

**II.**  
**LOCAL, PERSONAL, AND PRIVATE ACTS**  
OF THE  
**PARLIAMENT OF QUEENSLAND,**  
**3° GEORGII VI.**

**BRISBANE.**

- (1) *Brisbane City Council Business and Procedure Act of 1939* .. .. . 3 *Geo. VI. No. 30*  
(2) *City of Brisbane Financial Emergency Act of 1939* .. .. . 3 *Geo. VI. No. 9*

**An Act to Provide for the Making of Rules relating to the Conduct of Business and Proceedings in the Council of the City of Brisbane, and for other purposes.**

3 GEO. VI.  
NO. 30.  
THE  
BRISBANE  
CITY  
COUNCIL  
BUSINESS  
AND  
PROCEDURE  
ACT OF  
1939.

[ASSENTED TO 1ST DECEMBER, 1939.]

**B**E 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. (1.) This Act may be cited as "*The Brisbane City Council Business and Procedure Act of 1939*," and shall be read and construed with \*"*The City of Brisbane Acts, 1924 to 1937*," and †"*The City of Brisbane Financial Emergency Act of 1939*." Short title and construction.

Nothing in this Act shall prejudice any provision of †"*The City of Brisbane Financial Emergency Act of 1939*," but any provision of \*"*The City of Brisbane Acts, 1924 to 1937*," shall, so far as may be necessary to give full operation and effect to this Act, be read and construed subject to this Act.

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\* 15 Geo. V. No. 32 and amending Acts, *supra*, pages 11140 *et seq.*  
† 3 Geo. VI. No. 9, *infra*, page 17831.

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*Brisbane City Council Business, Etc., Act.* 3 GEO. VI. No. 30,

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Meaning of terms.

(2.) In this Act any term to which a meaning is assigned by \**"The City of Brisbane Acts, 1924 to 1937,"* shall, unless the context otherwise indicates or requires, have the meaning so assigned to it.

Chairman of the Council.

2. (1.) The Council shall elect a chairman of the Council.

(2.) The chairman shall be entitled to preside at all meetings of the Council and of Committees of the Whole Council, and shall be responsible for the conduct in accordance with the Rules of Procedure and ordinances of all business in the Council or in Committees of the Whole Council.

He shall, in addition to his salary as an alderman, be paid such annual allowance as may be determined by the Council from time to time, but not exceeding the sum of one hundred pounds per annum.

(3.) From and after the making of Rules of Procedure hereunder the chairman shall be elected in the manner prescribed in such rules and, moreover, the chairman for the time being shall in the conduct of any business in the Council or in any Committee of the Whole Council cause all such Rules of Procedure as are applicable to be enforced and observed.

(4.) The first election of a chairman of the Council shall be held at the first meeting of the Council after the passing of this Act and thereafter the chairman shall be elected at the first meeting of every new Council :

Provided that if a vacancy occurs at any time in the office of chairman the Council shall, as soon as may be, elect a new chairman.

(5.) Nothing in this section shall prejudice the Lord Mayor as leader in the Council or his right to control the business in the Council or in any Committee of the Whole Council.

Rules of procedure respecting business, &c., in Council.

3. The Governor in Council may from time to time, by Order in Council, make such Rules of Procedure as he shall think necessary or expedient for the proper conduct of business and proceedings in the Council and in Committee of the Whole Council, and for providing rules, forms, and usages to be followed and observed with respect to the conduct of business and proceedings in the Council and in Committees of the Whole Council.

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\* 15 Geo. V. No. 32, and amending Acts, *supra*, pages 11140 *et seq.*

1939. *Brisbane City Council Business, Etc., Act.*

The Rules of Procedure may provide for suspension for a defined period for any breach thereof.

In so far as not prescribed by such Rules of Procedure business and proceedings in the Council and in any Committee of the Whole Council shall be conducted as prescribed by all such ordinances of the Council as are applicable in that behalf.

4 The Governor in Council may, by a notice published in the *Gazette*, second an officer of the Public Service to the Council.

Such officer shall be charged with the duty of recommending to the Council—

- (a) Such distribution of the business of the Council ; and
- (b) Such arrangement of the staff of the Council ; and
- (c) Such allotment of their respective duties to officers and employees of the Council,

as will ensure the establishment and continuance of a proper standard of efficiency and economy in the service of the Council, including—

- (i.) The efficiency, economy, and general working of each department.
- (ii.) The avoidance of overlapping as between department and department, branch and branch, section and section, officer and officer, employee and employee.
- (iii.) Such adjustments as will avoid under-staffing and over-staffing.
- (iv.) The ratio of juniors to seniors and the size of section which it should be possible for a responsible employee to control.
- (v.) Particulars of work to be performed by each officer or employee.
- (vi.) Aptitude of an officer or employee for any work and general suitability for any position.
- (vii.) The adjustment of the position of any officer or employee who is in receipt of a greater salary or remuneration than is reasonably sufficient for the work performed by him.

Appointment of officer of Public Service to co-ordinate business, &c., of the Council.

- (viii.) Arranging for giving officers or employees a general training for the filling of the various positions in the service of the Council.
- (ix.) The standardisation of methods and the adoption of uniform methods of procedure in cases where these things are desirable and necessary.
- (x.) The directions (if any) in which expenditure could be reduced without sacrifice of efficiency.
- (xi.) The extent of the control and supervision by the senior employees of the work of their subordinates.
- (xii.) Such organisation of every department, branch, or section that the best use is made of materials, plant, equipment, and stores.

The Council shall give effect to all such recommendations made by the officer so seconded as aforesaid :

Provided that if the Mayor satisfies the Minister that any such recommendation should be modified, the Minister may refer the recommendation concerned to the Governor in Council who may modify or refuse to modify the same.

Effect of  
rescission of  
resolution.

5. Any resolution of the Council rescinded, whether before, on, or after the passing of this Act, by the Governor in Council, shall be, and is hereby declared always to have been void *ab initio*, unless the Governor in Council specifies some later date, in which case the resolution concerned shall be void on and from such specified date.

In any case where a resolution so rescinded empowered or authorised, or purported to empower or authorise, the making by or on behalf of the Council of any contract or agreement, or the acceptance by or on behalf of the Council of any tender, or the doing or executing by or on behalf of the Council of any other act, matter or thing whatsoever, any such contract or agreement made or purporting to have been made, or any such tender accepted or purporting to have been accepted, or any such other act, matter or thing done or purporting to have been done in pursuance of such resolution, shall (whether made, accepted, or, as the case may be, done before, on, or after the passing of this Act) be, and is hereby declared always to have been, void *ab initio*.

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When, pursuant to this section, any contract or agreement made by or on behalf of the Council, or any acceptance of a tender by or on behalf of the Council, or any other act, matter or thing whatsoever done by or on behalf of the Council is void *ab initio*, no action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against the Council or any member, officer, or employee of the Council for or in respect of any damage or loss or injury sustained or alleged to be sustained, or for or in respect of any other right or remedy whatsoever conferred or alleged to be conferred, by reason of the making of the contract or agreement concerned, the acceptance of the tender concerned or, as the case may be, the doing of the other act matter or thing concerned.

If the Governor in Council when rescinding a resolution of the Council specifies that such resolution shall not be void *ab initio*, but shall be void from some later date, such rescission shall not void any such contract or agreement, acceptance of a tender, or other act, matter, or thing as aforesaid made, accepted, or, as the case may be, done prior to such later date.

If any contractor whose contract with the Council becomes void *ab initio* under and in pursuance of this section at any time after the passing of this Act satisfies the Governor in Council that such contract was *bona fide* and that he incurred expense prior to the date of the rescission by the Governor in Council of the resolution authorising same in or for the purposes of the execution, performance, and/or carrying-out of such contract, then the Governor in Council may direct the Council to pay, and thereupon the Council shall pay, the amount of such expense to such contractor; any amount so directed to be paid shall constitute a debt due and owing by the Council to the contractor concerned.

6. When the Registrar of Titles is required under and pursuant to \**"The Local Government Act of 1936"* to register the Local Authority as the registered proprietor for an estate in fee-simple or other estate of freehold in any land free of any obligation as referred to in paragraph (iv.) of subsection eleven of section twenty-seven of such last-mentioned Act, the requirements of that Act shall be and shall be deemed to have been complied

Interpreta-  
tion of  
provisions of  
"The Local  
Government  
Act of 1936"  
as to title  
for land sold  
or acquired  
by Local  
Authority.

\* 1 Geo. VI. No. 1, *supra*, page 16035.

*Brisbane City Council Business, Etc., Act.* 3 GEO. VI. No. 30, 1939.

with if and when the Registrar of Titles shall have made all such endorsements upon the relevant certificate of title or deed of grant bound up in the register book in his office as he shall consider necessary to register such Local Authority in such register book as the registered proprietor of the land in question. The last-mentioned Act does not require the Registrar of Titles to issue a new certificate of title for such land :

Provided, however, that if the Local Authority requires a new certificate of title to issue for such land in its name as registered proprietor then the Local Authority shall pay the prescribed fee therefor :

Provided also, that where registered proprietors hold land for an estate in fee-simple as tenants in common or where the land dealt with is part of the land contained in a certificate of title or deed of grant in the office of the Registrar of Titles, then and in such cases a new certificate of title shall issue to the Local Authority on payment of the prescribed fee therefor :

Provided further, that any purchaser of land from a Local Authority shall (and whether or not the Local Authority concerned is the registered proprietor of such land at the time of the sale and purchase thereof) if required by the Registrar of Titles take out a new certificate of title for such land and pay the prescribed fee for the same ; but nothing in this proviso shall render the purchaser liable to pay lodgment or registration fees in respect of a certificate under \**"The Local Government Act of 1936"* in the office of the Registrar of Titles.

Repeal of  
s. 21 of "*The  
City of  
Brisbane  
Acts, 1924 to  
1937.*"

7. Section twenty-one of †*"The City of Brisbane Acts, 1924 to 1937"* is repealed.

\* 1 Geo. VI. No. 1, *supra*, page 16035.

† 15 Geo. V. No. 32 and amending Acts, *supra*, pages 11140 *et seq.*