

City of Brisbane Act. 15 GEO. V. No. 32,

2. Section five of **The Brisbane Gas Company Act of 1864*” is repealed and the following section is inserted in lieu thereof:—

Increase of capital.

“[5.] It shall be lawful for the said company from time to time, by a special resolution as defined by the *Companies Act 1863*,” to extend or increase its capital for the time being by the creation, allotment, and disposal of new shares, but so, nevertheless, that the total amount of all new shares to be so from time to time created shall not, together with the share capital issued on the first day of October, one thousand nine hundred and twenty-four, exceed one million pounds.”

EMU PARK PUBLIC LAND MORTGAGE.

See PARKS AND PUBLIC LAND.

GAS COMPANY, BRISBANE.

See COMPANIES.

GRAFTON-KYOGLE-SOUTH BRISBANE RAILWAY AGREEMENT.

See RAILWAYS AND TRAMWAYS.

INNISFAIL PUBLIC LAND MORTGAGE.

See PARKS AND PUBLIC LAND.

LOCAL AUTHORITIES.

City of Brisbane Act of 1924 15 *Geo. V. No. 32*

City of South Brisbane Improvement Act of 1924 15 *Geo. V. No. 35*

15 Geo. V.
No. 32.
THE
CITY OF
BRISBANE
ACT OF 1924.

An Act for the Good Government of the City of Brisbane.

[ASSENTED TO 30TH OCTOBER, 1924.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as “*The City of Brisbane Act of 1924.*”

PART I.—
PRELIMI-
NARY.
Short title.

* 28 Vic., *supra*, page 3717.

1924.

*City of Brisbane Act.*PART I.—
PRELIMI-
NARY.

2. This Act is divided into Parts, as follows :— Parts of Act.

PART I.—PRELIMINARY ;

PART II.—THE CITY CHARTER.

3. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say :— Interpretation.

- “Alderman”—An alderman of the City ; Alderman
- “City”—The Area for the time being comprised within the City of Brisbane ; City.
- “Council”—The Brisbane City Council ; Council.
- “Election”—Any election of the Mayor and other aldermen under this Act ; Election.
- “Elections Act”—*“*The Elections Act of 1915*” and any Act amending or in substitution for that Act, and any regulations made thereunder and in force for the time being ; Elections Act.
- “Elector”—A person whose name is enrolled on an electoral roll compiled pursuant to the Elections Act for an electoral district or part thereof comprised within the City ; Elector.
- “Electoral district”—An electoral district constituted for the time being under †“*The Electoral Districts Act of 1910*” and ‡“*The Electoral Districts Act of 1922*” and comprised wholly or partly within the City ; Electoral district.
- “Electric Light and Power Act”—§“*The Electric Light and Power Act, 1896*” and any Act amending or in substitution for that Act ; Electric Light and Power Act.
- “Health Act”—||“*The Health Acts, 1900 to 1922*” and any Act amending or in substitution for those Acts ; Health Act.
- “Local Authorities Act”—¶“*The Local Authorities Acts, 1902-1923*” and any Act amending or in substitution for those Acts ; Local Authorities Act.
- “Mayor”—The person acting for the time being as the Mayor of the City : the term, when necessary, includes the Vice Mayor ; Mayor.

* 6 Geo. V. No. 3, *supra*, page 6779.

† 1 Geo. V. No. 3, *supra*, page 687.

‡ 13 Geo. V. No. 23, *supra*, page 9988.

§ 60 Vic. No. 24, *supra*, page 702.

|| 64 Vic. No. 9 and amending Acts, *supra*, pages 7735 and 10012.

¶ 2 Edw. VII. No. 19 and amending Acts, *supra*, pages 1860 *et seq.*, 5653, 5918, 8304, 9571, 10126, and 10661.

PART I.—
PRELIMI-
NARY.*City of Brisbane Act.* 15 GEO. V. No. 32.

Metropolitan Water Supply and Sewerage Act.	“Metropolitan Water Supply and Sewerage Act”— *“ <i>The Metropolitan Water Supply and Sewerage Acts, 1909 to 1923</i> ” and any Act amending or in substitution for those Acts ;
Minister.	“Minister”—The Home Secretary or other Minister of the Crown for the time being charged with the administration of this Act ;
Ordinances.	“Ordinances”—Ordinances of the Council made under the authority of this Act ;
Prescribed.	“Prescribed”—Prescribed by or in pursuance of this Act ;
This Act.	“This Act” includes this Act and any ordinances, Proclamations, Orders in Council, and orders and notices made or given thereunder ;
Town Clerk.	“Town Clerk”—The person appointed by the Council to be Town Clerk : the term includes the officer for the time being performing the duties of the Town Clerk ;
Victoria Bridge Act.	“Victoria Bridge Act”—†“ <i>The Victoria Bridge Act of 1897</i> ” and “ <i>The Victoria Bridge Act Amendment Act of 1898,</i> ” and any Act amending or in substitution for those Acts.

PART II.—THE CITY CHARTER.

*City of Brisbane.*PART II.—
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Area declared a City.	4. (1.) The Area of the City of Brisbane is hereby constituted and declared to be a City, under the name of the “CITY OF BRISBANE.”
Boundaries. Sch. I.	(2.) The boundaries of the City shall be the boundaries set forth in the First Schedule to this Act, and shall comprise the following Areas and parts of Areas constituted or deemed to be constituted under the Local Authorities Act, namely— (i.) The Cities of Brisbane and South Brisbane ; (ii.) The Towns of Hamilton, Ithaca, Toowong, Windsor, Sandgate, and Wynnum ; (iii.) The Shires of Balmoral, Belmont, Coorparoo, Enoggera, Kedron, Moggill, Sherwood,

* 9 Edw. VII. No. 12 and amending Acts, *supra*, pages 7281, 8668, 9813, 9818, and 10874.† 61 Vic. No. 15 and 62 Vic. No. 12, *supra*, pages 3677 *et seq.*

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Stephens, Taringa, and Toombul, and parts of the Shires of Tingalpa and of Yeerongpilly.

(3.) A map of the City is delineated on the Map.—
Sch. II. Second Schedule to this Act.

Brisbane City Council.

5. (1.) The City shall be governed by a Council The Council. composed of twenty-one aldermen, consisting of the Mayor and twenty other aldermen.

(2.) The Mayor shall be an alderman by virtue of his office.

6. The Council shall be a body corporate, with Corporation. perpetual succession and a common seal, and shall, under the name of the "Brisbane City Council," be capable in law of suing and being sued, and of purchasing, holding, and alienating real and personal property, and (without, however, limiting the powers by this Act conferred upon the Council) of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

7. (1.) Every adult person (whether male or female) Qualification
of alderman. who resides within the City, and who is or is qualified to become an elector for any electoral district within Queensland, and who is not under any of the disabilities hereinafter specified, shall be qualified to become and to act as an alderman, but so long only as he continues to hold such qualification.

(2.) At the first election or any triennial election a person shall not be qualified to be a candidate or to be elected for the office of Mayor and also for the office of ordinary alderman.

8. (1.) No person who—

Disabilities.

- (i.) Is concerned or participates in the profit of any contract with the Council; or
- (ii.) Has his affairs under liquidation by arrangement with his creditors; or is an uncertificated or undischarged insolvent; or
- (iii.) Is undergoing a sentence of imprisonment, whether or not the execution of such sentence

has been suspended under section six hundred and fifty-six of **"The Criminal Code"*; or

- (iv.) Is an insane person within the meaning of the laws in force for the time being relating to insanity;

shall be capable of being or continuing an alderman.

(2.) Provided that nothing herein shall disqualify any person from being or continuing an alderman solely because he is concerned or participates in a transaction with the Council in respect of—

- (a) A lease, sale, or purchase of land; or an agreement for such lease, sale, or purchase; or
- (b) An agreement for the loan of money or any security for the payment of money; or
- (c) A contract entered into by an incorporated company for the general benefit of such company; or
- (d) A contract for the publication of advertisements in a public journal; or
- (e) The sale of goods to or the performance of any work for the Council *bona fide* in the ordinary course of business and not pursuant to any written contract, and not exceeding the sum or value of one hundred pounds in any one year.

Tenure of
office.

9. (1.) Subject to this Act, every alderman shall hold office for three years.

(2.) Subject to this Act, the office of alderman shall—

- (a) Commence on the day of his election or appointment thereto;
- (b) Become vacant at the conclusion of the next triennial election unless sooner vacated as hereinafter provided.

(3.) Whenever at a triennial election a poll has become unnecessary in respect of any candidate, and the returning officer has duly declared him to be elected, he shall not be entitled to act as alderman until the conclusion of that election.

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10. (1.) The office of alderman shall be vacated— When office is vacant.
- (i.) If he dies ; or
 - (ii.) If he is or has become disqualified or has ceased to be qualified under this Act ; or
 - (iii.) If without leave obtained from the Council in that behalf he has been absent from four or more consecutive ordinary meetings ; or
 - (iv.) If he is ousted from his office by the Supreme Court ; or
 - (v.) If on the occasion of an extraordinary vacancy in the office of Mayor he becomes Mayor by virtue of his office of Vice Mayor, or is appointed Mayor ; or
 - (vi.) If he ceases for any reason to hold office before the day on which the office would ordinarily become vacant.

(2.) If any alderman, before he is capable of acting as such or after his office has become vacated, acts or continues to act as alderman, knowing that he is not capable, or that his office has become vacated, he shall be liable to a penalty not exceeding fifty pounds, to be recovered as prescribed. Disqualified person acting.

11. Any alderman may resign his office by writing under his hand, addressed to the Town Clerk, and such resignation shall be complete and shall take effect from the time when it is received by the Town Clerk. Resignations.

12. Nothing herein contained shall prevent any person from being immediately or at any time re-elected or appointed to the office of Mayor or other alderman, if he is capable for the time being, under this Act, of being and continuing such Mayor or alderman. Members may be re-elected.

Elections.

13. The Mayor shall be elected by the electors of the City voting as in one electorate. Election of Mayor.

14. For the purposes only of the election of aldermen, other than the Mayor, the City shall be divided into twenty electoral wards. Each ward shall bear the name mentioned in the left-hand column of the table hereunder Election of aldermen by electoral wards.

set forth and consist of one of the electoral districts or parts thereof mentioned in the right-hand column of the said table, namely:—

ELECTORAL WARDS.	
Brisbane	.. Electoral District of Brisbane.
Bulimba	.. Electoral District of Bulimba.
Buranda	.. Electoral District of Buranda.
Enoggera	.. The parts of the Electoral Districts of Enoggera and Bremer comprised within the City.
Fortitude Valley	.. Electoral District of Fortitude Valley.
Ithaca	.. Electoral District of Ithaca.
Kelvin Grove	.. Electoral District of Kelvin Grove.
Kurilpa	.. Electoral District of Kurilpa.
Logan	.. Electoral District of Logan.
Maree	.. Electoral District of Maree.
Merthyr	.. Electoral District of Merthyr.
Nundah	.. The part of the Electoral District of Nundah comprised within the City.
Oxley	.. The part of the Electoral District of Oxley comprised within the City.
Paddington	.. Electoral District of Paddington.
Sandgate	.. The part of the Electoral District of Sandgate comprised within the City.
South Brisbane	.. Electoral District of South Brisbane.
Toombul	.. Electoral District of Toombul.
Toowong	.. Electoral District of Toowong.
Windsor	.. Electoral District of Windsor.
Wynnum	.. The part of the Electoral District of Wynnum comprised within the City.

The electors of each such electoral ward shall return one alderman.

If and as often as any change is made pursuant to any law in that behalf in any of the boundaries of the abovenamed electoral districts or the parts thereof respectively theretofore comprised within an electoral ward the electoral wards of the City shall, for the purposes of the election of aldermen (other than the Mayor) be amended accordingly, and at the next triennial election the electors of each electoral district or part thereof as so amended shall return one alderman.

First
election.

15. The first Mayor and other aldermen shall be elected.

The election shall be held on Saturday, the twenty-first day of February, one thousand nine hundred and twenty-five.

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For the purposes of the first election the returning officer shall be appointed by the Governor in Council.

16. (1.) An election of the Mayor and aldermen shall be held on such day in the month of February in every third year after the first election as the returning officer appoints. Triennial elections.

At every triennial election the Mayor and the whole number of aldermen shall be elected.

(2.) After the first election the Town Clerk shall be the returning officer at every election under this Act. Returning officer.

17. (1.) At an election of Mayor each elector shall have one vote only. One vote only.

At an election of an alderman (other than the Mayor) each elector shall have one vote only.

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

(3.) The electoral rolls (as compiled in the case of the first election and every triennial election up to the thirty-first day of December in the year last preceding) for the several electoral districts, or if an electoral ward comprises a part or parts only of an electoral district or districts then so much of such electoral roll or rolls as contains the names of the electors of such part or parts constituting electoral wards of the City, shall be used at every such election.

(4.) The returning officer shall give public notice of every election by advertisement in some newspaper published in the City; and the notice shall specify a day, not less than fourteen nor more than twenty-one days after the publication of the notice of election, as the day of nomination.

(5.) At the first election and every triennial election the returning officer shall appoint an assistant returning officer for each electoral ward of the City; and such assistant returning officer shall, for the purposes of each such election, have all the powers, authorities, and duties conferred and imposed upon a returning officer under and pursuant to the Elections Act.

(6.) All the provisions of the Elections Act, so far as the same can be applied, shall be applicable to every election.

Extra-
ordinary
vacancies.—
Mayor.

18. (1.) When an extraordinary vacancy arises in the office of Mayor, the Vice Mayor shall by virtue of his office become the Mayor, and subject to this Act he shall hold office until the conclusion of the next triennial election.

Alderman.

(2.) When an extraordinary vacancy arises in the office of alderman (other than the Mayor) a separate election by the electors of the electoral ward in which such vacancy has arisen shall be held to fill such vacancy.

The election shall be held within one month after the occurrence of such vacancy on such day as the returning officer appoints.

For the purposes of any such extraordinary election the electoral roll of the electoral ward concerned shall comprise the names of all persons who are the electors of such ward and whose names have been enrolled as electors in the proper electoral roll or rolls for such ward not later than seven clear days before the day of nomination for such election.

Vice Mayor.

(3.) If the Vice Mayor vacates his office as an ordinary alderman, whether by promotion to the office of Mayor or otherwise, an extraordinary vacancy in the office of alderman shall be deemed to have arisen and the Council shall, as soon as may be after the election of an alderman to fill such vacancy, appoint from amongst the aldermen (other than the Mayor) a person to be Vice Mayor. Subject to this Act the Vice Mayor so appointed shall hold that office until the conclusion of the next triennial election.

If within twenty-one days no such appointment is made, the Governor in Council may appoint an alderman (other than the Mayor) to be Vice Mayor, and the alderman so appointed shall be deemed to have been duly appointed by the Council.

Governor in
Council may
appoint
Mayor or
aldermen
when none
elected.

19. If at the time prescribed or appointed for holding an election—

(a) No election is held ; or

(b) No candidate is nominated for the office of Mayor or of alderman for an electoral ward ;

the Governor in Council may appoint an elector to be Mayor or an elector to be an alderman to fill the vacancy which ought to be filled at such election, and the elector appointed as Mayor shall be deemed to have been

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duly elected Mayor at such election, and every elector appointed an alderman shall be deemed to have been duly elected at such election for the electoral ward in respect of which he was so appointed.

Date of Constitution of Council.

20. At the conclusion of the first election the names of the Mayor and other aldermen elected shall be published in the *Gazette*, and on and from the date of such publication the Council shall be deemed to be duly constituted. Such date is in this Act referred to as the date of the constitution of the Council.

Date of
constitution
of Council.

Meetings.

21. The Mayor shall preside at every meeting of the Council at which he is present, and (if he is absent) the Vice Mayor or (in the absence of the Vice Mayor) another alderman to be chosen at the meeting shall be chairman during the absence of the Mayor from the meeting.

Meetings.

Remuneration of Mayor and Aldermen.

22. (1.) Except as provided in this section—
- (a) The Mayor shall be entitled to receive from the City Fund a salary at the rate of one thousand pounds per annum ;
- (b) In addition to such salary, the Mayor shall be entitled to receive such allowance for expenses as the Council may from time to time determine ;
- (c) The salary of the Mayor shall be payable to the Mayor monthly from the commencement of his office until it becomes vacant.

Remunera-
tion of
Mayor and
Vice Mayor.

(2.) During such time as the Mayor is prevented by absence, illness, or otherwise from performing any duty of his office, the Vice Mayor shall (in addition to his salary as alderman) be entitled to receive such salary as the Council may in the circumstances determine.

Any such salary to the Vice Mayor shall, unless otherwise determined by the Council, be deducted from the salary of the Mayor.

23. (1.) Every alderman shall be entitled to receive from the City Fund a salary at the rate of four hundred pounds per annum.

Remunera-
tion of
aldermen.

(2.) Every such salary to an alderman shall be payable monthly, from the commencement of his office until it becomes vacant.

Vice Mayor.

Vice Mayor.

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

Town Clerk.

Town Clerk.

25. (1.) There shall be a Town Clerk, to be appointed by the Council.

(2.) Save as may be otherwise provided by ordinance, the Town Clerk shall have full powers of discipline and control over all other officers and servants of the Council.

Powers until 1st October, 1925.

Duties of
Council until
1st October,
1925.

26. On and from the date of the constitution of the Council and until the first day of October, one thousand nine hundred and twenty-five, the powers and duties of the Council shall be limited to the matters and things following, that is to say:—

- (1) The provision of an office for the Council ;
- (2) The appointment of officers of the Council and the organisation of the staff of officers ;
- (3) The preparation, passing, making, and publication of ordinances: provided that no such ordinance shall come into force or have any effect until the first day of October, one thousand nine hundred and twenty-five, at the earliest ;
- (4) The preparation, performance, and carrying into effect of all such acts, matters, and things as in the opinion of the Council are necessary or expedient in order to enable the Council to exercise in full its powers, jurisdiction, authorities, and duties under this Act on and after the first day of October, one thousand nine hundred and twenty-five.

But nothing in this section contained shall be construed so as to limit the powers of the Council in

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respect of any of the aforesaid matters after the first day of October, one thousand nine hundred and twenty-five.

27. (1.) The Council is hereby authorised to expend such moneys as may be necessary for the purpose of exercising and performing the powers and duties in the last preceding section hereof mentioned, and for that purpose may make arrangements with any Bank or other financial institution for a temporary loan of the required amount.

Interim
expenditure.

The Treasurer is hereby authorised to guarantee to such Bank or institution the amount of such temporary loan, with interest at the rate agreed upon between the Council and such Bank or institution: Provided that such guarantee shall cease and be of no further force, effect, or validity on and after the first day of October, one thousand nine hundred and twenty-five.

(2.) The amount of money (including interest, if any) which the Council has expended or incurred for the purposes aforesaid and which is outstanding on the first day of October, one thousand nine hundred and twenty-five, shall on that date be and until repaid remain a charge against the City Fund, and the Treasurer shall no longer have or be subject to any liability in respect of the same or any interest accrued or accruing due thereon.

Temporary
loan to be
charged
against City
Fund.

28. At any time after the passing of this Act, but not later than the first day of October, one thousand nine hundred and twenty-five, the Governor in Council shall by an Order in Council declare and apportion, as appears to him to be just as between the Council of the Shire of Tingalpa and the Council of the Shire of Yeerongpilly respectively and the Brisbane City Council (whether then constituted under this Act or about to be constituted) any assets and liabilities of such Shire Councils respectively requiring to be so declared and apportioned, and declare any rights and adjust and determine any claims, matters, questions, and disputes which in either or both of such cases are necessary or proper to be declared, adjusted, and determined in consequence of the severance from the said Shires respectively of parts thereof and the inclusion of such parts in the City.

Powers
preparatory
to union of
parts of
Shires of
Tingalpa
and
Yeerongpilly
with the
City.

*Abolition of Component Areas and Local Bodies.*Abolition of
Areas, &c.

29. (1.) On the first day of October, one thousand nine hundred and twenty-five, the following areas, namely:—

- (a) The Cities of Brisbane and South Brisbane ;
and
- (b) The Towns of Hamilton, Ithaca, Toowong,
Windsor, Sandgate, and Wynnum ; and
- (c) The Shires of Balmoral, Belmont, Coorparoo,
Enoggera, Kedron, Moggill, Sherwood,
Stephens, Taringa, and Toombul ;

and the Local Authorities of the said Areas and each of them shall be abolished, and all and each of the members of each of the said Local Authorities shall go out of office.

Joint
Boards.

(2.) On the first day of October, one thousand nine hundred and twenty-five, all Joint Local Authorities and Joint Boards created or constituted under or pursuant to the powers contained in the Local Authorities Act or the Health Act or the Electric Light and Power Act or any other Act or any Order in Council or otherwise by due authority, with respect to any work, service, matter, or thing, in or in relation to the City, shall be abolished, and all and each of the members of each such Joint Local Authority and Joint Board shall go out of office.

Victoria
Bridge
Board.

(3.) On the first day of October, one thousand nine hundred and twenty-five, the Victoria Bridge Board created by and having jurisdiction under the Victoria Bridge Act shall be abolished, and all and each of the members of such Board shall go out of office.

The union
of parts of
the Shires of
Tingalpa and
Yeerongpilly
with the
City.
Schs. I. and
II.

(4.) On the first day of October, one thousand nine hundred and twenty-five, the parts of the Shires of Tingalpa and Yeerongpilly comprised within the description set forth in the First Schedule to this Act and delineated on the map in the Second Schedule to this Act shall respectively be severed from the Shires of Tingalpa and Yeerongpilly and shall be included in the City.

These
referred to
collectively
as local
bodies.

(5.) The Local Authorities mentioned in subsection one hereof and the Joint Local Authorities and Joint Boards referred to in subsection two hereof and the Victoria Bridge Board and the Council of the Shire of Tingalpa (but so far only as relates to the part of the said Shire included in the City) and the Council of the Shire of

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Yeerongpilly (but so far only as relates to the parts of the said Shire included in the City) are hereinafter collectively referred to as local bodies.

(6.) Provided that until the first day of October, one thousand nine hundred and twenty-five, all the local bodies shall continue to have jurisdiction within and may and shall exercise and perform all and several their powers, authorities, duties, and functions (by whatsoever Act, Order in Council, or other authority conferred or imposed) with and in relation to their Areas and Districts respectively, notwithstanding the constitution of the City of Brisbane and the constitution of the Council thereof under this Act.

Continuance of powers of local bodies until the abolition.

30. By virtue of this Act, on and after the first day of October, one thousand nine hundred and twenty-five—

Transfer of property.

- (1) All the property, whether real or personal, and all other assets of whatever description, and all rights, liabilities, obligations, contracts, and engagements of the local bodies existing at that date shall, without any transfer assignment or conveyance, or notice other than this Act, be divested from the said local bodies and each of them, and shall be vested in and shall attach to and may be enforced by and against the Council.
 - (2) In any case where any of the local bodies has been granted an Order with respect to electric light and power as an Electric Authority pursuant to the Electric Light and Power Act which is in force at that date, the benefit of such Order shall be divested from the local body to whom it was granted, and shall pass to and be vested in the Council. And every such Order shall be construed as if the Council were named therein in substitution for the local body named therein as the Electric Authority.
 - (3) All penalties and forfeitures which at that date may be enforceable and recoverable by the respective local bodies shall and may be enforced and recovered by the Council.
- Penalties, &c.

For this purpose the Council shall have the rights and powers of the Local Authority or Board of the Area or District or work or structure concerned.

Proceedings,
&c.

- (4) All proceedings and things lawfully had and done by the local bodies respectively shall be and continue to be in full force and effect to all intents and purposes as if the same had been done by the Council and, if the same are not completed, may be continued and completed by the Council.

Officers, &c.

- (5) All officers and servants of each such local body holding office or being employed on the first day of October, one thousand nine hundred and twenty-five, shall be deemed to have been appointed and engaged under this Act, but shall otherwise be subject to be dealt with as officers and servants of the Council: Provided that any officer of a local body who has been engaged and is still employed under a subsisting contract of service extending over a period of years which has not expired on the first day of October, one thousand nine hundred and twenty-five, shall, subject to the terms and provisions of the said contract, be continued in office by the Council until the said contract expires.

Actions, &c.

- (6) All actions and proceedings pending on the first day of October, one thousand nine hundred and twenty-five, by or against a local body may be carried on and prosecuted by or against the Council under this Act, and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained, and for the purposes of this provision any relative by-laws of the local body concerned shall be deemed to be still in force.

Existing
licenses,
registrations,
permits, and
consents.

- (7) All licenses, registrations, permits, and consents issued, made, granted, or given by a local body under or in pursuance of any Act and in force on the first day of October, one thousand nine hundred and twenty-five, shall continue in force for the period (if any) specified in such licenses, registrations, permits, or consents unless the same are sooner suspended, cancelled, or revoked under or in pursuance of this Act.

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- (8) Every pound established within the City shall be deemed, for all the purposes of this Act, to have been established by the Council. Existing pounds.
- (9) The several valuations of the rateable lands in the whole of the locality by this Act included within the City, in force on the first day of October, one thousand nine hundred and twenty-five, shall continue in force and shall be deemed to be valuations of the Council until a fresh valuation thereof has been made by the Council under its powers. Valuations.
- (10) All rates (including interest, if any) and other moneys which, having accrued due to any of the local bodies, are on the first day of October, one thousand nine hundred and twenty-five, due or payable to or leviable by the local body concerned, shall continue to be due, payable, and leviable and may be paid to and received, levied, and recovered by the Council. Rates, &c.
- (11) Every part of any Area of a local body which has, pursuant to the Local Authorities Act, been declared to be a benefited area within the meaning of that Act shall be abolished. Abolition of benefited areas.
- (12) All rights, powers, and authorities which have accrued to the Treasurer under any Act, by-law, regulation, or rule relating to a local body may be exercised and enforced as if this Act had not been passed, but where before the first day of October, one thousand nine hundred and twenty-five, his rights had accrued against a local body, the Council shall be deemed to be substituted for such local body. Rights of Treasurer.
- (13) All books and documents made evidence under any Act, by-law, regulation, or rule relating to a local body shall continue evidence to the same extent as if this Act had not been passed. Documents made evidence.
- (14) On and after the first day of October, one thousand nine hundred and twenty-five, any contribution which any local body or local bodies abolished by this Act was, prior to that date, required by law to make from time Contributions by Council towards expenses of other local bodies.

to time towards the expenses of any corporation, board, or other local body constituted under or pursuant to any Act shall as and when any such contribution becomes payable by law be made by the Council out of the City Fund.

Representa-
tion of
Council on
other local
bodies.

- (15) Until the first day of October, one thousand nine hundred and twenty-five, every member of any corporation, board, or other local body constituted under or pursuant to any Act who became such member as the representative of one or several of the local bodies abolished by this Act shall remain in office, and shall thereafter continue in office until the Council has elected or appointed (as the case may require) its own representative or representatives to be a member or members of such corporation, board, or other local body, and shall, upon such election or appointment, go out of office. The Council is hereby authorised to make every such election or appointment, and the person or persons so elected or appointed shall be entitled to hold office as a member or members of such corporation, board, or other local body until the conclusion of the next general election or appointment of members thereof in due course of law.

Control of
Victoria
Bridge.

31. On and after the first day of October, one thousand nine hundred and twenty-five, the Council shall control, manage, and maintain the Victoria Bridge and the approaches thereto.

The Council may from time to time grant leases for any term, not exceeding fifty years, of any bridge lands vested in the Council which are not required to be used for the approaches to the Victoria Bridge.

It shall not be lawful for the Council to make, levy, or collect any toll or due upon the Victoria Bridge, and the passage to and upon such bridge shall be wholly free.

No action, indictment, information, or other proceeding shall be commenced, presented, prosecuted, or maintained against the Council, the Government, or any person empowered in that behalf in respect of the erecting or maintaining of the Victoria Bridge without

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making provision for the opening of a portion thereof to allow of the passage of sea-going vessels or for or in respect of the obstruction of the navigation of the River Brisbane by the Council or for or in respect of any damages, loss, or expenses occasioned or alleged to be occasioned by reason of such erecting, maintaining, closure, or obstruction or in anywise whatever arising therefrom.

The bill of mortgage executed in favour of the Treasurer pursuant to section three of **“The Victoria Bridge Act Amendment Act of 1898”* over certain lands therein mentioned shall be deemed to have been given and shall be construed as if it had been given by the Council to the Treasurer by way of security.

Botanic Gardens.

32. (1.) In this section the term “Botanic Gardens” means all that parcel of land situated in the County of Stanley, parish of North Brisbane, City of Brisbane, comprising an area of fifty-seven acres and three roods or thereabouts, which was duly constituted a reserve for Botanic Gardens by an Order in Council published in the *Gazette* on the first day of July, one thousand nine hundred and sixteen, and which said Order in Council was amended by an Order in Council published in the *Gazette* on the twelfth day of August, one thousand nine hundred and sixteen, excluding from such parcel of land the land which is occupied by a building known as “The Botanic Museum,” and also so much land as is sufficient to form a convenient curtilage for such Museum, together with a reservation of a public right of way to and from the said Museum, and such other reservations as may be deemed necessary, which excluded part of the said reserve shall be described, declared, and defined by an Order in Council published in the *Gazette*. Control of
Botanic
Gardens.

(2.) On and after the first day of October, one thousand nine hundred and twenty-five, the Council shall control, manage, and maintain the Botanic Gardens, and the Botanic Gardens shall be deemed for all the purposes of this Act to have been established by the Council as a reserve for Botanic Gardens and a public park under this Act.

* 62 Vic. No. 12, *supra*, page 3690.

(3.) On and after the first day of October, one thousand nine hundred and twenty-five, the Botanic Gardens shall by virtue of this Act be deemed to be permanently placed under the control of the Council for the purposes declared in the aforesaid Orders in Council creating the said reserve and for no other purposes whatsoever, and the Council shall be the trustees of the Botanic Gardens as a reserve within the meaning of **"The Land Act of 1910"* and its several amendments.

(4.) On the first day of October, one thousand nine hundred and twenty-five, the trustees of the said reserve holding office on that date shall go out of office and shall cease to exercise or perform any of the powers, duties, or functions which they were theretofore authorised or entrusted to exercise or perform as such trustees.

(5.) On the first day of October, one thousand nine hundred and twenty-five, all machinery, implements, tools, utensils, animals and birds in captivity, and all other personal property whatsoever theretofore vested in the Crown or in any Department of the Government or in the said trustees and then being in or upon the Botanic Gardens, shall be divested from the then owners thereof and shall, without any transfer, conveyance, or assignment, or notice other than this Act, pass to and become vested in the Council for the purposes of this Act.

(6.) Nothing herein contained shall be construed to prejudice any lease of any part of the Botanic Gardens existing on the first day of October, one thousand nine hundred and twenty-five, but every such lease shall be construed as if the Council were the lessor of the land demised thereby in substitution for the lessor named therein, and the lessee shall attorn to the Council.

(7.) All officers, servants, and workmen holding office or being employed on the first day of October, one thousand nine hundred and twenty-five, in or about the Botanic Gardens shall be deemed to have been appointed and engaged under this Act, but shall otherwise be subject to be dealt with as officers, servants, and workmen of the Council.

* 1 Geo. V. No. 15, *supra*, page 8775.

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(8.) Without limiting its general power to make ordinances under this Act, the Council is expressly empowered to make all such ordinances under this Act as it deems proper relating to the control, management, improvement, maintenance, use, and good government of the Botanic Gardens: Provided that until the Council has made other provision by ordinance in that behalf the by-laws made by the trustees of the said reserve, a copy whereof was published in the *Gazette* on the first day of July, one thousand nine hundred and sixteen, shall remain in force with respect to the Botanic Gardens and shall be administered by the Council; and for that purpose the said by-laws shall be construed as if references therein to the "Minister" and "gardens," respectively, were references to the "Council" and the "Botanic Gardens" respectively.

Existing Loans.

33. Whereas in respect of the Local Authorities or some of them whose Areas will on the first day of October, one thousand nine hundred and twenty-five, be comprised within the City, an indebtedness will exist on account of loans borrowed from Consolidated Revenue, it is hereby provided as follows:—

Existing
Treasury
loans.

(1.) Where any such loans were borrowed, bearing interest at the rate of four pounds per centum per annum, the Treasurer shall extend the period of such loans and consolidate the same into one loan so that the whole period of the loan as so consolidated shall be forty years, beginning on the first of day July, one thousand nine hundred and twenty-five, and on and from that date such consolidated loan shall be deemed to be a loan to the Council for the period aforesaid.

(2.) Where any such loans were borrowed, bearing interest at the rate of five pounds ten shillings per centum per annum, the Treasurer shall extend the period of such loans and consolidate the same into one loan so that the whole period of the loan as so consolidated shall be forty years, beginning on the first day of July, one thousand nine hundred and twenty-five, and on and from that date such consolidated loan shall be deemed to be a loan to the Council for the period aforesaid.

(3.) The Treasurer shall cause to be made in the books of the Treasury the necessary adjustments so as to give due effect to the provisions of this section.

(4.) Save as hereinbefore mentioned, the existing terms and conditions of every such loan from Consolidated Revenue shall be observed by the Council in respect of the consolidated loans and each of them; and the instalments of interest and redemption in respect thereof, adjusted in accordance with the extended period of each such consolidated loan, shall be payable from time to time accordingly by the Council to the Treasurer, and the Treasurer shall have and may exercise the same rights and remedies for the recovery of such moneys as he possessed with respect to the loans before the consolidation thereof.

Victoria
Bridge loan.

34. The balance of the indebtedness of the Victoria Bridge Board to the Treasury on the first day of October, one thousand nine hundred and twenty-five, whether by way of principal or interest, shall be and be deemed to be an indebtedness on the first day of July, one thousand nine hundred and twenty-five, by way of loan to the Council, in exoneration of the said Board and of all Local Authorities represented thereon.

The Council shall undertake the liabilities and obligations of the said Board in respect of the said loan, and from time to time, as and when they become due, pay to the Treasurer the prescribed instalments in respect thereof.

Current
debentures
where
interest only
payable by
instalments.

35. (1.) Where any Local Authority of any Area which under this Act has been abolished has raised money by the sale of debentures or inscribed stock, and such debentures or inscribed stock are current on the first day of October, one thousand nine hundred and twenty-five, the Council, in substitution for such Local Authority, shall on and after that date be chargeable with the payment of all sums from time to time due and payable, whether by way of interest or principal money, under the terms of the said debentures or stock:

Provided that where a Sinking Fund has been established for the repayment at due date of the principal moneys raised by the sale of such debentures or stock, and interest only is payable in the meantime, the moneys standing to the credit of such Sinking Fund, or the securities representing the investments of such Sinking Fund, shall be paid to or handed over to the Trustees of the City Debt Redemption Fund hereinafter mentioned, and all moneys thereafter payable in respect

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of such Sinking Fund shall also be paid over by the Council to the said Trustees; but otherwise the existing provisions relating to such Sinking Fund shall continue to remain in force until such debentures or stock are duly redeemed.

(2.) Where any Local Authority of any Area which under this Act has been abolished has raised money by the sale of debentures or inscribed stock which provide for a redemption of the whole or part of the principal money and interest by instalments at regular intervals, and such debentures or stock are current on the first day of October, one thousand nine hundred and twenty-five, such instalments shall, on and after that date, be payable by the Council, in substitution for such Local Authority, in terms of the said debentures or stock, and no moneys in respect thereof shall be paid over to the said Trustees.

Current
debentures
where
principal
partly
redeemable
and interest
payable by
same
instalments.

Save as aforesaid, the provisions relating to such debentures or stock shall continue to apply in all respects as if this Act had not been passed.

(3.) The payment of interest and redemption in respect of all debentures or inscribed stock referred to in subsections one and two of this section shall be guaranteed by the Government of Queensland.

Debentures
guaranteed
by
Government.

Powers and Jurisdiction.

36. (1.) The Council shall be charged with the government of the City, and shall have the control of the working and business of such government.

Powers and
jurisdiction
of the
Council.

(2.) The Council shall have full power and duty to make ordinances for promoting and maintaining the peace, comfort, education, health, morals, welfare, safety, convenience, food supply, housing, trade, commerce and manufactures of the City and its inhabitants, and for the planning, development, and embellishment of the City, and for the general good government of the City and its inhabitants, and for the direction, administration, and control of the working and business of the government of the City, and shall cause all ordinances to be duly carried into effect.

And generally all such ordinances may be made and carried into effect by the Council as may be determined by it to be necessary for the proper performance of the

powers and duties of the Council, whether the subject matter be within the express powers conferred by this Act upon the Council or not.

(3.) Without limiting the generality of its powers, the Council shall have and possess express powers in relation to the following matters:—The provision, construction, maintenance, management, control, and regulation of the use of roads, bridges, tunnels, ferries, subways, viaducts, culverts, and other means of public communication; public parks, aviation grounds, recreation grounds and other public places; reserves and lands vested in it or placed under its control either permanently or temporarily; markets; baths and bathing places; tramways, motor omnibuses, omnibuses and other means of public transportation; traffic; public health, sanitation, cleansing and scavenging, prevention and suppression of infectious and other diseases, sewerage, drainage, removal suppression and abatement of nuisances, noxious and offensive trades, public conveniences; abattoirs; milk supply, supply of water, light, and power; disposal of the dead; subdivision of land and use and occupation of land; buildings and use and occupation of buildings; protection from fire; boundaries and fences; opening, closing, aligning, widening, altering, and grading of roads; eradication and destruction of noxious weeds and pests; pounds and impounding; the accounts and audit of the accounts of the City; and generally all works, matters, and things in its opinion necessary or conducive to the good government of the City and the wellbeing of its inhabitants.

Furthermore the Council shall, subject to this Act and to any alteration by ordinance, be deemed to possess all the powers, rights, privileges, and authorities and to be subject to all the liabilities, duties, obligations, and responsibilities of a Local Authority under the Local Authorities Act and the Health Act and any other Act conferring powers, rights, privileges, or authorities, or imposing liabilities, duties, obligations, or responsibilities on a Local Authority.

(4.) Notwithstanding the provisions of any other Act, the Council may provide, acquire, construct, maintain, manage, control, and carry on any work, service, or undertaking with all associated or ancillary works or services.

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(5.) The Council may do any acts not otherwise unlawful which may be necessary to the proper exercise and performance of its powers and duties under this Act or under any other Act conferring powers or imposing duties on the Council.

(6.) Save as is otherwise expressly provided by this Act or any ordinance, where in any Act reference is made to a Local Authority or an Area of a Local Authority or the Chairman or Mayor or Clerk of a Local Authority or any member of a Local Authority, the Brisbane City Council shall be deemed to be a Local Authority, and the City of Brisbane shall be deemed to be an Area of a Local Authority, and the Mayor of the City shall be deemed to be the Chairman or Mayor of a Local Authority, and the Town Clerk shall be deemed to be the Clerk of a Local Authority, and each of the aldermen of the City shall be deemed a member of a Local Authority so far as such Act extends to the City of Brisbane, and in order to give full effect to the same.

References
to Area and
Local
Authority in
other Acts.

37. (1.) The Council may from time to time, under and subject to the provisions of **The City of Brisbane Improvement Act of 1916*," take any lands within the City which the Council by resolution declares to be required by the Council.

Power to
take lands.

(2.) The following consequential amendments are made in the lastmentioned Act:—

Conse-
quential
amendments.

(a) In the definitions of "City" and "Works" in section two, the words "*The Local Authorities Acts, 1902 to 1913*" are repealed and the words "*The City of Brisbane Act of 1924*" are respectively inserted in lieu thereof.

The definition of "Council" in the said section is repealed and the following definition is inserted in lieu thereof:—

"Council"—The Brisbane City Council.

Council.

(b) Section four is repealed.

(c) In sections three, seven, and ten, the words "with the approval of the Governor in Council" are repealed.

(d) The last paragraph of section fourteen is repealed.

(e) Section thirty-two is repealed.

* 7 Geo. V. No. 24, *supra*, page 7681.

The reference in the said last-mentioned Act to the City Fund shall be deemed to be references to the City Fund to be established under this Act.

Ordinances.

38. The following provisions shall be applicable to ordinances :—

(1.) Every ordinance shall be passed at a special meeting of the Council called for that purpose, and shall be confirmed at a subsequent special meeting of the Council, and shall be sealed with the seal of the Council.

Publication
of notice of
proposed
ordinance.

(2.) After a resolution for passing an ordinance has been agreed to by the Council, and not less than seven days before the resolution is confirmed, a copy of such ordinance shall be deposited at the Town Hall and shall be there open to inspection; and a notice shall be published in at least two newspapers, setting forth the general purport of the proposed ordinance and stating that a copy is open to inspection.

To be
approved by
Governor in
Council.

(3.) After an ordinance has been sealed it shall be submitted for the approval of the Governor in Council, and if approved by him shall be published in the *Gazette*, and thereupon such ordinance shall have the force of law in the City.

And laid
before
Parliament.

(4.) Every ordinance shall be laid before the Legislative Assembly within fourteen days after the publication thereof in the *Gazette* as aforesaid, if the Legislative Assembly is then in session, or if not, then within fourteen days after the next ensuing session thereof, and if the Legislative Assembly by a resolution passed within one month after such ordinance has been so laid before it resolves that the whole or any part of such ordinance ought not to continue in force, the same shall, after the date of such resolution, cease to be in force, without prejudice nevertheless to the making of any other ordinance in its place or to anything done in pursuance of such ordinance before the date of such resolution; but subject as aforesaid, every such ordinance purporting to be made in pursuance of this Act shall, after the expiration of the period aforesaid, be deemed to have been duly made and to have been within the powers of the Council.

(5.) An ordinance may impose a penalty for any breach thereof, and may also impose different penalties in case of successive breaches.

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But no such penalty shall exceed fifty pounds.

(6.) An ordinance may also impose a daily penalty for any breach thereof.

But no such penalty shall exceed ten pounds per day.

(7.) An ordinance may provide that, in addition to a penalty, any expense incurred by the Council in consequence of a breach of such ordinance or in the execution of work directed by the ordinance to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work.

(8.) An ordinance may require any works or things to be executed or done of such materials, within such time or in such manner as may be directed or approved in any particular case by the Council or any officer thereof or other person, and may require works to be executed only by qualified and licensed persons.

(9.) An ordinance may authorise the Council or any officer thereof to pull down, remove, or alter any work, structure, material, or thing erected or being in breach of any ordinance, and to recover all expenses incurred by the Council in connection with such pulling down, removal, or alteration.

The exercise of this authority shall not relieve any person from liability to any penalty incurred by reason of such breach.

(10.) An ordinance may leave any matter or thing to be determined, applied, dispensed with, prohibited, or regulated by the Council from time to time by resolution, or by the Mayor or any officer of the Council either generally or for any classes of cases or in any particular case.

(11.) An ordinance may provide for the issue or making of licenses, registrations, or permits to or with respect to persons and property, and for the payment of license, registration, and permit fees.

(12.) An ordinance may provide for the payment of fees for inspections and other services by officers of the Council.

(13.) An ordinance may impose fees, charges, fares, rents, and dues in respect of any property, service, or matter or thing whatsoever.

(14.) An ordinance may prescribe as to matters that shall be receivable in evidence and as to the burden of proof, and may confer and impose jurisdiction upon any Court.

(15.) An ordinance may apply to a specified part only of the City.

(16.) Notwithstanding the amendment or repeal of any ordinance—

(a) Every offence committed against the ordinance before the amendment or repeal thereof shall be adjudicated upon and punished;

(b) Every act or proceeding done or commenced, and every right, privilege, or protection acquired, and every liability incurred, shall continue to be prosecuted and be of the same force and effect;

as if the ordinance had not been amended or repealed.

Repeal of
ordinances.

39. An ordinance or part of an ordinance may be repealed by the Governor in Council by Order in Council.

Revenue.

Funds to be
established.

40. For the purposes of and subject to this Act, the Council shall establish a City Fund and such other Funds as may be prescribed by ordinance.

Application
of Funds,
&c.

41. The City Fund and all other Funds established by the Council shall respectively be applied by the Council towards the payment of all expenses necessarily incurred in carrying this Act into execution according to proper appropriations by the Council, and in doing and performing any acts and things which the Council is by this or any other Act empowered or required to do or perform, unless this Act or such Act contains express provision charging such expenses to any particular Fund or account.

The Council may pay out of the City Fund or other appropriated Fund any sum due under an agreement lawfully made for the purposes of this Act or any other Act, and any sum recovered against the Council by process of law, and any sum which by any Order made or purporting to be made under this Act or any other Act the Council is directed to pay by way of compensation, damages, costs, fines, penalties, or otherwise,

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unless this Act or such other Act contains express provision charging such expenses to any particular fund or account.

Future Loans.

42. Subject to this Act, the Council, with the approval of the Governor in Council, may borrow money, either by the sale of bonds or inscribed stock or by way of advance from the Consolidated Revenue, for the purpose of any work or undertaking which by or pursuant to this Act or any other Act the Council is authorised or empowered to establish, construct, maintain, manage, or work.

Power to
borrow.*Overdraft.*

43. The Council may obtain advances from any bank by way of overdraft of the current account.

Overdraft.

Rating Powers.

44. The Council is empowered to make and levy a rate on the unimproved value of rateable lands within the City.

Rating
powers.

The Council may make ordinances—

- (a) Defining what are rateable lands ;
- (b) Prescribing all matters relating to valuations, including appeals from valuations ;
- (c) The time and manner of payment of the rate and methods for recovery of the rate.

An ordinance shall be made prescribing that a rate, less in amount than the rate made and levied on other lands, shall be made and levied in respect of rural land which is not in demand for building sites or residential areas and which in the opinion of the Council is being reasonably used for the purpose of primary production.

Sinking Funds.

45. The persons for the time being holding the offices of Auditor-General, Under Secretary to the Department of the Treasury, and the Town Clerk, shall be a body corporate, with the name of "Trustees of the City Debt Redemption Fund," and by that name shall have perpetual succession and an official seal which shall be judicially noticed, and shall be capable in law of suing and being sued.

Trustees of
the City
Debt
Redemption
Fund.

The said Trustees shall not, however, for any purposes be deemed to represent the Crown.

Duty as
to Sinking
Fund.

The said Trustees shall forthwith place all moneys from time to time received by them on account of any Sinking Fund under this Act to the credit of the proper Sinking Fund.

Every Sinking Fund shall be vested in and administered by the said Trustees.

The said Trustees shall, before the thirty-first day of January in each year, transmit to the Treasurer a return showing the amount which has been received by them during the year last preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of a Sinking Fund has been applied during the same period, and the total amount (if any) remaining uninvested at the end of the said year.

If it appears to the Treasurer by such return or otherwise that the Council has failed to comply with the provisions of this Act with respect to any Sinking Fund, the Treasurer shall, by order, direct that the sum in respect of which default has been made shall be raised by the Council and paid to the said Trustees, and any such order may be enforced by the Treasurer in the same manner as in the case of any debt due by a Local Authority to the Treasurer in respect of loan money advanced under the provisions of the Local Authorities Act.

The Treasurer shall, after deducting the expense of recovery, pay to the said Trustees all sums the payment of which has been so enforced by him.

The said Trustees shall apply the proper Sinking Fund to the repayment of the loan in respect of which it is established, at its due date, and may from time to time apply the proper Sinking Fund or any part thereof in redeeming any part of such loan, and shall not apply any part of any Sinking Fund for any other purpose.

Such redemption may, in the case of any part of a loan being already secured by bonds or inscribed stock, be made by the purchase of such bonds or stock.

Government Guarantees.

46. All moneys payable by the Treasury under any guarantee under this Act shall be paid out of moneys to be from time to time appropriated by Parliament for the purpose.

Appropriation.

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47. In respect of all moneys paid by the Treasurer under any guarantee under this Act, the Treasurer shall have the following rights and powers :—

Recovery
of moneys
paid under
guarantee.

- (i.) He may recover from the Council the amount of all such moneys, with interest at six pounds per centum per annum, by action in any court of competent jurisdiction.
- (ii.) He shall have and may exercise all the powers vested in the Treasurer under the Local Authorities Act in any case where a Local Authority has made default in the repayment of a loan made to it by the Government.
- (iii.) He shall, to the extent of any payment made by him, be entitled to the benefit of any securities held by the lender as security for the loan, so that—
 - (a) Where the Treasurer has paid to the lender the whole of the moneys secured by such securities, the lender shall hand over such securities to the Treasurer, who may exercise all the powers of the lender in respect of such securities ;
 - (b) Where the Treasurer has paid only part of the moneys so secured, the lender shall, as and when directed by the Treasurer, realise such securities and, after satisfying the lender's own claims out of the proceeds thereof, pay the balance (if any) to the Treasurer.

The powers and remedies of the Treasurer under this section shall be exercisable singly or concurrently as in his discretion he thinks proper.

Control of Traffic.

48. On and after a date to be fixed by the Governor in Council, by Order in Council, the Council shall have and be charged with the control, management, and direction of traffic within the City, and thereupon the following provisions shall be applicable :—

Control of
traffic
within the
City.

(1.) Without limiting its general power to make ordinances under this Act, the Council is expressly empowered to make all such ordinances under this Act as it deems proper relating to traffic within the City.

On and after the date on which the Council has made any such ordinances, none of the provisions of **"The Traffic Acts, 1905 to 1916,"* or any regulations made thereunder, shall extend to or have any force within the City.

Until the Council has made any such ordinances, the City shall be deemed to be a district within the meaning of the said Acts, and the Council shall administer the said Acts and all regulations made thereunder and in force for the time being.

(2.) The Minister charged with the administration of **"The Traffic Acts, 1905 to 1916,"* and the Commissioner of Police and members of the police force, shall cease to be charged with the administration of the said Acts and regulations so far as the same relate to the City.

(3.) Nothing in this section or the said Order in Council contained shall be construed to prejudice or affect the powers, authority, and jurisdiction of the Main Roads Board under †*"The Main Roads Act of 1920"* and its several amendments, and for the purposes of the administration of those Acts the Council shall be deemed to be a Local Authority.

Fire Brigades.

Fire
Brigades.

49. (1.) On and after a date to be fixed by the Governor in Council by Order in Council, the Metropolitan Fire Brigade Board and every other Fire Brigade Board existing at that date whose district is comprised within the City shall be dissolved and shall cease to exercise or perform any of the powers, duties, or authorities which it was authorised or entrusted to exercise or perform under ‡*"The Fire Brigades Act of 1920"* and any Act amending the same, and shall cease to be subject to any of the obligations or liabilities to which it had theretofore been subject.

All land, plant, materials, and other assets of each such dissolved Board or held in trust for such Board shall absolutely vest in the Council, and all obligations and liabilities of each such dissolved Board shall devolve upon

* 5 Edw. VII. No. 18 and amending Acts, *supra*, pages 3487 *et seq.* and 7668.

† 10 Geo. V. No. 26, *supra*, page 9265.

‡ 10 Geo. V. No. 23, *supra*, page 9101.

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and shall be discharged by the Council, and all trusts relating to all such land shall be determined and the land shall be absolutely vested in the Council, and on delivery of a copy of the notification in the *Gazette* constituting the Council to the Registrar of Titles he shall thereupon register the land in the name of the Council and shall issue a certificate of title therefor.

(2.) The Governor in Council shall, by the same Order in Council by which the aforesaid Boards are abolished, declare, adjust, and determine—

Powers, &c.,
of City
Council to
be declared
by Order.

(a) The enactments of the aforesaid Acts which shall apply to and be in force within the City and shall be observed and administered by the Council until the Council has made ordinances in that behalf: Provided that such modifications, whether by alteration or enlargement of any such enactments, may be made by such Order as to the Governor in Council seems expedient in order to meet the circumstances; and such enactments, as so modified, shall apply to and be in force within the City, and be observed and administered by the Council until the Council has made ordinances in that behalf;

(b) Any rights, claims, and matters and all questions and disputes which are necessary or proper to be declared, adjusted, and determined, whether as between the Boards concerned or as between them or any of them and any Local Authority or local governing body, or whether as between them or any of them and the Treasurer or any State Department.

(3.) Until the Council has otherwise provided by ordinance, Districts constituted under the aforesaid Acts shall remain Districts for the purpose of the administration of the aforesaid Acts and by-laws, but the boundaries of such Districts may be altered or such Districts may be abolished by ordinance. For the purpose of the administration of the aforesaid Acts and by-laws the Council shall be deemed to be the Fire Brigade Board of each respective District within the City.

(4.) The Council shall, by ordinance, delegate the administration of the said Acts and by-laws or of

any ordinance made in respect to the like matters, to a standing committee of the Council, and such ordinance shall provide for the election by Insurance Companies liable to contribute towards the expenses of the Council under this Act of the member or members to act as associated members of such standing committee and represent such Insurance Companies. The number of associated members allowed under any such ordinance to represent the aforesaid Insurance Companies shall not be less than three-sevenths of the total number of members of such standing committee, including such associated members.

(5.) The Council shall not have any authority by ordinance or otherwise to alter the proportion of contributions to be made to the Council by the Treasurer of Queensland or Insurance Companies, as indicated by section two of **"The Fire Brigades Act Amendment Act of 1923."*

(6.) For the purpose of such contribution the Council shall be deemed to be the Local Authority or group of Local Authorities under the said enactment.

Cemeteries.

Cemeteries.

50. (1.) On and after a date to be fixed by the Governor in Council by Order in Council, every cemetery then established within the City under the †*"Cemetery Act 1865"* shall be placed under the management and control of the Council, and upon the issue of such Order every such cemetery shall be deemed for all the purposes of this Act to have been established by the Council under this Act.

(2.) On the same date fixed by the said Order all the trustees of each such cemetery shall retire from office, and such body of trustees shall be dissolved and shall cease to exercise or perform any of the powers, duties, and authorities which they were authorised or entrusted to exercise or perform under the †*"Cemetery Act 1865."*

All the lands, with all improvements thereon, and all the personal property then vested in or owned by such trustees respectively of each such cemetery shall be

* 14 Geo. V. No. 7, *supra*, page 10522.

† 29 Vic. No. 15, *supra*, page 141.

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divested from such trustees and shall be vested in the Council, and all the assets and liabilities whatsoever of the said trustees in respect of each such cemetery shall, without any transfer conveyance or assignment, or notice other than this Act, be divested from such trustees respectively and shall pass to, become vested in, and be imposed upon and discharged by the Council; and on delivery of a copy of the notification in the *Gazette* constituting the Council to the Registrar of Titles he shall thereupon register all such lands in the name of the Council, and shall issue certificates of title therefor.

(3.) The Governor in Council shall, by the same Order in Council by which the aforesaid trusts are abolished, declare, adjust, and determine—

Powers, &c.,
of City
Council to
be declared
by Order.

(a) The enactments of the aforesaid Act which shall apply to and be in force within the City and shall be observed and administered by the Council until the Council has made ordinances in that behalf: Provided that such modifications, whether by alteration or enlargement, of any such enactments may be made by such Order as to the Governor in Council seems expedient in order to meet the circumstances; and such enactments as so modified shall apply to and be in force within the City, and be observed and administered by the Council until the Council has made ordinances in that behalf.

(b) Any rights, claims, matters, questions, and disputes which are necessary or proper to be declared, adjusted, and determined, whether as between the trustees concerned or as between them or any of them and any Local Authority or local governing body, or whether as between them or any of them and the Treasurer or any State Department.

(4.) Nothing in this section contained shall be construed to affect or prejudice the powers, authorities, and jurisdiction of the Council with respect to any cemetery already established within the City by any local body and which by virtue of this Act has become vested in and subject to the control and management of the Council as hereinbefore provided.

*Metropolitan Water Supply and Sewerage.*Metropolitan
Water
Supply and
Sewerage
Board.

51. On and after a date to be fixed in that behalf by the Governor in Council, by Order in Council, the Metropolitan Water Supply and Sewerage Board, constituted under the Metropolitan Water Supply and Sewerage Act, shall be dissolved, and thereupon the following provisions shall be applicable :—

- (1) All the water works and all lands vested in and under the control of the dissolved Board, and all interests, rights, benefits, and advantages appurtenant to, connected with, or related to all such water works and lands, and all other works, structures, plant, machinery, pipes, and all other appliances, fittings, and apparatus (other than service pipes laid within any private land at the cost of any owner or occupier of such land) and all main sewers and reticulation sewers and other works relating to sewerage, and all personal property whatsoever of the dissolved Board, shall without any transfer conveyance or assignment, or notice other than this Act, be vested in the Council for the purposes of this Act.
- (2) All such water works constructed or in course of construction shall continue and be completed and shall be maintained and managed by the Council under and subject to this Act in all respects as if they had been constructed under the authority hereof.
- (3) All rights, liabilities, obligations, contracts, and engagements of the dissolved Board then existing shall be and continue to be vested in and shall attach to and may be enforced by or against the Council under this Act.
- (4) Nothing in the aforesaid provisions contained shall be deemed to prejudicially affect or alter the rights, powers, and authorities of the Crown or the Governor in Council or the Minister or any State officer acting under or in pursuance of the Metropolitan Water Supply and Sewerage Act or any Orders in Council made thereunder.

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- (5) The Governor in Council shall, by the same Order in Council by which the aforesaid Board is abolished, authorise, declare, adjust, and determine :—
- Powers, &c., of City Council to be declared by Order.
- (a) The enactments of the aforesaid Act which shall apply to and be in force within the City and shall be observed and administered by the Council until the Council has made ordinances in that behalf: Provided that such modifications, whether by alteration or enlargement, of any such enactments may be made by such Order as to the Governor in Council seems expedient in order to meet the circumstances; and such enactments as so modified shall apply to and be in force within the City, and be observed and administered by the Council until the Council has made ordinances in that behalf.
- (b) Any rights, claims, and matters, and all questions and disputes which are necessary or proper to be declared, adjusted, and determined, whether as between the dissolved Board and any Local Authority or local governing body, or as between the dissolved Board and the Treasurer or any State Department.

Brisbane Tramway.

52. On and after the date to be fixed in that behalf by the Governor in Council, by Order in Council, the Brisbane Tramway Trust, constituted under **The Brisbane Tramway Trust Act of 1922*," shall be dissolved, and thereupon the following provisions shall be applicable :—

Brisbane Tramway Trust.

- (1) The Tramway of the Trust, with its appurtenances, including structures, rails, rolling-stock, cables, wires, posts, engines, plant, timber, tickets, stationery, office furniture and effects, tools, appliances, and other materials, and all lands, easements, chattels (real and personal) and other property, rights, and interests whatsoever of the Trust, shall, without any

* 13 Geo. V. No. 14, *supra*, page 10303.

transfer conveyance or assignment, or notice other than this Act, be vested in the Council for the purposes of this Act.

- (2) All works constructed or in course of construction shall continue and be completed and shall be maintained and managed by the Council under and subject to this Act in all respects as if they had been constructed under the authority hereof.
- (3) All rights, liabilities, obligations, contracts, and engagements of the dissolved Trust then existing shall be and continue to be vested in and shall attach to and may be enforced by or against the Council under this Act.
- (4) All moneys which are then due or payable to the dissolved Trust shall be and continue to be so due and payable, and may be paid to and received and recovered by the Council under this Act.
- (5) Nothing in the aforesaid provisions contained shall be deemed to prejudicially affect or alter the rights, powers, and authorities of the Crown or the Governor in Council or the Minister or any State officer acting under or in pursuance of the said Act or any Orders in Council made thereunder.
- (6) The Governor in Council shall, by the same Order in Council by which the aforesaid Trust is abolished, declare, adjust, and determine—
 - (a) The enactments of the aforesaid Act which shall apply to and be in force within the City and shall be observed and administered by the Council until the Council has made ordinances in that behalf: Provided that such modifications, whether by alteration or enlargement, of any such enactments may be made by such Order as to the Governor in Council seems expedient in order to meet the circumstances; and such enactments as so modified shall apply to and be in force within the City and be observed and administered by the Council until the Council has made ordinances in that behalf.

Powers, &c.,
of City
Council to
be declared
by Order.

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THE CITY
CHARTER.

- (b) Any rights, claims, and matters and all questions and disputes which are necessary or proper to be declared, adjusted, and determined, whether as between the dissolved Trust and any Local Authority or local governing body, or whether as between the dissolved Trust and the Treasurer or any State Department.

Enlargement of the City.

53. (1.) Whenever at any time the Governor in Council is satisfied that it would be to the best interests of the electors of any Area or part of any Area contiguous to the City that this Act should be extended so as to comprise such Area or part thereof, the Governor in Council may by Order in Council extend this Act to such Area or part accordingly.

Provision for
enlargement
of the City.

(2.) By the Order so extending this Act, or by any subsequent Order or Orders, the Governor in Council may—

- (a) Fix a time at which the abolition of such Area and of the Local Authority thereof or at which the severance of such part and the inclusion of such Area or part in the City shall take effect ; and
- (b) If deemed expedient, increase the number of aldermen and create another electoral ward or other electoral wards returning one alderman in each case ; and
- (c) Declare any rights and give any directions and make any adjustment or apportionment and settle and determine any matters, questions, claims, and disputes rendered necessary or proper to be declared, given, adjusted, apportioned, settled, and determined by reason of the exercise of the aforesaid powers.

General Provisions.

54. No ordinance, rate, order, conviction, or thing made or done under or in the execution of this Act shall be vacated, quashed, or set aside for want of form, or be removed by certiorari or any other writ or process whatsoever into the Supreme Court :

Proceedings
not to be
quashed for
want of form.

Provided that nothing in this section shall prevent the removal of any case stated for the opinion of the Supreme Court or of any rate, order, conviction, or thing to which such special case relates.

Reprinting
ordinances,
&c.

55. The Council shall once at least in every period of five years cause to be prepared and printed in a book the provisions of this Act and every schedule thereof for the time being in force, and all subsisting Proclamations and Orders in Council under this Act and all subsisting ordinances.

The said book shall be certified to be correct by the Mayor for the time being and the Town Clerk.

The Council shall supply a copy of such book to any person desirous of purchasing the same, at a price to be fixed by the Council.

SCHEDULE I.

BOUNDARIES OF THE CITY.

Commencing on the shore of Moreton Bay at the mouth of the Pine River, and bounded thence by that river, the South Pine River and Albany Creek upwards to the north boundary of portion 48 parish of Bunya, by the north, west, and south boundaries of that portion, by the east and south boundaries of portion 602 parish of Kedron, by the western boundaries of portions 604, 593, and 595, by the south-east boundaries of sections 10, 9, and 8, town of Bunyaville, by the north-east and east boundaries of portion 5 parish of Bunya to Kedron Brook, by that brook upwards to portion 81 parish of Samford, by the east and south boundaries of that portion, by the south boundaries of portions 82 and 111, by the east boundaries of portions 85 and 86, by the south boundary of portion 86 and a line west to portion 109, by the south-east and south boundaries of that portion, by the east boundary of portion 91, by the southern watershed of the South Pine River westerly to D'Aguilar Range, by that range forming the western boundaries of the parishes of Samford, Indooroopilly, and Moggill south-easterly to the north-east corner of portion 62 parish of Kholo, by the east boundary of that portion, by the north-east boundary of portion 106, by the north-east, east, and south boundaries of portion 93 to Kholo Creek, by that creek downwards to the Brisbane River, by that river downwards to the mouth of Woogaroo Creek, by the southern boundaries of R. 593 (Reserve for Insane Asylum) and portion 163 parish of Oxley to the south corner of that portion, by a road easterly, by the north boundary of portion 46 parish of Woogaroo, by the west boundaries of portions 39 and 47 to the road intersecting the latter, by that road intersecting also portion 41 same parish south-easterly to Oxley Creek, by the southern boundaries of portions 397, 24, and 3 parish of Mitchell, by the east boundaries of portions 3 and 4, by the southern boundary of the parish of Yeerongpilly

City of South Brisbane Improvement Act. 15 GEO. V. No. 35, 1924.

easterly to the south-east corner of portion 403 same parish, by the eastern boundaries of portions 403 and 405, by the south boundaries of portions 57, 58, 166, 167, 168, and 5v, by Logan road north-westerly to the south-west corner of portion 138, by the south boundaries of portions 138, 136, 135, and 134, by the east boundaries of portions 134 and 133, by the south boundaries of portions 376 and 353 parish of Tingalpa, by Priest Gully upwards to the road intersecting portion 371, by that road easterly, by the east boundary of that portion, by the north boundary of portion 371A, by the south-west boundary of portion 372, by Buhôt and Tingalpa Creeks downwards to Moreton Bay; and thence by the shores thereof north-westerly to the point of commencement.

SCHEDULE II.—MAP.

An Act to Authorise the Council of the City of South Brisbane to take Property for the purpose of Enlarging, Extending, and Widening Roads, and otherwise Improving the said City, and for other purposes; and for dealing with Property so taken; and for other purposes.

15 Geo. V.
No. 35.
THE CITY OF
SOUTH
BRISBANE
IMPROVE-
MENT ACT
OF 1924.

[ASSENTED TO 1ST NOVEMBER, 1924.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The City of South Brisbane Improvement Act of 1924.*" Short title.

2. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:— Interpreta-
tion.

"City"—The City of South Brisbane duly constituted under *"*The Local Authorities Acts, 1902 to 1923*" ; City.

* 2 Edw. VII. No. 19 and amending Acts, *supra*, pages 1860 *et seq.*, 5653, 5918, 8304, 9571, 10126, and 10661.

SCHEDULE II.

Boundaries of New City shown in blue thus: ————
Boundaries of Electoral Wards (being Electoral Districts) shown in green thus: ————
Boundaries of Local Areas abolished shown in red thus: - - - - -

