be given—

- (a) if the operator of the vehicle can be identified—
  - (i) if practicable, personally or by post to the operator; or
  - (ii) if subparagraph (i) does not apply—by advertising it in a newspaper circulating in the city; or
- (b) if the operator of the vehicle can not be identified—by advertising it in a newspaper circulating in the city.

(3) However, subsection (2)(b) does not apply if the cost of giving the notice is more than the value of the vehicle.

(4) The notice must state each of the following—

- (a) a description of the vehicle;
- (b) the date, time and place the vehicle was removed;
- (c) where the vehicle is kept;
- (d) how the operator or a person entitled to possession of the vehicle may obtain possession of it;

- (e) that the vehicle may be sold if the operator or a person entitled to possession of the vehicle does not obtain possession of it within 28 days after the date the notice is given.

### **11B Requirements for return of vehicle**

**(1)** The town clerk may deliver possession of the vehicle to a person mentioned in subsection (3) only if—

- (a) the person has applied in writing to the town clerk for the release of the vehicle; and
- (b) the applicant has provided proof, to the town clerk's satisfaction—
  - (i) that the applicant is the operator, or is entitled to possession, of the vehicle; or
  - (ii) if the applicant is acting on behalf of the operator—of the applicant's authority to act on behalf of the operator; and
- (c) the applicant has paid all reasonable expenses incurred by the council in connection with—
  - (i) removing and keeping the vehicle; and
  - (ii) giving a notice about the removal and keeping, or intended sale, of the vehicle; and
- (d) the applicant has signed a receipt for the delivery of the vehicle.

**(2)** If the town clerk refuses the application, the town clerk must give the applicant written notice stating the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the applicant may appeal against the decision to a Magistrates Court within 28 days;
- (d) how the person may appeal against the decision.

**(3)** For subsection (1), the persons are as follows—

- (a) the operator of the vehicle;
- (b) a person acting on behalf of the operator;
- (c) a person claiming a right to possession of the vehicle.

**11C Sale of vehicle removed from mall**

(1) This section applies if—

- (a) the town clerk has not delivered possession of the vehicle under section 11B within 28 days after the date notice is given under section 11A; or
- (b) each of the following applies—
  - (i) the town clerk has not delivered possession of the vehicle under section 11B;
  - (ii) an application has been made under section 11B for the return of the vehicle;
  - (iii) the town clerk has refused the application;
  - (iv) the period allowed for an appeal against the decision has ended or the appeal has been decided.

(2) The town clerk may, by notice published in a newspaper circulating in the city, advertise that the council will offer the vehicle for sale by public auction on the day and at the time and place stated in the advertisement.

(3) The day stated in the advertisement must not be earlier than 14 days after the day the notice is advertised.

(4) The council may offer the vehicle for sale by public auction on the day and at the time and place stated in the advertisement.

(5) If no offer for the vehicle is received at the auction, the council may dispose of the vehicle in the way and on the conditions decided by the town clerk.

(6) The proceeds of the sale or disposal of the vehicle must be applied as follows—

- (a) firstly, in payment of the expenses of the sale or disposal;
- (b) secondly, in payment of the costs of—
  - (i) removing and keeping the vehicle; and
  - (ii) giving a notice under section 11A;
- (c) thirdly—
  - (i) in payment to the owner of the vehicle; or
  - (ii) if the owner can not be identified after reasonable inquiry—in payment into the city fund.

(7) The council may deal with any goods, equipment or thing in or on the vehicle when it is removed in the same way as the council may deal with the vehicle under this section.

(8) However, any perishable goods in or on the vehicle when it is removed must be disposed of in the way directed by the town clerk.

(9) Any proceeds of the disposal must be applied in accordance with subsection (6).

## **12 Local laws**

(1) The power conferred on the council by the *City of Brisbane Act 1924* to make local laws includes power to make local laws—

- (a) prohibiting or regulating any display, amusement or other activity whatsoever in the mall or in the vicinity of the mall;
- (b) providing for fixing, varying and revoking, by resolution of the council, fees and charges—
  - (i) for use of the mall or any part of the mall for any display, amusement or other activity whatsoever;
  - (ii) for any service provided by the council in or in connection with the mall;
- (c) providing for the collection and recovery of fees and charges referred to in paragraph (b);
- (d) prohibiting or regulating the movement or standing of vehicles or working beasts on the designated road areas;
- (e) prohibiting or regulating any matter or thing connected with the external appearance of any building or other structure in or abutting the mall.

(2) A local law made by the council in relation to any matter referred to in subsection (1) shall be of force and effect and shall be complied with notwithstanding any provision of the *Traffic Act 1949* and to the extent that a provision of the local law is inconsistent with a provision of that Act or of any other law that prohibits or regulates any activity on a road the provision of the local law shall prevail and the provision of that Act or that other law shall be inoperative.

(3) A local law of a description referred to in subsection (1) in force immediately before a relevant nominated day shall also on and from that

nominated day have force and effect in relation to the mall extension area to which that nominated day relates.

### **13 Delegation of power**

(1) The council may from time to time, by resolution, delegate to an officer of the council any of the powers conferred on it by section 9 or 10.

(2) The council may make such number of delegations as it thinks fit and may subject a delegation to such conditions as it thinks fit.

(3) The delegation of a power under subsection (1) shall not limit or prejudice the exercise of that power by the council.

## **PART 3A—APPEALS**

### **13A Who may appeal**

A person who is dissatisfied with a decision of the town clerk to refuse to deliver possession of a vehicle to the person under section 11B may appeal against the decision to a Magistrates Court.

### **13B How to start appeal**

(1) An appeal is started by—

- (a) filing notice of appeal with the clerk of the court of the Magistrates Court at Brisbane; and
- (b) giving a copy of the notice to the council within 7 days after the notice is filed.

(2) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision.

(3) The notice of appeal must state fully the grounds of the appeal and the facts relied on.



**13C Stay of decision**

(1) The Magistrates Court may grant a stay of the decision appealed against to secure the effectiveness of the appeal.

(2) The stay—

- (a) may be given on the conditions the court considers appropriate; and
- (b) operates for the period fixed by the court; and
- (c) may be revoked or amended by the court.

(3) The period of the stay must not extend past the time when the court decides the appeal.

(4) The appeal affects the decision, or carrying out of the decision, only if the decision is stayed.

**13D Powers of Magistrates Court**

(1) In deciding the appeal, the Magistrates Court—

- (a) has the same powers as the town clerk; and
- (b) is not bound by the rules of evidence; and
- (c) must comply with natural justice.

(2) The appeal is by way of rehearing unaffected by the decision appealed against on the material before the town clerk and any further evidence allowed by the court.

(3) The court may—

- (a) confirm the decision; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the issue to the town clerk with the directions the court considers appropriate.

**13E Effect of Magistrates Court's decision**

If the Magistrates Court substitutes another decision, the substituted decision is, for this Act, other than this part, taken to be the decision of the town clerk.

### **13F Appeal to District Court**

An appeal to the District Court from a decision of the Magistrates Court may be made only on a question of law.

## **PART 4—ADVISORY COMMITTEE**

### **14 Establishment of committee**

(1) The council may, by resolution, establish a committee to be known as the Queen Street Mall Advisory Committee.

(2) The committee shall consist of 7 persons as follows—

- (a) the mayor of the city, who shall be a member ex officio;
- (b) the councillor of the council who represents for the time being the electoral ward constituted for the purposes of the *City of Brisbane Act 1924* that includes the mall, who shall be a member ex officio;
- (c) a person appointed by the council who is or is employed by an owner of rateable property;
- (d) a person appointed by the council who is carrying on business or is employed in a business carried on from rateable property;
- (e) a person appointed by the council on the nomination of the Minister;
- (f) 2 other persons appointed by the council.

(3) The council shall appoint 1 member of the committee to be the chairperson of the committee.

### **15 Tenure of office**

(1) A member of the committee, other than a member ex officio, shall subject to this Act hold office as such until the day or time specified in the instrument of the member's appointment as such as the day or time on or at which the member shall cease to hold that office.

(2) A member appointed to fill a casual vacancy in the office of a member of the committee shall hold office for the unexpired portion of the term of office of the member in whose place he or she was appointed.

(3) A person whose term of office as a member of the committee has expired is, subject to section 14(2), eligible for reappointment.

## **16 Deputy of members**

A member of the committee who through absence, illness or other cause is unable to perform the member's duties as such member may, by notice in writing given to the secretary to the committee, appoint a person as the member's deputy to act for the member during the continuance of the member's inability and the person so appointed shall while so acting, be deemed to be a member of the committee and where the person is appointed as deputy of the member who is chairperson of the committee, to be chairperson of the committee.

## **17 Removal of members of committee**

The council may for good cause, by notice in writing given to a member of the committee, other than a member *ex officio*, remove that member from office on the committee but, in respect of the member nominated by the Minister, only with the Minister's approval first had and obtained.

## **18 Casual vacancies**

A casual vacancy occurs in the office of a member of the committee if—

- (a) the member dies; or
- (b) being a member referred to in section 14(2)(c) or (d)—the member ceases to hold the qualification by reason of which the member was appointed to the committee; or
- (c) the member resigns by notice in writing given to the council; or
- (d) the member is removed from office by the council pursuant to section 17.

## **19 Meetings and quorum**

(1) The committee shall meet as often as it thinks necessary to perform its function under this Act.

(2) The procedure for calling meetings of the committee and for conducting business at the committee's meetings shall, subject to this Act, be as determined by the committee.

(3) Business shall not be conducted at a meeting of the committee unless a quorum is present.

(3A) Four members of the committee of whom—

- (a) 1 at least shall be a member ex officio or the deputy of a member ex officio; and
- (b) 1 at least shall be a member of a description referred to in section 14(2)(c) or (d) or the deputy of a member of that description;

shall constitute a quorum at a meeting of the committee and, subject to the foregoing provisions, any duly convened meeting shall be competent to transact any business of the committee and may exercise all the powers and discharge all the duties and functions of the committee.

(4) A decision evidenced by the majority of the votes cast by the members present at a duly convened meeting of the committee shall be the decision of the committee.

(4A) The person who presides at any meeting of the committee shall have a casting vote in the event of an equality of votes in respect of any business before that meeting.

(5) The chairperson of the committee shall preside at every meeting of the committee at which the chairperson is present and in the chairperson's absence, the chairperson's deputy (if the deputy is present) shall preside.

(5A) In the absence of both the chairperson and the chairperson's deputy from any meeting of the committee the members present shall, from amongst their number, elect a member to preside at that meeting and at that meeting the member, while so presiding, shall have and may exercise and discharge all the powers, duties and functions of the chairperson

(6) The committee shall cause accurate minutes to be kept of proceedings at its meetings.

## **20 Secretary to committee**

The council shall provide an officer to be the secretary to the committee.

## **21 Function of committee**

(1) The function of the committee shall be the furnishing to the council of information and advice on matters—

- (a) relevant to the exercise by the council of its powers under sections 9 and 10; or
- (b) referred to it by the council concerning the exercise by the council of any of its other powers conferred by this Act.

(2) In the proper discharge of its function the committee shall, through its chairperson, furnish a report to the town clerk as soon as is practicable after each meeting of the committee—

- (a) informing the council of its opinion and recommendations on matters referred to it by the council for information and advice, being matters considered at that meeting; and
- (b) if it thinks fit, drawing the council's attention to matters that it considers relevant to the powers of the council conferred by this Act and informing the council of its recommendations as to courses of action available or desirable in relation to those matters.

(3) Upon receipt of a report such as is referred to in subsection (2) the town clerk shall refer the report to the nominated standing committee for consideration and report to the council.

(4) In this section—

**“nominated standing committee”** means that standing committee of the council appointed by it by resolution to be the standing committee to which a report such as is referred to in subsection (2) shall be referred by the town clerk for consideration and report thereon to the council.

## **PART 6—MISCELLANEOUS PROVISIONS**

### **30 No entitlement to compensation**

(1) A person shall not be entitled to compensation on account of injurious affection to any right or interest of a business, commercial or industrial nature by reason of—

- (a) the existence of the mall; or
- (b) anything done pursuant to any provision of this Act.

(2) The provisions of subsection (1) shall not be construed so as to prohibit the council from paying to any person such sum as may be agreed upon by and between the parties in respect of injurious affection to any right or interest of a business, commercial or industrial nature—

- (a) caused by reason of the carrying out of extension works during the period specified in paragraph (b); and
- (b) suffered during the period from the date of a declaration made pursuant to section 5A(2) until the nominated day in respect of that declaration.

### **31 Non-application of Land Act, s 371A**

The provisions of the *Land Act 1962*, section 371A shall not apply with respect to the mall.

### **33 Appeal against council's decision etc.**

(1) A person who is aggrieved by—

- (a) a decision of the council on an application made by the person in relation to any matter provided for by this Act or by local laws made by the council in relation to any matter referred to in section 12(1)(a), (d) or (e); or
- (b) the council's revocation of a permit issued under section 10(2), of which the person was the holder at the time it was revoked;

may, subject to this section, appeal to the court against that decision or revocation.

(2) An appeal pursuant to the right conferred by subsection (1) shall be made to the court within 30 days from the day on which notification of the council's decision or revocation is communicated to the person by the council.

(3) For the purposes of this section, where notification of the council's decision on any application is not communicated to the applicant within 30 days from the day on which the application was lodged with the officer with whom it is required to be lodged it shall be deemed that the council has refused the application and that notification of that decision has been

communicated to the applicant on the 31st day from the day on which the application was so lodged.

### **34 Execution of this Act dominant**

If an exercise under this Act of power concerning any matter is inconsistent with a prior exercise by the council under any other law of a power concerning the same matter, the prior exercise of power under the other law shall cease to be of force and effect upon the exercise of the power under this Act.

### **38 Prosecutions**

(1) A prosecution for an offence against this Act or against a local law made by the council for the purposes of this Act shall be by way of summary proceedings under the *Justices Act 1886* upon complaint of the council, a person authorised in that behalf by the council or, where the defendant has been arrested and charged with the offence, by a police officer.

(2) A complaint referred to in subsection (1) shall be laid within 12 months after the commission of the offence or within 6 months after the offence comes to the complainant's knowledge whichever period is the later to expire.

(3) It shall not be necessary to prove the authority of the complainant in any proceeding in respect of an offence referred to in subsection (1).

(4) Any penalty and other moneys received as a result of proceedings taken by the council in respect of an offence against this Act or against a local law made in respect of a matter referred to in section 12 shall be paid to the council and shall be paid by it into the separate fund established by the council in respect of the separate rate or separate rates made and levied or the separate charge or separate charges imposed and collected under the *City of Brisbane Act 1924*, section 44<sup>2</sup> for all or any of the functions of local government referred in section 7 or 9.

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2 This section was repealed by the *Local Government Legislation Amendment Act 1992*.

### **39 Regulation-making power**

The Governor in Council may make regulations, not inconsistent with this Act, for or with respect to all matters that are required by this Act to be prescribed or that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this Act.

### **40 References in local law to authorised officer**

(1) A reference in a local law in force immediately before the repeal provision commences to a person who is an authorised officer for part 5 is taken to be a reference to an authorised person.

(2) This section expires 2 years after the day the repeal provision commences.

(3) In this section—

“**repeal provision**” means the *Local Government Legislation Amendment Act 2003*, section 84.<sup>3</sup>

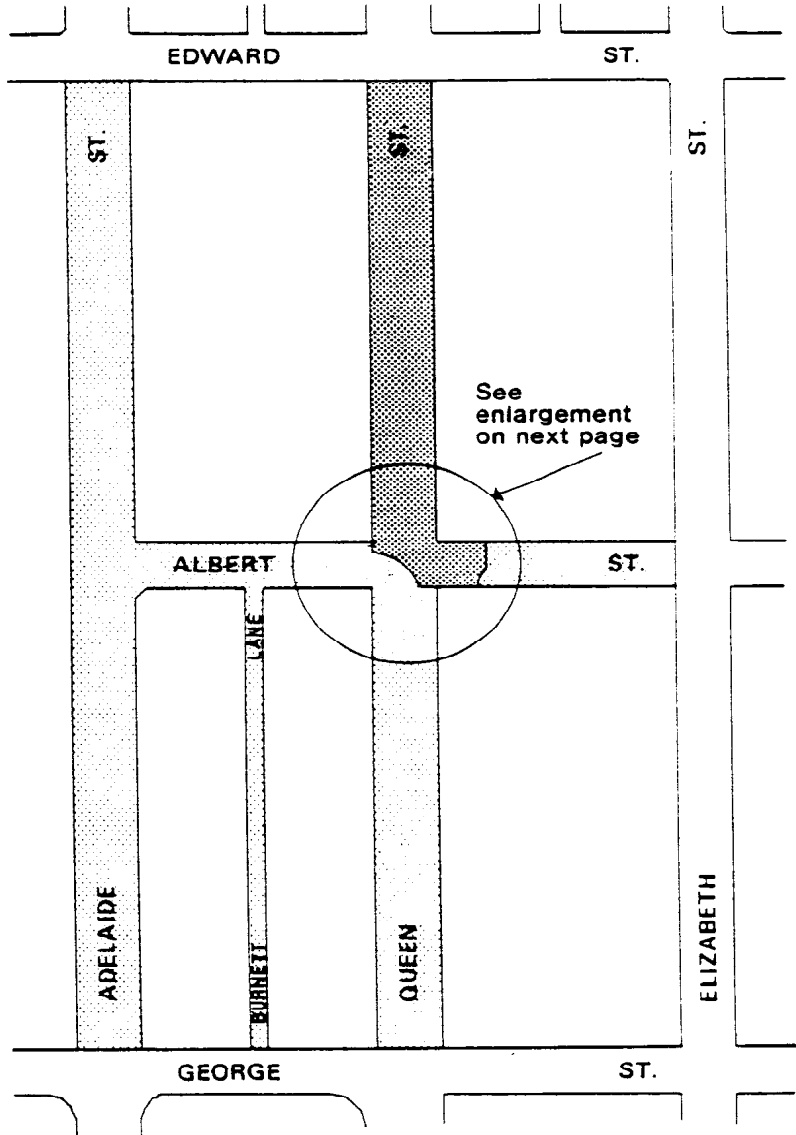
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<sup>3</sup> *Local Government Legislation Amendment Act 2003*, section 84 (Omission of pt 5 (Recovery of penalties by notices))



# SCHEDULE

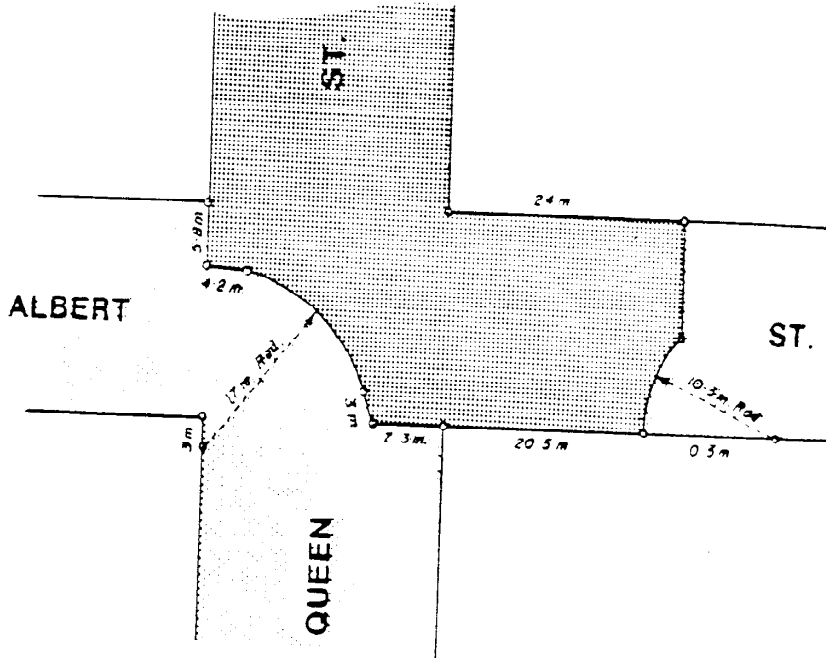
section 3



 MALL AREA

 DESIGNATED ROAD AREAS

SCHEDULE (continued)



## ENDNOTES

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated . . . . .	25
3	Key . . . . .	25
4	Table of reprints . . . . .	26
5	Tables in earlier reprints . . . . .	26
6	List of legislation . . . . .	26
7	List of annotations . . . . .	27

### 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 1 January 2004. Future amendments of the Local Government (Queen Street Mall) Act 1981 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

### TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	to 1993 Act No. 70	26 March 1994	8 November 1995
1A	to 2000 Act No. 4	16 March 2000	21 March 2000
1B	to 2000 Act No. 5	23 March 2000	4 July 2000
			(Column discontinued)
			Notes
1C	to 2003 Act No. 85	6 November 2003	
1D	to 2003 Act No. 85	1 January 2004	

## 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
Obsolete and redundant provisions	1
Renumbered provisions	1

## 6 List of legislation

### **Local Government (Queen Street Mall) Act 1981 No. 104**

date of assent 16 December 1981

commenced on date of assent

amending legislation—

### **Local Government (Queen Street Mall) Act Amendment Act 1983 No. 10**

date of assent 8 April 1983

commenced on date of assent

### **Local Government (Queen Street Mall) Act Amendment Act 1987 No. 38**

date of assent 30 April 1987

commenced on date of assent

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

date of assent 14 November 1990

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

**Local Government (Chinatown Mall) Act and Another Act Amendment Act 1990  
No. 91 pt 3**

date of assent 7 December 1990  
commenced on date of assent

**Local Government Act 1993 No. 70 ss 1–2, pt 3 sch**

date of assent 7 December 1994  
ss 1–2 commenced on date of assent  
remaining provisions commenced 26 March 1994 (see s 2(5))

**Local Government and Other Legislation Amendment Act 2000 No. 4 ss 1, 2(5),  
94 sch**

date of assent 16 March 2000  
commenced on date of assent (see s 2(5))

**Police Powers and Responsibilities Act 2000 No. 5 ss 1–2, 373 sch 3**

date of assent 23 March 2000  
ss 1–2, 373 commenced on date of assent (see s 2(2))  
remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)

**Local Government Legislation Amendment Act 2003 No. 2 pts 1, 6**

date of assent 4 March 2003  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 January 2004 (2003 SL No. 340)

**Local Government and Other Legislation Amendment Act 2003 No. 85 ss 1, 28 sch**

date of assent 6 November 2003  
commenced on date of assent

## **7 List of annotations**

**Long title**

amd 1987 No. 38 s 3

**Arrangement**

s 2 amd 1983 No. 10 s 5; 1987 No. 38 s 4  
om R1 (see RA s 36)

**Interpretation**

s 3 def “**authorised person**” ins 2003 No. 2 s 79  
def “**court**” ins 1993 No. 70 s 804 sch  
def “**designated road areas**” amd 1987 No. 38 s 5(a)  
def “**extension works**” ins 1987 No. 38 s 5(b)  
def “**financial year**” om 1993 No. 70 s 804 sch  
def “**mall**” amd 1987 No. 38 s 5(c)  
def “**mall extension area**” ins 1987 No. 38 s 5(d)  
def “**Minister**” amd 1987 No. 38 s 5(e)  
sub 1990 No. 80 s 3 sch 5  
om 1993 No. 70 s 804 sch  
def “**operator**” ins 2003 No. 2 s 79  
def “**rateable property**” amd 1987 No. 38 s 5(f)

sub 1990 No. 91 s 39  
 amd 1993 No. 70 s 804 sch  
 def “**the Court**” om 1993 No. 70 s 804 sch  
 def “**working beast**” amd 1987 No. 38 s 5(g)  
 def **works**” om 1987 No. 38 s 5(h)

**PART 2—ESTABLISHMENT AND EXTENSION OF MALL**

**pt hdg** amd 1987 No. 38 s 6

**Appointed day**

**s 4** om 1987 No. 38 s 7

**Establishment of mall**

**s 5** amd 1987 No. 38 s 8

**Declaration of mall extension area**

**s 5A** ins 1987 No. 38 s 9

**Nominated day**

**s 5B** ins 1987 No. 38 s 9

**Extension of mall**

**s 5C** ins 1987 No. 38 s 9

**Restricted traffic on mall**

**s 6** amd 2003 No. 2 s 80

**Construction and provision of extension works**

**prov hdg** amd 1987 No. 38 s 10(a)

**s 7** amd 1987 No. 38 s 10(b)–(d)

**Offence to contravene notification**

**s 8** amd 2003 No. 2 s 81

**Operation etc. of mall**

**s 9** amd 1987 No. 38 s 11

**Entry of vehicles and beasts into mall**

**s 10** amd 1987 No. 38 s 12

**Removal or moving of vehicles in mall area**

**s 11** prev s 11 om 1990 No. 91 s 40(1)  
 pres s 11 ins 2003 No. 2 s 82

**Notice to operator if vehicle removed from mall area**

**s 11A** ins 2003 No. 2 s 82

**Requirements for return of vehicle**

**s 11B** ins 2003 No. 2 s 82

**Sale of vehicle removed from mall**

**s 11C** ins 2003 No. 2 s 82

**Local laws**

**prov hdg** sub R1 (see RA s 23)

**s 12** amd 1987 No. 38 s 13

**PART 3A—APPEALS****pt 3A (ss 13A–13F)** ins 2003 No. 2 s 83**Establishment of committee****s 14** amd 1987 No. 38 s 14**PART 5—RECOVERY OF PENALTIES BY NOTICES****pt hdg** om 2003 No. 2 s 84**Interpretation****prov hdg** om 2003 No. 2 s 84**s 22** def “**authorised officer**” om 2003 No. 2 s 84def “**owner**” om 2003 No. 2 s 84def “**prescribed infringement**” om 2003 No. 2 s 84def “**statutory declaration**” om 2003 No. 2 s 84**Appointment of authorised officers****s 23** om 2003 No. 2 s 84**Requirement for name and address****s 24** om 2003 No. 2 s 84**Service and effect of infringement notice****s 25** amd 1987 No. 38 s 15; 2000 No. 4 s 94 sch

om 2003 No. 2 s 84

**Liability for prescribed infringements and exculpation****s 26** om 2003 No. 2 s 84**Facilitation of proof****s 27** om 2003 No. 2 s 84**Service of copy of declaration under s 26(3) or (4)****s 28** om 2003 No. 2 s 84**Offences****s 29** om 2003 No. 2 s 84**No entitlement to compensation****s 30** amd 1987 No. 38 s 16**Non-application of Land Act, s 371A****s 31** amd 1987 No. 38 s 17**Non-application of s. 35(24B) Local Government Act****s 32** amd 1987 No. 38 s 18

om 1993 No. 70 s 804 sch

**Appeal against council’s decision etc.****s 33** amd 2003 No. 2 s 85**Powers of police officers****s 35** ins 1983 No. 10 s 2

om 2000 No. 5 s 373 sch 3

**Directions by police officer**

**s 36** ins 1983 No. 10 s 2  
om 2000 No. 5 s 373 sch 3

**Arrest of persistent offender**

**s 37** ins 1983 No. 10 s 2  
om 2000 No. 5 s 373 sch 3

**Prosecutions**

**s 38** pres s 38 (prev s 35) renum 1983 No. 10 s 3(a)  
amd 1983 No. 10 s 3(b); 1990 No. 91 s 41(1)

**Regulation-making power**

**prov hdg** sub 2003 No. 85 s 28 sch  
**s 39** pres s 39 (prev s 36) renum 1983 No. 10 s 4

**References in local law to authorised officer**

**s 40** ins 2003 No. 2 s 86