

II.

LOCAL, PERSONAL, AND PRIVATE ACTS

OF THE

PARLIAMENT OF QUEENSLAND,

1° EDWARDI VIII. AND 1° GEORGII VI.

APPEAL BOARD.

See BRISBANE.

ART GALLERY, QUEENSLAND NATIONAL.

See TRUSTS.

BRISBANE.

An Act to Amend "The City of Brisbane Acts, 1924 to 1934," in certain particulars.

1 EDW. VIII.
No. 5.

THE CITY OF
BRISBANE
ACTS
AMENDMENT
ACT OF 1936.

[ASSENTED TO 5TH OCTOBER, 1936.]

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 Brisbane Acts Amendment Act of 1936*," and shall be read as one with *"*The City of Brisbane Acts, 1924 to 1934*," herein collectively referred to as the Principal Act.

Short title
and
construction
of Act.

The Principal Act and this Act may collectively be cited as "*The City of Brisbane Acts, 1924 to 1936*."

* 15 Geo. V. No. 32, 21 Geo. V. No. 45, 24 Geo. V. No. 13, and 25 Geo. V. No. 32 (Part V. of "*The Local Authorities Acts and Other Acts Amendment Act of 1934*"), *supra*, pages 11140, 13211, 14828, and 15073.

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Amendments of the Principal Act.

Amendment
of s. 3.

2. Section three of the Principal Act is amended, as follows:—

(a) The definition of “Elections Act” is repealed and the following definition is inserted in lieu thereof, namely:—

Elections
Act.

“ “Elections Act”—“*The Elections Acts, 1915 to 1932,*” and any Act amending or in substitution for such Acts, and any regulations made thereunder and in force for the time being.”

(b) The definition of “Elector” is repealed and the following definition is inserted in lieu thereof, namely:—

Elector.

“ “Elector”—A person whose name is enrolled on an electoral roll compiled pursuant to the Elections Act and enrolled on an electoral roll compiled under this Act for an electoral ward.”

(c) The definition of “Electoral ward” is repealed.

Repeal of
and
new s. 7.

3. Section seven of the Principal Act is repealed and the following new section is inserted in lieu thereof, namely:—

Qualification
of
alderman.

“[7.] (1.) Every adult person (whether male or female) who resides within the City and who is an elector enrolled on the annual electoral roll compiled under this Act for any electoral ward, and who is not under any of the disabilities hereinafter specified, shall be qualified to become and to act as Mayor or as an alderman, but so long only as he or she continues to hold such qualification.

(2.) At the first election to be held under †“*The City of Brisbane Acts, 1924 to 1936,*” in April, one thousand nine hundred and thirty-seven, or at any subsequent 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.”

Repeal of
and
new s. 13.

4. Section thirteen of the Principal Act is repealed and the following new section is inserted in lieu thereof, namely:—

Election of
Mayor.

“[13.] The Mayor shall be elected by the electors of the City voting as in one electorate.”

* 6 Geo. V. No. 13 and amending Acts, *supra*, pages 6779 *et seq.*

† 15 Geo. V. No. 32 and amending Acts, and 1 Edw. VIII. No. 5 (this Act). See annotation to section 1.

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5. Section fourteen of the Principal Act is repealed and the following new section is inserted in lieu thereof, namely :—

Repeal of
and
new s. 14.

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

Election of
aldermen by
electoral
wards.

ELECTORAL WARDS.

Barooka	..	..	Electoral District of Barooka.
Brisbane	..	..	Electoral District of Brisbane.
Bulimba	..	..	Electoral District of Bulimba.
Buranda	..	..	Electoral District of Buranda.
Enoggera	..	..	Electoral District of Enoggera.
Fortitude Valley	..	..	Electoral District of Fortitude Valley.
Hamilton	..	..	Electoral District of Hamilton.
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	..	..	Electoral District of Nundah.
Oxley	..	..	Electoral District of Oxley, and the Brisbane Division of the Electoral District of Bremer comprised within the City.
Sandgate	..	..	The part of the Electoral District of Sandgate comprised within the City.
South Brisbane	..	..	Electoral District of South Brisbane.
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

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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."

Repeal of
and new
s. 16.

6. Section sixteen of the Principal Act is repealed and the following new section is inserted in lieu thereof, namely :—

Triennial
elections.

"[16.] (1.) The next triennial election under **"The City of Brisbane Acts, 1924 to 1936,"* of the Mayor and aldermen shall be held on the last Saturday in April, one thousand nine hundred and thirty-seven, and thereafter in every third year on the last Saturday in April :

Provided that if in the year of any triennial election Anzac Day falls on the last Saturday in the month of April, the election shall be held on the first Saturday in the month of May of that year.

At the next triennial election to be held in April, one thousand nine hundred and thirty-seven, and at every triennial election thereafter, the Mayor and the whole number of aldermen shall be elected.

Returning
officers.

(2.) For the purpose of every election under this Act the Town Clerk shall be the returning officer :

Provided always that there shall be an assistant returning officer for each of the electoral wards, who shall be the person for the time being holding the office of returning officer under the Elections Act for the electoral district comprising each such electoral ward (as set forth in section fourteen of this Act) :

Provided further, that for the Electoral Ward of Oxley the returning officer for the time being for the Electoral District of Oxley shall be the assistant returning officer for such electoral ward.

All such returning officers under the Elections Act shall hold office as assistant returning officers for the purposes of this Act by virtue of their office as returning officer under the said Elections Act and without further appointment :

Provided always, that in respect of any by-election under this Act there shall be an assistant returning officer,

* 15 Geo. V. No. 32 and amending Acts, and 1 Edw. VIII. No. 5 (this Act). See annotation to section 1.

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and the returning officer for the time being under the Elections Act for the electoral district comprising the electoral ward in respect of which the by-election is required to be held shall by virtue of his office as returning officer under the Elections Act be the assistant returning officer for the electoral district comprising the electoral ward concerned and without further appointment."

7. Section seventeen of the Principal Act is repealed and the following new section is inserted in lieu thereof, namely :—

Repeal of
and new
s. 17.

"[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.

Election on
a Saturday.

(3.) The electoral rolls for the electoral wards shall be the annual 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 and the quarterly rolls as compiled in the case of the first election and every triennial election up to the thirty-first day of March in the year of such first election and every such triennial election 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 contained the names of the electors of such part or parts constituting electoral wards of the City, and such annual and quarterly electoral rolls shall be used at every such election.

Compilation
of rolls.

(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.

Notice of
election.

(5.) The returning officer and the assistant returning officers shall for the purposes of every election under this Act have all the powers, authorities, and duties conferred and imposed upon a returning officer under and pursuant to the Elections Act.

Powers of
returning
officers.

(6.) All the provisions of the Elections Act, so far as the same can be applied, shall be applicable to every election, and without in any wise limiting the generality

Application
of Elections
Act.

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of this provision any regulations and forms under the Elections Act which may require amendment for the purpose of this Act shall be read and construed and applied as if amended accordingly, and any necessary forms for the purpose of an election under this Act may issue accordingly."

Amendment
of s. 18 (2).

8. Section eighteen of the Principal Act is amended by omitting the words "voters' roll," occurring in the last paragraph of subsection two of the section, and by inserting the words "electoral roll" in lieu thereof.

Amendment
of s. 20.

9. The following new subsection is added to section twenty of the Principal Act, namely:—

Conclusion
of election
of April,
1937, and
subsequent
elections.

"(5.) The election to be holden in April, one thousand nine hundred and thirty-seven, shall be concluded when the names of the Mayor and aldermen elected shall be published in the *Gazette*, and on such publication the Mayor and aldermen so elected shall assume office:

Provided that the Mayor and each alderman at present in office at the passing of **"The City of Brisbane Acts Amendment Act of 1936"* shall hold and continue to hold office as Mayor or alderman, as the case may be, until the conclusion of such election.

Any subsequent triennial election shall be concluded when the names of the Mayor and aldermen elected shall be published in the *Gazette*, and on such publication the Mayor and aldermen so elected at any such election shall assume office:

Provided that the Mayor and each alderman in office prior to any such triennial election shall hold and continue to hold office as Mayor and alderman, as the case may be, until the conclusion of such triennial election."

New s. 24A.

10. The following new section 24A is inserted, after section twenty-four of the Principal Act, as follows:—

Acting
appointment
during
absence of
Mayor and
Vice-Mayor.

"[24A.] If the Mayor and Vice-Mayor are at any time prevented by absence, illness, or otherwise from performing the duties of the office of Mayor, the Council shall have power to appoint another alderman to act as Mayor during such time as the Mayor and Vice-Mayor

* 1 Edw. VIII. No. 5 (this Act).

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are prevented by absence, illness, or otherwise from performing the duties of the office of Mayor, and such alderman while so acting may do all acts that the Mayor as such may do."

11. The following new sections 25A and 25B New ss. 25A and 25B. are inserted, after section twenty-five of the Principal Act, namely :—

"[25A.] (1.) If an alderman has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Council at which the contract or proposed contract or other matter is the subject for consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or proposed contract or other matter : Disability of alderman for voting on account of interest in contracts, &c.

Provided that this subsection shall not apply to an interest in a contract or proposed contract or other matter which an alderman may have as an elector or inhabitant of the City or as an ordinary user or consumer of gas, electricity, water, or any other service or thing, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered for general use or consumption.

(2.) For the purposes of this section, a person shall (subject as hereafter in this subsection provided) be treated as having indirectly a pecuniary interest in a contract or proposed contract or other matter if—

- (a) He or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made, or which has a direct pecuniary interest in the other matter under consideration ; or
- (b) He is a partner or is in the employment of a person with whom the contract is made or is proposed to be made, or who has a direct pecuniary interest in the other matter under consideration :

Provided that—

- (a) This subsection shall not apply to membership of or employment under any public body ;

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(b) A member of a company or other body shall not by reason only of his membership be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body.

(3.) In the case of married persons living together, the interest of one spouse shall if known to the other be deemed for the purposes of this section to be also an interest of that other spouse.

(4.) A general notice given in writing to the Town Clerk by an alderman to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract, or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(5.) The Town Clerk shall record in a book to be kept for the purpose particulars of any disclosure made under subsection one of this section and of any notice given under subsection four thereof, and the book shall be open at all reasonable hours to the inspection of any alderman.

(6.) If any person fails to comply with the provisions of subsection one of this section, he shall for each offence be liable on summary conviction to a fine not exceeding one hundred pounds unless he proves that he did not know that a contract, proposed contract, or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(7.) The Minister, as respects an alderman, may, subject to such conditions as the Minister may think fit to impose, remove any disability imposed by this section in any case in which the number of aldermen so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the interests of the electors or inhabitants of the City that the disability should be removed.

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(8.) The Council may by resolution provide for the exclusion of an alderman from a meeting of the Council whilst any contract, proposed contract, or other matter in which he has such an interest as aforesaid is under consideration.

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

Disclosure
by officers
of interest
in contracts.

For the purposes of this subsection an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of subsections two or three of section 25A of this Act had he been an alderman.

(2.) An officer of the Council shall not, under cover or by virtue of his office or employment, exact or accept any fee or reward whatsoever other than his proper remuneration.

(3.) If any officer fails to comply with the provisions of subsection one or contravenes any of the provisions of subsection two of this section, he shall for each offence be liable on summary conviction to a fine not exceeding one hundred pounds.

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

Officers
exacting or
accepting
fees.

12. The following new section 25c is inserted in the Principal Act, after section 25B, previously inserted:—

New s. 25c.

"[25c.] (1.) (i.) Any employee of the Council who, on the ground of misconduct or unfitness, or neglect of or violation of or absence from duty, or any other offence

Employees
Appeal
Board.

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against discipline, has been dismissed from the employment of the Council or disrated or fined or otherwise dealt with by or on behalf of the Council may appeal to a Board (herein called the Appeal Board) which shall be constituted for the purpose of such appeal.

How
composed.

(ii.) The Appeal Board shall consist of three persons, namely :—

- (a) A police magistrate, who shall be appointed in each case by the Minister ;
- (b) A person to be appointed in each case by the Council ; and
- (c) A member's representative nominated in each case by the executive of the union of which the appellant is a member.

Chairman.

The police magistrate appointed as aforesaid shall be the chairman of the Appeal Board.

Meetings.

(iii.) The Appeal Board shall hear and determine the appeal.

There shall be appointed by the Council a secretary to the Appeal Board, who shall convene the Appeal Board and shall keep a record of all proceedings thereof and decisions arrived at.

Board to act
by majority.

(iv.) All powers of the Appeal Board may be exercised by a majority of the members thereof.

Lodging and
hearing of
appeal.

(v.) Every notice of appeal shall be in writing, shall clearly and concisely set forth the grounds upon which the appeal is made, shall be despatched to the secretary of the Appeal Board within seven days after the date when the appellant receives the decision which is appealed against, and shall be heard by the Appeal Board as early as practicable after the date when the appeal is received by the said secretary :

Provided that the Appeal Board may decline to hear or entertain any matter of appeal which in their opinion is based on trivial or frivolous grounds.

The said secretary shall give to the appellant four clear days' notice of the date when the appeal will be heard.

Procedure.

(vi.) The parties to the appeal shall be entitled to subpoena witnesses in the same manner and subject to the same penalties and conditions as witnesses may be summoned to give evidence before justices in petty sessions, and to have all witnesses examined on oath or affirmation.

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In any proceedings before the Appeal Board the Council and the appellant may respectively be represented by its or his counsel, solicitor, or agent duly appointed in writing in that behalf, who may examine witnesses and address the Appeal Board. Representa-
tion.

(vii.) The Appeal Board shall investigate in open court every appeal and transmit the evidence taken together with their decision thereon to the Town Clerk. Duty of
Board.

They shall make their inquiry without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure or that is laid before them, whether the same is such evidence as the law would require or admit in other cases or not.

The provisions of **"The Official Inquiries Evidence Acts, 1910 to 1929,"* shall be applicable to every appeal had under this section as if the Appeal Board were a commission under such Acts, and to the intent that such Board shall have all the powers, authorities, and protection under such Acts.

(viii.) The Town Clerk shall transmit such decision and evidence together with his report and recommendation thereon to the Council. Duty of
Town Clerk.

(ix.) Upon consideration of the matter the Council may acquit the appellant of the charge made, or, upon being satisfied that the commission of an offence has been established, may, according to the nature of the offence, award such of the following punishments as the case may seem to require, whether the prescribed authority has imposed any such punishment or not, or whether the Town Clerk has recommended any such punishment or not :— Powers of
Council.

- (a) A reprimand ;
- (b) A fine not exceeding ten pounds ;
- (c) Deprivation of leave ;
- (d) Reduction of salary ;
- (e) Disrating ;
- (f) Suspension without pay ;
- (g) Enforced resignation ; or
- (h) Dismissal.

* 1 Geo. V. No. 26 and 20 Geo. V. No. 2, *supra*, pages 748 and 12474.

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No appeal
from Appeal
Board or
Council.

(2.) Notwithstanding anything contained in any other Act, no appeal from a decision, either of the Appeal Board or of the Council, with respect to any employee of the Council shall lie or be permitted to the Industrial Court constituted under **“The Industrial Conciliation and Arbitration Acts, 1932 to 1935,”* or to any other court or tribunal whatsoever, and no writ of prohibition or mandamus or *certiorari* shall lie in respect thereof.

Saving.

(3.) Nothing in this section shall prejudice or affect the provisions of section twenty-nine and the Fourth Schedule of †*“The Brisbane Tramway Trust Act of 1922”* as amended by Orders in Council and ordinances under this Act, and to the intent that no person who has a right of appeal to the Appeal Board referred to in the said section and Schedule shall have any right of appeal under this section 25c of this Act.”

New ss. 40,
41, 41A, and
41B.

13. Sections forty and forty-one of the Principal Act are repealed and the following sections are inserted in lieu thereof, namely :—

“Revenue.

Funds.

[40.] (1.) In the exercise and performance of its functions and powers and authorities under this Act or any other Act, the Council shall establish the following Funds, that is to say—

- (a) City Fund ;
- (b) Loan Fund ;
- (c) Trust Fund.

The Funds shall be separate and distinct and separate banking accounts shall be kept for each Fund.

City Fund.

City Fund.

(2.) The City Fund shall consist of all moneys received by the Council other than the proceeds of a loan and money received on any trust.

Application
of Funds,
&c.

The City Fund shall be applied towards the payment of all expenses necessarily incurred in carrying this Act into execution according to proper appropriations by the Council.

* 23 Geo. V. No. 36 and amending Acts, pages 14266 *et seq.*

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

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The Council may pay out of the City 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, unless this Act or such other Act contains express provision charging such expenses to any particular fund or account.

Loan Fund.

(3.) The Loan Fund shall consist of all moneys Loan Fund. borrowed by the Council under this Act or any other Act, and shall be applied to the purposes for which such moneys were borrowed.

Trust Fund.

(4.) The Trust Fund shall consist of all moneys paid Trust Fund. to the Council by way of deposit or in trust for any person under this Act or any other Act, and shall be applied to the payment to or on behalf of the person entitled thereto of moneys held by way of deposit or in trust for any person.

Budget.

[41.] (1.) Subject as hereinafter provided, on or Budget provisions. before the thirtieth day of June of each year, the Council shall cause to be framed the Budget for the next ensuing year.

(2.) Separate estimates shall be framed for the several financial divisions in the City Fund, namely—

- (a) General (including all the general departments and activities of the Council);
- (b) Electricity undertaking;
- (c) Power-house undertaking;
- (d) Tramways undertaking;
- (e) Water supply and sewerage undertaking,

and for such other financial divisions as may from time to time be determined by the Council by resolution.

Such separate estimates shall be incorporated in and be part of the Budget.

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(3.) (i.) In framing the Budget the Council shall estimate—

- (a) The amounts to be disbursed upon the several works, matters, and things to which the City Fund is applied ; and
- (b) The amounts expected to be received from all moneys to be paid into the City Fund.

The estimate of receipts shall be set out as nearly as may be separately in accordance with the several sources of receipts and disbursements, and where receipts and disbursements are for corresponding functions such receipts and disbursements shall be set out opposite each other in the Budget.

(ii.) The Budget shall show the following information, that is to say—

- (a) Estimates adopted for the current year ;
- (b) Estimates of receipts and disbursements for the next ensuing year.

(4.) The Budget shall be adopted by the Council, and the rates and/or charges to be made and levied by the Council shall be founded thereon.

(5.) The Council shall as nearly as may be balance the Budget, and shall observe the Budget, and if at the end of any year there is a surplus or deficit such surplus or deficit may, subject to any resolution of the Council in that behalf, be taken into account in framing the Budget and in making and levying the rates and charges for the next ensuing year.

(6.) At the close of each year all authorisations of expenditure and votes of money therefor shall lapse.

(7.) The foregoing provisions shall as near as practicable apply and be observed in framing the Budget for the Loan Fund.

(8.) If the Council makes any disbursement in any year from any Fund which has not been provided for in the Budget relating to such Fund for such year, except in emergent or extraordinary circumstances, all the members of the Council who have knowingly voted for such expenditure shall be jointly and severally liable to repay to the Council the amount involved in such illegal disbursement, and any such amount may be recovered from such members by action in any court of competent jurisdiction.

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[41A.] (1.) The Council shall cause proper books and accounts to be provided and kept, and true and regular accounts to be entered therein in respect of all Funds. Books and accounts,

(2.) There shall, as soon as practicable after the close of each month be submitted to the Council statements of the account in relation to the Budget for the period of the year ending at the termination of such month.

Such statements shall show the estimated receipts and disbursements in and from each such Fund, and the actual receipts and disbursements in and from each such Fund for such period with such explanations as will give a true indication of the progressive state of the votes provided in the Budget, and at the end of the nine-monthly period a statement of the anticipated position at the end of the year.

(3.) There shall be prepared and laid before the Council as soon as practicable after the close of the preceding financial year, the following statements, that is to say :—

- (a) Annual statement of receipts and disbursements in respect of the City Fund ;
- (b) Annual statements of receipts and disbursements in respect of any other Fund ;
- (c) Statement of all rates and charges made and levied, showing in respect of each rate or charge the arrears of rates or charges as at the commencement of the year, the amount of the rate in the pound, the amount of any charges, the total amount of the levy of rates or charges in each case, the amount received during the year, and the amount of arrears of rates or charges outstanding at the end of the year ;
- (d) Statement of loan liabilities, giving the amount of each loan, date when the money was borrowed, purposes for which it was borrowed, currency of each loan, annual charge for interest and redemption in respect of each loan, and the amount of each loan outstanding at the end of the year ;
- (e) Statement of contracts entered into by the Council during the year ; and
- (f) Statement of assets and liabilities.

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Statements (a), (b), and (c) shall be prepared as nearly as may be in the manner of the Annual Budget, and the Budget information and the actual financial results of the year shall be shown side by side in such statements so that the true relationship between the Budget and the financial results shall be disclosed.

(4.) Every such statement shall be sealed with the seal of the Council, and shall be printed and remain open to inspection at the office of the Council.

(5.) The Council shall on demand give to any person a copy of the statements on payment of such sum as the Council may from time to time fix by resolution.

(6.) The Council shall in every year cause a notice to be published in a newspaper that every such statement is open to inspection at the office of the Council, and that a copy thereof may be purchased as hereinbefore provided.

Powers of Governor in Council in relation to ss. 41A and 41B.

[41B.] Notwithstanding anything to the contrary contained in sections 41 and 41A of this Act, the Governor in Council may, on the recommendation of the Auditor-General from time to time by Order in Council, make such variations from or amendments of or additions to the above provisions as shall to the Governor in Council seem fit and proper under the circumstances :

Moreover the Governor in Council, on the recommendation of the Auditor-General, may make such rules and give such directions as shall give effect to the objects and purposes of the said sections, and all such rules and directions shall have the force of law and be obeyed by the Council and by all persons concerned.

The Auditor-General in the making of any recommendation under this section, and the Governor in Council on the making of any Order in Council, or rule, or direction under this section, may have regard to the representations of the Council in regard thereto."

Repeal of and new s. 42.

14. Section forty-two of the Principal Act is repealed and the following new section is inserted in lieu thereof, namely :—

Power to borrow.

"[42.] Subject to this Act, the Council may borrow money, either—

(a) By the sale of bonds or inscribed stock, or

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(b) 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, or for the purpose of redeeming, renewing, or converting any loan :

Provided that before the Council shall enter upon negotiations to borrow money, the Council shall submit to the Treasurer full particulars of the amount proposed to be borrowed, and of the purposes for which the same is required, and shall not enter upon any such negotiations unless the Treasurer shall approve :

Provided further, that the Council shall not borrow any money pursuant to any such negotiations so approved unless the permission of the Governor in Council shall by Order in Council be first had and obtained.

Every such permission shall be signified by Order in Council, and such Order in Council shall declare the amount that may be borrowed, the purposes for which the same shall be borrowed, the currency of the loan, the amount of interest payable thereon, the terms and conditions for the redemption of the loan, whether by yearly or half-yearly payments or payments into a proper Sinking Fund, and such other conditions as the Governor in Council thinks proper to impose."

15. The Principal Act is hereby amended by the insertion therein, after section forty-three, of the following new sections numbered 43A and 43B, namely :—

"[43A.] Notwithstanding anything to the contrary contained in any Act or law or rule or process of law, the amount of any loan borrowed by the Council with the approval of the Governor in Council with interest at the agreed rate (and whether so borrowed before, on, or after the passing of *"*The City of Brisbane Acts Amendment Act of 1936*," and whether so borrowed from a bank, financial institution, or from any other person or body corporate, or unincorporate) shall be and be deemed to be and to have always been guaranteed by the Treasurer on behalf of the Government.

[43B.] (1.) Subject as in hereinafter provided, the Council may pay moneys by way of brokerage for or in respect of the making, procuring, negotiating, or

* 1 Edw. VIII. No. 5 (this Act).

City of Brisbane Acts Amendment Act. 1 Edw. VIII. No. 5,

obtaining the loan of any money which the Governor in Council has by Order in Council permitted the Council to borrow :

Provided that no moneys shall be paid by the Council by way of brokerage for or in respect of the loan of any moneys borrowed by it unless the Treasurer has approved of the payment of brokerage, which approval may be given by the Treasurer subject to such terms and conditions as to him shall seem fit :

Provided further, that section fourteen of **“The Money Lenders Acts, 1916 to 1934,”* shall not apply or extend to brokerage which the Council is authorised to pay under and in accordance with this section, and which brokerage has been approved by the Treasurer and is agreed to be paid by the Council subject to the terms and conditions (if any) imposed by the Treasurer.

Ratification.

(2.) Any moneys paid or agreed to be paid by the Council by way of brokerage for or in respect of the making, procuring, negotiating, or obtaining the loan of moneys borrowed by the Council on or after the twelfth day of December, one thousand nine hundred and thirty-four, and prior to the passing of †*“The City of Brisbane Acts Amendment Act of 1936,”* shall be deemed to be brokerage lawfully paid or agreed to be paid and any such payment or agreement to pay is hereby ratified accordingly.”

New s. 44A

16. The following new section is inserted, after section forty-four, of the Principal Act as follows :—

Power to compound rates.

“[44A.] Notwithstanding anything in this Act, the Council may, in any case it thinks proper to do so, remit and wholly discharge any rates due and in arrears or enter into any agreement with any owner for the payment of a composition in respect of such rates, or for the payment of such rates in instalments, or where the land is free from any mortgage, encumbrance, lien, bill of sale, caveat, judgment, writ, warrant, or other charge, agreement, or process registered against or in any way affecting the land may accept a transfer of the land in full satisfaction of all rates due and in arrear in respect of the said land :

Provided that before any action is taken by the Council under this section the owner concerned shall make application in writing to the Town Clerk stating

* 7 Geo. V. No. 13 and 24 Geo. V. No. 5, *supra*, pages 7646 and 14698.

† 1 Edw. VIII. No. 5 (this Act).

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his name, address, and occupation in full, the description of the land, the amount in full of all rates due and in arrears thereon, and the form of relief sought by him, and the Town Clerk shall lay such application, together with his report thereon, before the Council, which shall have no power to deal with such application until the expiration of not less than thirty days after such application and report has been so laid before it :

Provided further, that the Council may, after the expiration of such period of thirty days grant such relief to the applicant under and in accordance with this section as to it shall seem just."

17. The following heading and new section 47A New s. 47A. are inserted after section forty-seven of the Principal Act, as follows :—

" Audit of Books and Accounts of the Council.

[47A.] Notwithstanding any law or ordinance to the contrary, the books and accounts of the Council shall be audited by an officer or officers of the Department of the Auditor-General. Audit of books and accounts.

The Council shall from time to time pay to the Treasurer of Queensland such amount as shall from time to time be fixed by the Minister on the recommendation of the Auditor-General as the remuneration of such officer or officers of the Department of the Auditor-General.

The Auditor-General on receipt of the report of the auditor on such books and accounts shall forward one copy to the Treasurer, one copy to the Minister, and one copy to the Mayor.

The Auditor-General shall also prepare an annual report on the books and accounts of the Council in respect of each year ending on the thirtieth day of June, and shall forward such annual report to the Mayor and also to the Speaker of the Legislative Assembly for presentation to Parliament."

CITY OF BRISBANE.

See BRISBANE.