



# **Local Government (Chinatown and The Valley Malls) Act 1984**

**Reprinted as in force on 2 January 2006**

**Reprint No. 2A**

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Queensland

# Local Government (Chinatown and The Valley Malls) Act 1984

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# **Local Government (Chinatown and The Valley Malls) Act 1984**

[as amended by all amendments that commenced on or before 2 January 2006]

**An Act to provide for the establishment, management, operation, extension and use of pedestrian malls, in Brisbane, to be known as the Chinatown Mall and The Valley Mall and for related purposes**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Local Government (Chinatown and The Valley Malls) Act 1984*.

### **3 Definitions**

The dictionary in schedule 4 defines particular words used in this Act.

## **Part 2 Establishment of malls**

### **Division 1 Chinatown Mall**

#### **5 Establishment of Chinatown Mall**

- (1) On and from the commencement of the *Local Government (Chinatown Mall) Act Amendment Act 1987* the mall area

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shall be a pedestrian mall and shall be known as the Chinatown 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.

## **Division 2            The Valley Mall**

### **5A        Appointed day—The Valley Mall**

- (1) If requested by the council so to do, the Minister may recommend to the Governor in Council that a day be appointed under this section.
- (2) The Governor in Council may, by order in council on the recommendation of the Minister, appoint a day<sup>1</sup> for the purpose of the establishment of The Valley Mall.
- (3) The day appointed in this section—
  - (a) shall be a day subsequent to the completion of the undertaking and provision of works in relation to The Valley Mall pursuant to part 3; and
  - (b) is in this Act, referred to, in relation to The Valley Mall, as the appointed day.

### **5B        Establishment of The Valley Mall**

- (1) On and from the appointed day the mall area shall be a pedestrian mall and shall be known as The Valley 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.

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<sup>1</sup> The appointed day is 15 December 1990 (see order in council pubd gaz 15 December 1990 p 1872).



## **Division 3                      Extension of malls**

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

- (1) The council may request that the Minister recommend to the Governor in Council that a mall be extended.
- (2) The Governor in Council may, by order in council, on the recommendation of the Minister declare a road area, identified in the order in council, within the city to be a mall extension area.
- (3) A road area that is not contiguous with a mall may be declared a mall extension area.

### **5D                      Nominated day**

- (1) Where the Governor in Council makes a declaration pursuant to section 5C(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 a 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 5C(2) a day for the purpose of extending a 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 part 3;
  - (b) is in this Act, in respect of a mall extension area declared pursuant to section 5C(2), referred to as a nominated day.

### **5E                      Extension of mall**

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

## **Division 4                      Traffic on malls**

### **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 a 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 a 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 works or extension works**

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 works or extension works, or arrange for the undertaking or provision of all or any part of the works or extension works, and may as a function of local government do all things necessary or desirable for or incidental to undertaking or providing the works or extension works or any part thereof.

### **8                      Closure of road**

- (1) The council may, by notification published in the gazette and in a newspaper that circulates throughout the city, close the whole or any part of a mall area or a mall extension area against all traffic or against traffic of a particular description and, by a like notification, may vary or revoke a notification previously given under this section.

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- (2) A notification given under this section—
  - (a) shall specify a day on which it is to become effective, and shall become effective on that day;
  - (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 appointed day, whichever is the earlier.
- (3) A person shall not contravene or fail to comply with a notification given under this section and in force for the time being.

Maximum penalty—6 penalty units.

#### **14 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 a mall.
- (2) Without limiting the generality of the powers conferred by subsection (1), the council may permit the use of any part of a mall and the erection and use of any building or structure in any part of that mall upon such terms and conditions as it thinks fit.
- (3) The council may exercise any of its powers in relation to a mall area or mall extension area, whether those powers are conferred by this section or otherwise, before the appointed day or, as the case requires, the 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 or mall as extended immediately upon its establishment or, as the case may be, extension.

#### **15 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—

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- (a) vehicles or working beasts that may enter upon or be on any part of a mall;
  - (b) hours within which or occasions on which vehicles or working beasts may enter upon or be on any part of a 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 a 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 the appointed day as if the mall had been established at the

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commencement of this Act 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 the appointed day or to a day subsequent to the appointed day and not otherwise.

## **16 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 a mall area; or
    - (ii) left in a 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 a 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.

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*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

**16A 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 16(3)(a), the town clerk must, unless possession of the vehicle has already been delivered under section 16B, 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.

**16B Requirements for return of vehicle**

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

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- (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.

**16C Sale of vehicle removed from mall**

- (1) This section applies if—

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- (a) the town clerk has not delivered possession of the vehicle under section 16B within 28 days after the date notice is given under section 16A; or
- (b) each of the following applies—
  - (i) the town clerk has not delivered possession of the vehicle under section 16B;
  - (ii) an application has been made under section 16B 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 16A;
  - (c) thirdly—
    - (i) in payment to the owner of the vehicle; or



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- (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).

## **18 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 a mall or in the vicinity of a mall;
  - (b) providing for fixing, varying and revoking, by resolution of the council, fees and charges—
    - (i) for use of a mall or any part of a mall for any display, amusement or other activity whatsoever;
    - (ii) for any service provided by the council in or in connection with a mall;
  - (c) providing for the collection and recovery of fees and charges referred to in paragraph (b);
  - (d) prohibiting or regulating any matter or thing connected with the external appearance or character of any building or other structure in or abutting a mall.
- (1A) However, in relation to the Chinatown Mall such powers of prohibition and regulation shall be exercised with a view to promoting an oriental design and theme of that 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

*Transport Operations (Road Use Management) Act 1995* 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) may be made at any time after the commencement of this Act and before the appointed day but any local law so made shall not take effect until the appointed day at the earliest.
- (4) A local law of a description referred to in subsection (1) in force immediately before the 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.

## **Part 3A                      Appeals**

### **19            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 16B may appeal against the decision to a Magistrates Court.

### **19A        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.

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

### **19B 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.

### **19C 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.

### **19D 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.

### **19E 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**

### **20 Reconstitution of committee**

- (1) On the date of commencement of this Act the existing members of the Chinatown Mall Advisory Committee shall go out of office and that committee shall be reconstituted and shall be known as the Chinatown and The Valley Malls Advisory Committee and shall thereafter consist of 12 members.
- (2) The committee shall consist of—
  - (a) the mayor of the city who shall be a member ex officio; and
  - (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 areas, who shall be a member ex officio; and
  - (c) the member of the Legislative Assembly who represents for the time being the State electoral district that includes the mall areas, who shall be a member ex officio; and
  - (d) a person appointed by the council on the nomination of the Minister; and
  - (e) 6 persons appointed by the council with the prior approval of the Minister—

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- (i) 1 of whom shall be a person who is an owner or is employed by an owner of rateable property situated within area 'A'; and
  - (ii) 1 of whom shall be a person who is an owner or is employed by an owner of rateable property situated within area 'B'; and
  - (iii) 1 of whom shall be a person who is carrying on business or is employed by a person carrying on business from rateable property situated within area 'A'; and
  - (iv) 1 of whom shall be a person who is carrying on business or is employed by a person carrying on business from rateable property situated within area 'B'; and
  - (v) 1 of whom shall be a person—
    - (A) who is an owner or is employed by an owner of; or
    - (B) who is carrying on business or is employed by a person carrying on business from; rateable property situated within area 'C'; and
  - (vi) 1 of whom shall be a person—
    - (A) who is an owner or is employed by an owner of; or
    - (B) who is carrying on business or is employed by a person carrying on business from; rateable property situated within area 'D'; and
  - (f) 2 other persons appointed by the council.
- (3) The council shall appoint one member of the committee to be the chairperson of the committee.
- (4) Where any person appointed as a member pursuant to subsection (2)(e)—
- (a) is an owner or is employed by an owner of rateable property; or

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(b) is carrying on business or is employed by a person carrying on business;

in 1 or more of area 'A', area 'B', area 'C' or area 'D', the resolution so appointing that person shall specify the area in relation to which that person is so appointed.

(5) In this section—

*area 'A', area 'B', area 'C' and area 'D'* mean those parts of the city the boundaries of which are shown delineated with a heavy black line on the map in schedule 3 and which are respectively marked 'A', 'B', 'C' and 'D'.

*owner*, in respect of rateable property means the person who at the relevant time is liable for the payment of a general rate in respect of that property.

## 21 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 20(2), eligible for reappointment.

## 22 Deputy of members

- (1) A member of the committee who through absence, illness or other cause is unable to perform the 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 his or her 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.

- (2) A person shall not be appointed to act as a deputy of a member appointed pursuant to a subparagraph of section 20(2)(e) unless that person is eligible to be a member of the committee under the relevant subparagraph.

### **23 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 a member nominated by the Minister, or in respect of a member of a description referred to in section 20(2)(e), only with the Minister's approval first had and obtained.

### **24 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 20(2)(e), 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 23.

### **25 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.

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- (3A) A majority of the members for the time being constituting the committee of whom—
- (a) 1 at least shall be a member ex officio or the deputy of a member ex officio; and
  - (b) 2 at least shall be members of a description referred to in section 20(2)(e) 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 chairperson's 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.

**26 Secretary to committee**

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



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## 27 Function and power of committee

- (1) The function of the committee shall be—
  - (a) the furnishing to the council of information and advice on matters—
    - (i) relevant to the exercise by the council of its powers under sections 14 and 15; or
    - (ii) referred to it by the council concerning the exercise by the council of any of its other powers conferred by this Act; and
  - (b) where the council enters into arrangements with any person to perform on its behalf any things necessary for or incidental to the management, maintenance, cleaning, operation, promotion, development or use of the mall, the furnishing to the council of information and advice on the manner in which the arrangements entered into are being conducted.
- (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 by the town clerk 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.

- (5) For the purpose of ascertaining information and formulating advice to be furnished under this section, the committee may require any person to furnish relevant information which that person is capable of furnishing and the person, so far as the person is able, shall comply with the request.

## **Part 6**                      **Miscellaneous provisions**

### **36**      **No entitlement to compensation**

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 Chinatown Mall or The Valley Mall;  
or
- (b) anything done pursuant to any provision of this Act.

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

On and after the appointed day the provisions of the *Land Act 1994*, chapter 4, part 4 shall not apply with respect to the mall.

### **39**      **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 18(1)(a) or (d); or
- (b) the council's revocation of a permit issued under section 14(2) or 15(2), of which the person was the holder at the time it was revoked;

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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.

#### **40 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.

#### **44 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).

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- (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 18 shall be paid to the council and, where a separate fund has been established by the council in respect of any separate rate or separate rates made and levied or in respect of any separate charge or separate charges imposed and collected under the *City of Brisbane Act 1924*, section 44 for all or any of the functions of local government referred to in section 7 or 14, shall be paid by it into that separate fund.

**45 Regulation-making power**

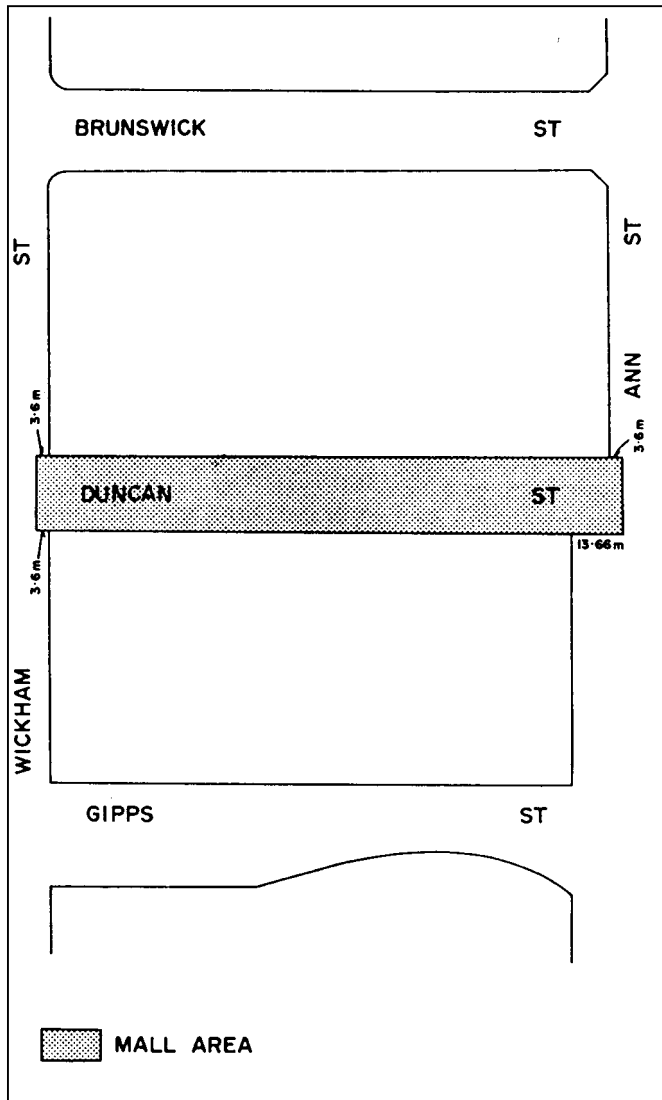
The Governor in Council may make regulations, not inconsistent with this Act, for or with respect to all matters that are required by this Act to be prescribed or that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this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

**46 Local Government (Chinatown Mall) Act 1984 references**

In an Act or document, a reference to the *Local Government (Chinatown Mall) Act 1984* is a reference to this Act.

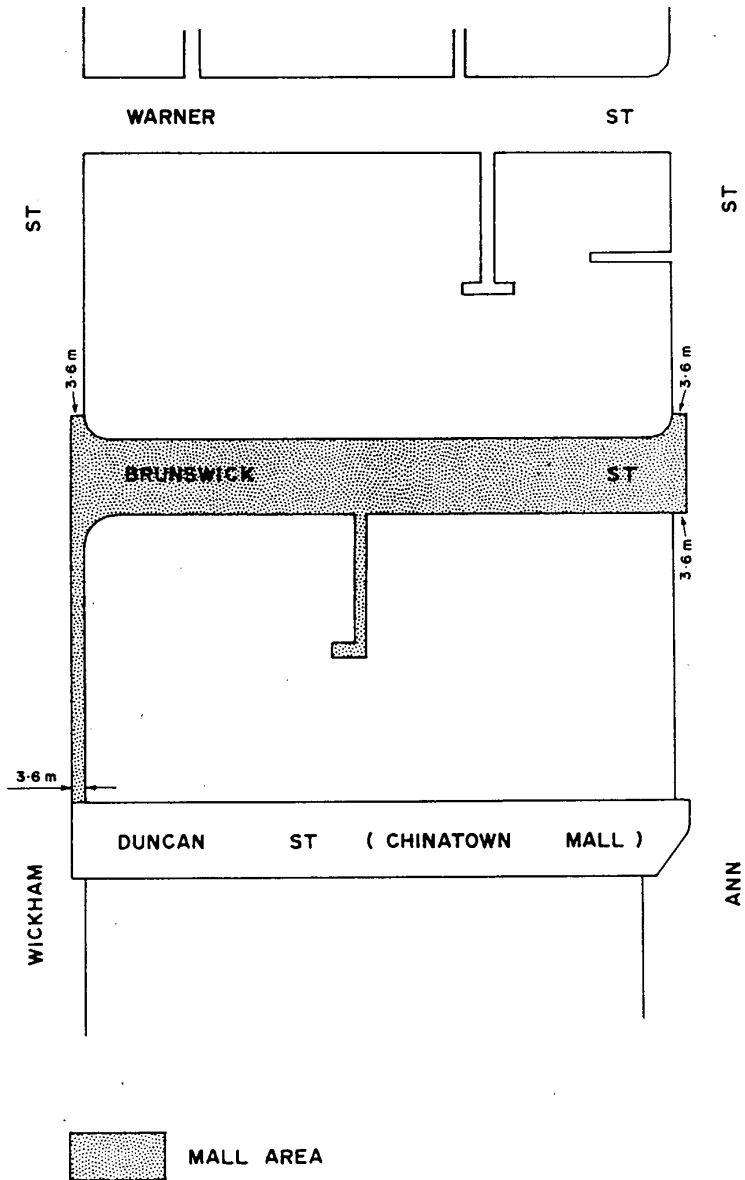
# Schedule 1

section 3



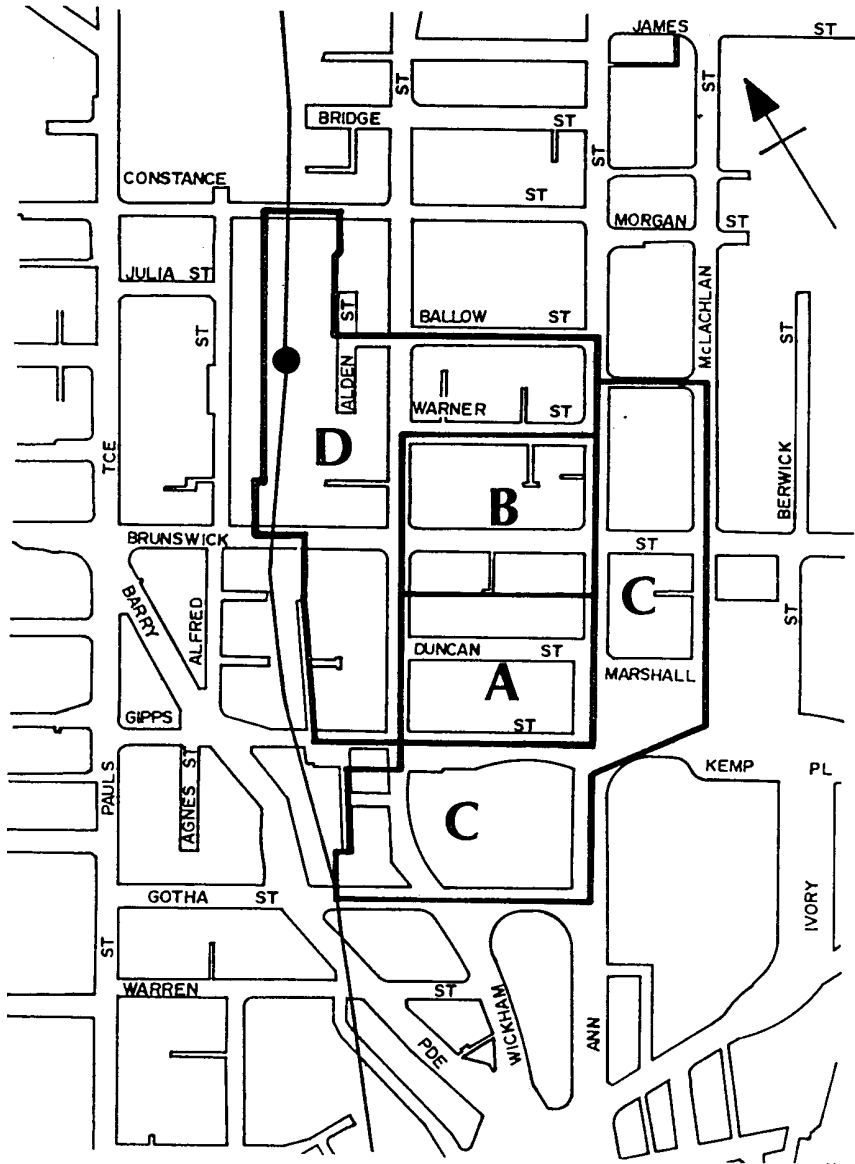
**Schedule 2**

section 3



**Schedule 3**

section 20



## Schedule 4      Dictionary

### section 3

***authorised person*** means a person appointed by the council as an authorised person under the *Local Government Act 1993*, chapter 15, part 5.<sup>2</sup>

***Chinatown Mall*** means the Chinatown Mall established under this Act.

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

***extension works*** means all works, facilities and conveniences necessary or desirable to be carried out or provided in a mall area or a mall extension area in connection with the establishment of a mall or an extension of a 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 a mall area or a mall extension area.

***mall*** means a mall established and, where applicable, extended under this Act and in relation to—

- (a) the Chinatown Mall, means the Chinatown Mall established and, where applicable, extended under this Act; and
- (b) The Valley Mall, means The Valley Mall established and, where applicable, extended under this Act.

***mall area*** in relation to—

- (a) the Chinatown Mall, means the road area within the city delineated and shown stippled on the plan in schedule 1; and
- (b) The Valley Mall, means the road area within the city delineated and shown stippled on the plan in schedule 2.

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<sup>2</sup> *Local Government Act 1993*, chapter 15 (Provisions aiding local government), part 5 (Enforcement of local government Acts)



#### Schedule 4 (continued)

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

***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 in respect of any land a general rate under the *City of Brisbane Act 1924*, section 44—that land; or
- (b) if at any time a general rate such as is referred to in paragraph (a) is not made and levied—land within the areas shown delineated with a heavy black line on the map in schedule 3 and respectively marked ‘A’, ‘B’, ‘C’ and ‘D’.

***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 Chinatown and The Valley Malls 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.

***The Valley Mall*** means The Valley Mall established under this Act.

#### Schedule 4 (continued)

**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.

**works** means all works, facilities and conveniences necessary or desirable to be carried out or provided in a mall area in connection with the establishment of the Chinatown Mall or, as the case requires, The Valley Mall.

## Endnotes

### 1 Index to endnotes

		Page
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4	Table of reprints . . . . .	34
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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 2 January 2006. Future amendments of the Local Government (Chinatown and The Valley Malls) Act 1984 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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### 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 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.

Reprint No.	Amendments to	Effective	Reprint date
1	1995 Act No. 58	28 November 1995	2 February 1996
1A	1998 Act No. 13	30 March 1998	14 July 1998
1B	1999 Act No. 42	1 December 1999	2 December 1999
1C	2000 Act No. 4	16 March 2000	21 March 2000
1D	2000 Act No. 5	1 July 2000	4 July 2000

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Reprint No.	Amendments included	Effective	Notes
1E	2003 Act No. 85	6 November 2003	
1F	2003 Act No. 2	1 January 2004	
1G	2004 Act No. 53	29 November 2004	R1G withdrawn, see R2
2	—	29 November 2004	
2A	—	2 January 2006	prov exp 1 January 2006

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed citation and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

## 6 List of legislation

**Local Government (Chinatown and The Valley Malls) Act 1984 No. 104 (prev Local Government (Chinatown Mall) Act 1984)**

date of assent 12 December 1984

commenced on date of assent

amending legislation—

**Local Government (Chinatown Mall) Act Amendment Act 1987 No. 37**

date of assent 30 April 1987

commenced on date of assent

**Local Government (Chinatown Mall) Act Amendment Act 1987 (No. 2) No. 79**

date of assent 1 December 1987

commenced on date of assent

**Local Government (Chinatown Mall) Act Amendment Act 1989 No. 22**

date of assent 17 April 1989

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

remaining provisions commenced 27 May 1989 (proc pubd gaz 27 May 1989 p 503)

**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

**Local Government (Chinatown Mall) Act and Another Act Amendment Act 1990 No. 91 pt 2**

date of assent 7 December 1990

commenced on date of assent

**Local Government Act 1993 No. 70 ss 1–2, 804 sch**

date of assent 7 December 1993

commenced 26 March 1994 (see s 2(5))

**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

**Building and Integrated Planning Amendment Act 1998 No. 13 ss 1, 2(3), 191 sch**

date of assent 23 March 1998

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ss 1–2 commenced on date of assent  
remaining amdts commenced 30 March 1998 (1998 SL No. 55)

**Road Transport Reform Act 1999 No. 42 ss 1–2(1), 54(3) sch pt 3**

date of assent 2 September 1999  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 December 1999 (see s 2(1))

**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, 5**

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

**Statute Law (Miscellaneous Provisions) Act 2004 No. 53**

date of assent 29 November 2004  
commenced on date of assent

## 7 List of annotations

**Long title**

amd 1990 No. 91 s 2(1)(a)

**Short title**

s 1 amd 1990 No. 91 s 2(b)

**Arrangement**

s 2 amd 1987 No. 79 s 3; 1989 No. 22 s 3; 1990 No. 91 s 4  
om R1 (see RA s 36)

**Definitions**

prov hdg sub 2004 No. 53 s 2 sch

s 3 Note—prev s 3 contained definitions for this Act. Definitions are now located in sch 4 (Dictionary). Annotations for definitions contained in prev s 3 are located in annotations for sch 4.  
amd 2004 No. 53 s 2 sch

**PART 2—ESTABLISHMENT OF MALLS**

pt hdg amd 1990 No. 91 s 6

**Division 1—Chinatown Mall**

**div hdg** ins 1990 No. 91 s 7

**Appointed day**

**s 4** om 1990 No. 91 s 8

**Establishment of Chinatown Mall**

**prov hdg** amd 1990 No. 91 s 9

**s 5** amd 1987 No. 37 s 2

**Division 2—The Valley Mall**

**div hdg** ins 1990 No. 91 s 10

**Appointed day—The Valley Mall**

**s 5A** ins 1990 No. 91 s 10

**Establishment of The Valley Mall**

**s 5B** ins 1990 No. 91 s 10

**Division 3—Extension of malls**

**div hdg** ins 1990 No. 91 s 10

**Declaration of mall extension area**

**s 5C** ins 1990 No. 91 s 10

**Nominated day**

**s 5D** ins 1990 No. 91 s 10

**Extension of mall**

**s 5E** ins 1990 No. 91 s 10

**Division 4—Traffic on malls**

**div hdg** ins 1990 No. 91 s 10

**Restricted traffic on mall**

**s 6** amd 1990 No. 91 s 11; 2003 No. 2 s 71

**Construction and provision of works or extension works**

**prov hdg** amd 1990 No. 91 s 12(a)

**s 7** amd 1990 No. 91 s 12(b)

**Closure of road**

**s 8** amd 1990 No. 91 s 13; 2003 No. 2 s 72

**Authorizing construction or provision of works**

**s 9** om 1990 No. 91 s 14

**Lawful to exercise s. 9 authority**

**s 10** om 1990 No. 91 s 14

**Permit to use and occupy Mall area**

**s 11** om 1990 No. 91 s 14

**Permit to be assignable**

**s 12** om 1990 No. 91 s 14

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**Revocation of authority and permit**

s 13 om 1990 No. 91 s 14

**Operation etc. of mall**

s 14 amd 1987 No. 79 s 5; 1989 No. 22 s 5; 1990 No. 91 s 15

**Entry of vehicles and beasts into mall**

s 15 amd 1990 No. 91 s 16

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

s 16 prev s 16 om 1990 No. 91 s 17  
pres s 16 ins 2003 No. 2 s 73

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

s 16A ins 2003 No. 2 s 73

**Requirements for return of vehicle**

s 16B ins 2003 No. 2 s 73

**Sale of vehicle removed from mall**

s 16C ins 2003 No. 2 s 73

**Concessions as to separate rates where s. 9 authorization granted**

s 17 om 1990 No. 91 s 18

**Local laws**

prov hdg amd R1 (see RA ss 23 and 23A)

s 18 amd 1990 No. 91 s 19; 1999 No. 42 s 54(3) sch pt 3

**PART 3A—APPEALS**

pt hdg ins 2003 No. 2 s 74

**Who may appeal**

s 19 prev s 19 om 1990 No. 91 s 20  
pres s 19 ins 2003 No. 2 s 74

**How to start appeal**

s 19A ins 2003 No. 2 s 74

**Stay of decision**

s 19B ins 2003 No. 2 s 74

**Powers of Magistrates Court**

s 19C ins 2003 No. 2 s 74

**Effect if Magistrates Court's decision**

s 19D ins 2003 No. 2 s 74

**Appeal to District Court**

s 19E ins 2003 No. 2 s 74

**Reconstitution of committee**

s 20 amd 1987 No. 37 s 3; 1989 No. 22 s 6  
sub 1990 No. 91 s 21

**Deputy of members**

s 22 amd 1989 No. 22 s 7; 1990 No. 91 s 22



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**Removal of members of committee**

s 23            amd 1989 No. 22 s 8; 1990 No. 91 s 23

**Casual vacancies**

s 24            amd 1990 No. 91 s 24

**Meetings and quorum**

s 25            amd 1989 No. 22 s 9; 1990 No. 91 s 25

**Function and power of committee**

prov hdg      amd 1989 No. 22 s 10(a)

s 27            amd 1987 No. 79 s 6; 1989 No. 22 s 10(b)-(c)

**PART IVA—PROMOTION COMMITTEE**

pt hdg        ins 1987 No. 79 s 7

om 1989 No. 22 s 11

**Establishment of Promotion Committee**

s 27A        ins 1987 No. 79 s 7

om 1989 No. 22 s 11

**Tenure of office**

s 27B        ins 1987 No. 79 s 7

om 1989 No. 22 s 11

**Business and meetings**

s 27C        ins 1987 No. 79 s 7

om 1989 No. 22 s 11

**Secretary; costs**

s 27D        ins 1987 No. 79 s 7

om 1989 No. 22 s 11

**Function of Promotion Committee**

s 27E        ins 1987 No. 79 s 7

om 1989 No. 22 s 11

**PART 5—RECOVERY OF PENALTIES BY NOTICES**

pt hdg        om 2003 No. 2 s 75

**Interpretation**

prov hdg      om 2003 No. 2 s 75

s 28            def “**authorised officer**” om 2003 No. 2 s 75

def “**owner**” om 2003 No. 2 s 75

def “**prescribed infringement**” om 2003 No. 2 s 75

def “**statutory declaration**” amd 1990 No. 91 s 26

om 2003 No. 2 s 75

**Appointment of authorised officers**

s 29            om 2003 No. 2 s 75

**Requirement for name and address**

s 30            om 2003 No. 2 s 75

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**Service and effect of infringement notice**

s 31      amd 1990 No. 91 s 27; 2000 No. 4 s 94 sch  
            om 2003 No. 2 s 75

**Liability for prescribed infringements and exculpation**

s 32      om 2003 No. 2 s 75

**Facilitation of proof**

s 33      amd 1990 No. 91 s 28  
            om 2003 No. 2 s 75

**Service of copy of declaration under s 32(3) or (4)**

s 34      amd 1990 No. 91 s 29  
            om 2003 No. 2 s 75

**Offences**

s 35      om 2003 No. 2 s 75

**No entitlement to compensation**

s 36      amd 1990 No. 91 s 30

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

s 37      amd 1990 No. 91 s 31

**Non-application of s. 35 (24B) Local Government Act**

s 38      amd 1990 No. 91 s 32  
            om 1993 No. 70 s 804 sch

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

s 39      amd 1990 No. 91 s 33; 2003 No. 2 s 76

**Powers of police officers**

s 41      om 2000 No. 5 s 373 sch 3

**Directions by police officer**

s 42      om 2000 No. 5 s 373 sch 3

**Arrest of persistent offender**

s 43      om 2000 No. 5 s 373 sch 3

**Prosecutions**

s 44      amd 1990 No. 91 s 34

**Regulation-making power**

s 45 prov hdg sub 2003 No. 85 s 28 sch

**Local Government (Chinatown Mall) Act 1984 references**

s 46      ins 1995 No. 58 s 4 sch 1

**References in local law to authorised officer**

s 47      ins 2003 No. 2 s 77  
            exp 1 January 2006 (see s 47(2))

**SCHEDULE 1**

sch hdg    amd 1990 No. 91 s 35

sch        sub 1987 No. 37 s 4

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**SCHEDULE 2**

ins 1990 No. 91 s 36

**SCHEDULE 3**

ins 1990 No. 91 s 36

**SCHEDULE 4**

ins 2004 No. 53 s 2 sch

Note—definitions for this Act were originally located in prev s 3.

def “**approved body corporate**” om from prev s 3 1990 No. 91 s 5(a)

def “**authorised person**” ins 2003 No. 2 s 70

reloc 2004 No. 53 s 2 sch

def “**Chinatown Mall**” ins 1990 No. 91 s 5(a)

reloc 2004 No. 53 s 2 sch

def “**court**” ins 1998 No. 13 s 191 sch

reloc 2004 No. 53 s 2 sch

def “**extension works**” ins 1990 No. 91 s 5(a)

reloc 2004 No. 53 s 2 sch

def “**financial year**” om from prev s 3 R1 (see RA s 39)

def “**mall**” sub 1990 No. 91 s 5(b)

reloc 2004 No. 53 s 2 sch

def “**mall area**” sub 1990 No. 91 s 5(c)

reloc 2004 No. 53 s 2 sch

def “**mall extension area**” ins 1990 No. 91 s 5(c)

reloc 2004 No. 53 s 2 sch

def “**Minister**” sub 1990 No. 80 s 3 sch 5

om from prev s 3 R1 (see RA s 39)

def “**officer**” reloc 2004 No. 53 s 2 sch

def “**operator**” ins 2003 No. 2 s 70

reloc 2004 No. 53 s 2 sch

def “**rateable property**” sub 1990 No. 91 s 5(d)

reloc 2004 No. 53 s 2 sch

def “**the city**” amd 1990 No. 91 s 5(e)

reloc 2004 No. 53 s 2 sch

def “**the committee**” amd 1990 No. 91 s 5(f)

reloc 2004 No. 53 s 2 sch

def “**the council**” amd 1990 No. 91 s 5(g)

reloc 2004 No. 53 s 2 sch

def “**the court**” amd 1990 No. 91 s 5(h)

om from prev s 3 1998 No. 13 s 191 sch

def “**the Promotion Committee**” ins 1987 No. 79 s 4

om from prev s 3 1989 No. 22 s 4

def “**the town clerk**” reloc 2004 No. 53 s 2 sch

def “**The Valley Mall**” ins 1990 No. 91 s 5(a)

reloc 2004 No. 53 s 2 sch

def “**vehicle**” reloc 2004 No. 53 s 2 sch

def “**working beast**” reloc 2004 No. 53 s 2 sch

def “**works**” amd 1990 No. 91 s 5(i)

reloc 2004 No. 53 s 2 sch

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