



BRISBANE CITY COUNCIL

CHAPTER 2 - CITY SERVICE AND ADMINISTRATION LOCAL LAW

Consolidated as at 19 February 2013



**BRISBANE CITY COUNCIL
CHAPTER 2 - CITY SERVICE AND ADMINISTRATION**

Part 1 - Business of the Council

Part 2 - Committees and Boards of the Council

Division 1 -Preliminary

Division 2 -Standing Committees

Division 3 -Special Committees

Division 4 -Provisions applicable to Council Committees

Division 5 -Boards of the Council

Part 4 - Long Service Leave and Payments on Retirement or Death

Part 5 - Books, Papers, and Records

Endnotes

Part 1 - Business of the Council

Miscellaneous

1. The Chief Executive Officer shall give to each member of the Council, as soon as convenient after his acceptance of office, a copy of the Acts and Ordinances regulating and governing the municipal administration of the City.

2. Unless expressly authorised by any Act or Ordinance no officer of the Council shall show, lay open, or expose any of the books, papers, or records of the Council to any person, or display or communicate the contents thereof, or permit any person to take a copy thereof or extract therefrom, without leave from the Chief Executive Officer, nor shall any person attempt to obtain such information without the consent of the Chief Executive Officer.

Hiring of Council Halls

9.(1) All the Council's powers and duties in respect of the hiring of its public halls including the City Hall are hereby vested in the authorised officer.

(2) The provisions of this Part, other than the provisions of this ordinance, shall be read subject to this ordinance.

(3) The Council may from time to time give guidance to the authorised officer in writing with respect to the performance of the powers and duties conferred on him under paragraph (1) and it shall be the duty of the authorised officer to perform those powers and duties in such a manner as he considers is in accordance with the guidance for the time being given to him in pursuance of this ordinance.

(4) In this ordinance the term "authorised officer" means that person holding office under, or employed by, the Council nominated by the Chief Executive Officer as the authorised officer for the purposes of this ordinance -

(a) generally, whereupon such person shall be the authorised officer in all cases other than a particular case for which a person is nominated under this ordinance as the authorised officer;

(b) in a particular case, whereupon such person shall be the authorised officer in that case.

Council Seal

10.(1) In this ordinance the term "the Seal" means the common seal of the Council.

(2) The Seal shall be that seal adopted as the common seal of the Council by resolution of the Council on 20th July, 1948, a representation whereof is set out in the Schedule to this Part.

(3) The Seal -

(a) shall be and shall at all times remain in the custody of the Chief Executive Officer;

- (b) shall be affixed by -
 - (i) the Chief Executive Officer;
 - (ii) the Deputy Chief Executive Officer; or
 - (iii) in a case where the affixing of the Seal is in accordance with that appointment, a person appointed under paragraph (6) for that purpose;
- (c) shall be used for sealing all deeds, instruments or other documents required to be made under the seal or common seal of the Council;
- (d) may be used for sealing all things that customarily are done under a seal or common seal; and
- (e) may be used for evidencing any act or decision of the Council.

(4)-

- (a) Where to carry into effect any resolution of the Council it is necessary or expedient that any deed, instrument or other document be executed by the Council and any law requires that the seal of the Council or the Seal be affixed to such deed, instrument or other document, that resolution shall be sufficient authority for the Seal to be so affixed without the necessity for a specific authorization in relation thereto.
- (b) For the purpose of subparagraph (a), where a decision is made -
 - (i) by any person or body of persons to whom the Council has duly delegated the exercise, discharge or performance of a power, function or duty had by it; and
 - (ii) in the exercise, discharge or performance of that power, function or duty by that person or body of persons,

that decision shall be taken to be a resolution of the Council.

(5) Where, for any reason, it is required that a clause evidencing the affixing of the Seal to a deed, instrument or other document be inserted in that deed, instrument or other document, the clause shall be in substantially the following form:-

"The seal of Brisbane City Council was	}	(Signature of officer of
hereunto affixed this day of, by me, I being	}	Council affixing seal)
the proper officer to affix such seal, in the presence	}	
of:	}	
		(Witness)."

(6) The Council may from time to time by resolution appoint an officer of the Council other than the Chief Executive Officer or the Deputy Chief Executive Officer to be a person by whom the Seal may be affixed to a deed, instrument or other document -

- (i) generally; or
- (ii) in the circumstances specified in such resolution.

(7) Without prejudice to paragraph (4) and the powers, authorities and discretions of the Council

otherwise, the Council may from time to time by resolution authorize the affixing of the Seal to documents of a type specified in that resolution.

SCHEDULE

Common Seal of the Council



NOTE: For information regarding the Common Seal please contact Legal Services Branch.

Part 2 - Committees and Boards of the Council

Division 1 -Preliminary

1. This Part is arranged in Divisions as follows:-

Division 1 –Preliminary

Division 2 -Standing Committees

Division 3 -Special Committees

Division 4 -Provisions applicable to Council Committees

Division 5 -Boards of the Council.

2. In this Part -

"**SPECIAL COMMITTEE**" means any committee other than a standing committee and appointed by the Council from among its aldermen for any special purpose;

"**STANDING COMMITTEE**" means a standing committee of the Council.

3. To the extent any provision of the *Local Government Act 1936-1987* would otherwise apply with respect to any matter dealt with or regulated by a provision of this Part, the provision of this Part shall apply with respect to that matter to the exclusion of the provision of the *Local Government Act 1936-1987*.

Division 2 -Standing Committees

4. There shall be constituted from time to time in accordance with this Division -

- (a) standing committees to be respectively called -
 - (i) the Establishment and Co-ordination Committee; and
 - (ii) the Finance Committee; and
- (b) such further standing committees as are provided for by one or more determinations under ordinance 5.

5.(1) Whenever the Council considers it necessary or expedient that there be constituted from time to time in accordance with this Division any standing committee in addition to -

- (a) the Establishment and Co-ordination Committee;
- (b) the Finance Committee; and
- (c) those other standing committees, if any, wherefor provision remains made by one or more determinations under this ordinance,

the Council may by resolution determine to that effect.

(2) In any determination under this ordinance the Council shall -

- (a) assign a name to any standing committee wherefor provision is thereby made; and
- (b) specify powers, functions or duties to be exercised, discharged or performed by any such committee.

6.(1) The Council may from time to time by resolution-

- (a) alter the name of a standing committee wherefor provision has been made by a determination under ordinance 5;
- (b) determine powers, functions or duties to be exercised, discharged or performed by a standing committee.

(2) A determination made pursuant to subparagraph (b) of paragraph (1) may add to, vary or otherwise modify the powers, functions and duties vested in or imposed upon a standing committee pursuant to a determination previously made under that subparagraph or under ordinance 5.

(3) The powers, functions and duties vested in or imposed upon a standing committee pursuant to a determination under subparagraph (b) of paragraph (1) or under ordinance 5 shall be in addition to those powers, functions and duties, if any, vested in or imposed upon that committee by -

- (a) the City of Brisbane Act 1924-1987;
- (b) any other Act, including any instrument of subordinate legislation thereunder; or

(c) any other ordinance.

(4) Any power, function or duty vested in or imposed upon a standing committee pursuant to this Division or otherwise shall be capable of being exercised, discharged or performed by that committee as it is constituted from time to time.

(5) The Council may by resolution determine that there no longer be a particular standing committee wherefor provision has been made by a determination under ordinance 5 whereupon that determination, to the extent it provides for that standing committee, shall cease to be in force.

7. For the purpose of its being constituted, the Establishment and Co-ordination Committee shall consist of -

- (a) the Mayor, who shall also be the chairman of the committee;
- (b) the Deputy Mayor, who shall also be the deputy chairman of the committee; and
- (c) those other aldermen each of whom is the chairman of one or more of the standing committees other than the Establishment and Co-ordination Committee,

each of whom shall be a member *ex officio* of the committee.

8. The Establishment and Co-ordination Committee -

(a) shall become constituted upon there ceasing to be any vacancy, casual or otherwise, in the offices of-

- (i) Mayor and Deputy Mayor;
- (ii) the chairman of the Finance Committee; and
- (iii) where one or more standing committees in addition to the Establishment and Co-ordination Committee and the Finance Committee are provided for by one or more determinations under ordinance 5, the respective chairmen of those one or more standing committees;

and

(b) upon its becoming constituted, shall remain constituted until -

- (i) it next becomes constituted as in paragraph (a); or
- (ii) the conclusion of the next triennial elections of the Mayor and other aldermen,

whichever shall first occur.

9. For the purpose of its being constituted, a standing committee other than the Establishment and Co-ordination Committee shall consist of -

(a) the Mayor, who shall be a member *ex officio*; and

(b) not less than four nor more than seven other members being aldermen appointed as members of that committee by the Council by resolution.

10. A standing committee other than the Establishment and Co-ordination Committee -

(a) shall become constituted upon an appointment of all of the members, other than members *ex officio*, of that committee; and

(b) upon its becoming constituted shall remain constituted until -

(i) the conclusion of the next triennial elections of the Mayor and other aldermen; or

(ii) except in the case of the Finance Committee, where the determination under ordinance 5 providing for that committee ceases, or to the relevant extent ceases, to be in force, whichever shall first occur.

11. Prior to, or at, the time that a standing committee other than the Establishment and Co-ordination Committee becomes constituted, the Council shall by resolution determine, in accordance with ordinance 9, the number of members, other than members *ex officio*, of which that committee shall consist upon that constitution of that committee.

12. At the time that a standing committee other than the Establishment and Co-ordination Committee becomes constituted the Council shall by resolution appoint two of those aldermen who then become members of that committee to be the chairman and deputy chairman respectively thereof.

13.(1) The chairman of a standing committee shall preside at every meeting of the committee at which he is present and in his absence the deputy chairman of the committee, if he is present, shall preside.

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

(3) Where the Mayor for any reason is unable to be present at a meeting of a standing committee of which the Deputy Mayor is not a member, the Deputy Mayor may attend at that meeting and thereat exercise and discharge all the powers, functions and duties had by a member of that committee and for that purpose the Deputy Mayor shall be deemed to be a member of that committee in the place of the Mayor.

(4) Where a member of the Establishment and Co-ordination Committee other than the Mayor for any reason is unable to attend a meeting of that Committee the deputy chairman of the standing committee of which that member is the chairman may attend at that meeting and thereat exercise and discharge all the powers, functions and duties had by a member of the Establishment and Co-ordination Committee and for that purpose shall be deemed to be a member of the Establishment and Co-ordination Committee in the place of that member of the Establishment and Co-ordination Committee other than the Mayor.

14.(1) A vacancy occurs in the office of a member of a standing committee other than such a member *ex officio* if, while that committee remains constituted -

(b) he becomes the holder of some other office and thereby a member of that committee *ex officio*;

(c) he resigns that office pursuant to ordinance 17;

(d) his appointment to that office is revoked pursuant to ordinance 18; or

(e) without leave obtained from the Council or that committee therefor, he is absent from any three consecutive meetings of the committee not being meetings held at the direction of the chairman of the committee.

(2) Where a vacancy occurs in the office of a member of a standing committee other than a member *ex officio*, any time thereafter and while that committee remains constituted the Council may by resolution appoint to that office any alderman not then being a member of that committee.

15. For the purposes of ordinance 14 -

(a) non-attendance of a member at the time and place appointed for a meeting of a standing committee shall not constitute absence from a meeting of the committee unless a meeting of the committee at which a quorum is present is actually held at that time and place;

(b) attendance of a member at the time and place appointed for a meeting of a standing committee shall be deemed to constitute attendance at a meeting of the committee notwithstanding that because of a lack of a quorum a meeting is not actually held at that time and place.

16.(1) Subject to paragraph (2), an appointment of a member of a standing committee other than the Establishment and Co-ordination Committee to be the chairman or the deputy chairman thereof shall remain in force while that standing committee thereafter remains constituted.

(2) An appointment referred to in paragraph (1) shall cease to have effect while the relevant standing committee remains constituted -

(a) in the case of an appointment of a member of a standing committee other than the Establishment and Co-ordination Committee to be the deputy chairman of that committee, upon the appointment of the member to be the chairman of that committee;

(b) in any case -

(i) if a vacancy occurs in the office of that member;

(ii) if the member resigns that appointment pursuant to ordinance 17; or

(iii) if that appointment is revoked pursuant to ordinance 18.

(3) Where an appointment referred to in paragraph (1) ceases to have effect and thereupon the standing committee with respect to which it is made does not cease to remain constituted, at any time thereafter and while that committee remains constituted the Council may by resolution appoint a member of the committee to be the chairman or deputy chairman thereof, as the case may be.

17.(1) A member of a standing committee other than such a member *ex officio* may resign -

(a) his office as such member;

(b) if he is also the chairman or deputy chairman of that committee, his appointment as such chairman or deputy chairman,

by delivering to the Chief Executive Officer notice in writing signed by him and addressed to the Chief Executive Officer to that effect.

(2) Nothing in this ordinance shall be read as requiring a member of a standing committee who is the chairman or deputy chairman of that committee to also resign his office as such member upon resigning his appointment as such chairman or deputy chairman.

(3) Where a member of a standing committee who is the chairman or deputy chairman of that committee resigns his office as such member pursuant to this ordinance he shall be taken to have thereby also resigned his appointment as such chairman or deputy chairman.

18. The Council may by resolution and without stating any reason therefore -

(a) revoke any appointment of a member of a standing committee, other than a member *ex officio* of that committee;

(b) revoke any appointment of a member of a standing committee other than the Establishment and Co-ordination Committee to be the chairman or the deputy chairman thereof.

19. Upon the commencement of this Division -

(a) subject to paragraph (c), those standing committees, including that Establishment and Co-ordination Committee and that Finance Committee, provided for by, and immediately before that commencement remaining constituted by or under, ordinances in force prior to that commencement -

(i) shall be taken for all purposes to be the standing committees provided for by, or as the case may be standing committees provided for under, this Division; and

(ii) until they cease, as provided in ordinance 8 or 10, as the case may be, to be constituted shall continue to remain so constituted as if they had been constituted pursuant to and in accordance with this Division;

(b) any appointment of a member of one of those standing committees referred to in paragraph (a) to be the chairman or deputy chairman of that committee which appointment was made by resolution of the Council and remains in force immediately prior to that commencement shall have effect as if it had been so made under this Division;

(d) the provisions of those ordinances which cease to be in force upon that commencement and whereby powers, functions or duties were vested in or imposed upon a standing committee as referred to in paragraph (a) shall have effect according to their tenor as if they were determinations made under paragraph (1) of ordinance 6 at that commencement.

Division 3 -Special Committees

20. Unless the Council by resolution otherwise determines, the appointment of a special committee shall continue until the specific power, function or duty for the exercise, discharge or performance of which it was appointed has been fully exercised, discharged or performed, as the case may be.

21.(1) In appointing a special committee the Council may appoint one of the aldermen then appointed to be a member of the committee including the Mayor to be the chairman of the committee.

(2) Where the Council in appointing a special committee does not also appoint one of the aldermen then appointed including the Mayor to be a member of the committee to be the chairman thereof, the special committee at its first meeting after its appointment shall appoint one of its members to be the chairman of the committee.

22.(1) The chairman of a special committee shall preside at every meeting of the committee at which he is present.

(2) In the absence of the chairman of a special committee from any meeting of that committee the members present shall, from amongst their number, elect a member to preside at that meeting and at that meeting the member, while so presiding, shall have and may exercise and discharge all powers, functions and duties of the chairman.

23.(1) A vacancy occurs in the membership of a special committee other than the membership of the Mayor of that committee if while that committee remains appointed -

(b) a member of the committee becomes the Mayor and thereby a member of that committee *ex officio*;

(c) a member of the committee resigns his membership of the committee pursuant to ordinance 25; or

(d) the membership of a member of the committee is revoked pursuant to ordinance 26.

(2) Where a vacancy occurs in the membership of a special committee, at any time thereafter and while that committee remains appointed the Council may by resolution appoint any alderman not then being a member of the committee to fill the vacancy.

24.(1) Subject to paragraph (2), an appointment of a member of a special committee to be the chairman thereof shall remain in force while that committee thereafter remains appointed.

(2) An appointment of a member of a special committee to be the chairman thereof shall cease to have effect -

(a) if a vacancy occurs in the membership of the committee of that member;

- (b) if the member resigns that appointment pursuant to ordinance 25; or
- (c) if that appointment is revoked pursuant to ordinance 26.

(3) Where an appointment of a member of a special committee to be the chairman thereof ceases to have effect, at any time thereafter and while that committee remains appointed -

- (a) in a case where that appointment which ceases to have effect was made by the Council, the Council may by resolution appoint a member of the committee to be the chairman thereof; and
- (b) in a case where that appointment which ceases to have effect was made by the committee, the committee may appoint one of its members to be the chairman thereof.

25.(1) A member of a special committee may resign -

- (a) if he is not the Mayor, his membership of that committee;
- (b) if he is also the chairman of that committee and was so appointed by the Council, his appointment as such chairman,

by delivering to the Chief Executive Officer notice in writing signed by him and addressed to the Chief Executive Officer to that effect.

(2) A member of a special committee who is appointed as the chairman of that committee by the committee may resign his appointment as such chairman by the tendering of his resignation from that appointment at a meeting of the committee.

(3) Nothing in this ordinance shall be read as requiring a member of a special committee who is the chairman of that committee to also resign his membership of that committee upon resigning his appointment as such chairman.

(4) Where a member of a special committee who is the chairman of that committee resigns his membership of that committee pursuant to this ordinance he shall be taken to have thereby also resigned his appointment as such chairman.

26.(1) The Council may by resolution and without stating any reason therefor-

- (a) revoke any appointment of a member of a special committee who is not the Mayor;
- (b) revoke any appointment by it of a member of special committee to be the chairman of the committee.

(2) A special committee may without stating any reason therefor revoke any appointment by it of one of its members to be the chairman of the committee.

Division 4 -Provisions applicable to Council Committees

27. In this Division -

"committee" means -

- (a) any standing committee; or
- (b) any other committee being one appointed by the Council from among its aldermen for any special purpose.

28.(1) A committee shall meet -

- (a) at such times as it determines; and
- (b) at such other times as the chairman of the committee directs.

(2) At least two clear days before a meeting of a committee is to be held, a notice over the written or printed signature of the Chief Executive Officer of the place and hour of holding the meeting and of the business, which may be described generally or otherwise, of the meeting shall be delivered to each member of the committee at the office of the member at, or in the vicinity of, the City Hall or at some other place notified to the Chief Executive Officer by the member as a place at which such a notice may be delivered to the member.

(3) Notwithstanding paragraph (2), where the business of the meeting is a matter of urgency, of which the chairman of the committee shall be the judge, notice concerning a meeting of a committee at the direction of the chairman may be given in such manner as the chairman thinks fit.

(4) Nothing in this Division shall prevent a committee from adjourning a meeting of the committee to some future time.

29.(1) No business shall be conducted at a meeting of a committee unless a quorum at the least is then present.

(2) For the purposes of a meeting of a committee a quorum shall be -

- (a) if the number of members of that committee is an even number, half of that number;
- (b) if the number of members of that committee is not an even number, half of the sum of the number of members and one.

(3) For the purposes of paragraph (2) -

- (a) subject to subparagraphs (b) and (c), the number of members of a committee shall be reckoned according to the number of its members at the time it became constituted or at the time it last became constituted, as the case may be;
- (b) any alderman who is the chairman of more than one standing committee shall be counted only once in a reckoning of the number of members of the Establishment and Co-ordination Committee; or
- (c) where during a constitution of the Establishment and Co-ordination Committee an alderman ceases to be a member of that committee by reason of a determination under paragraph (5) of ordinance 6, the number of members of the Establishment and Co-ordination Committee while it thereafter remains constituted shall be reckoned as if that alderman was not a member of that committee when it last became constituted.

30. Subject to this Part, a committee shall conduct its business in such manner as it may from time to time determine.

31. For the discussion or putting of a motion made at a meeting of a committee it shall not be necessary that that motion be seconded.

32. Subject to this Division -

- (a) all questions before a committee shall be determined at a meeting of the committee by a majority of the votes of the members of the committee then present;
- (b) where, but for the exercise of that second or casting vote, there would be an equality of votes on a question before a committee, the member who is then presiding at the meeting of the committee shall be entitled to a second or casting vote on that question; and
- (c) the fact that a member of the Establishment and Co-ordination Committee is the chairman of more than one standing committee shall not entitle that member to a second or further vote on a question before the Establishment and Co-ordination Committee.

33.(1) Subject to paragraph (2), it shall be competent for the member presiding at a meeting of a committee to take part in the discussion of any question before the committee at that meeting.

34.(1) Unless -

- (a) in a particular case the Council or the committee has otherwise determined; or
- (b) those proceedings are within a class of proceedings with respect to which the Council has otherwise determined,

no information whatever in relation to the proceedings with respect to a matter before a committee shall be disclosed to any person outside the Council prior to the issue of the business paper for the meeting of the Council at which a report of the committee relating to those proceedings is proposed to be considered.

(2) Paragraph (1) -

- (a) shall not apply with respect to proceedings relating to the exercise, discharge or performance by a committee of some power, function or duty of the Council which has been duly delegated to that committee; and
- (b) shall not be taken to forbid disclosure of information for the purpose of compliance with a requirement imposed by or under some law; and
- (c) shall not be taken to forbid disclosure of information at a meeting of a committee to a person outside the Council attending that meeting.

35.(1) Minutes of the proceedings of each meeting of a committee shall be recorded in a book or loose leaf system to be kept for that purpose. Any such minutes shall include particulars of the

members present at the meeting to which they relate.

(2) To the extent to do so is practicable, the minutes with respect to a meeting of a committee shall -

(a) be confirmed by the committee at -

(i) its next succeeding meeting; or

(ii) where circumstances do not reasonably permit the confirmation of the minutes at that next succeeding meeting, at a later meeting of the committee; and

(b) upon their confirmation be signed by the member of the committee presiding at the meeting at which they are confirmed.

(3) At any time at which the offices of the Council are open for business with the public, minutes recorded pursuant to this Division -

(a) shall be open for the inspection of any alderman;

(b) to the extent they are minutes of proceedings relating to the exercise, discharge or performance by a committee of some power, function or duty of the Council which has been duly delegated to that committee, shall be open for public inspection.

(4) If in its opinion, it would not be in the public interest for -

(a) any particular minutes;

(b) any minutes relating to matters of a particular class,

to which subparagraph (b) of paragraph (3) applies to be open to public inspection or to be open to public inspection until the happening of some event or the expiration of some period of time, the Council may by resolution exempt those minutes from the requirements of that subparagraph or so exempt those minutes until that happening or expiration, as the case may be.

36. Where a power, function or duty vested in or imposed upon a committee requires for its exercise, discharge or performance that the committee give advice or make a recommendation to the Council with respect to some matter, that advice or recommendation shall be given or made by the submission to the Council of a report in writing of the committee's deliberations and advice upon that matter or deliberations and recommendation upon that matter, as the case may be.

37. The existence of any vacancy in the membership of a committee shall not affect the validity of any act or proceeding of the committee.

Division 5 -Boards of the Council

48.(1) Subject to Ordinances 38 and 40 of this Part, each Board shall hold meetings for the transaction of business at such times as the Board may decide.

(2) The Chairman of each Board, or in the case of illness, inability, or absence of the Chairman, the Secretary to the Board, by direction of any member of the Board, may call a meeting of the

Board.

(3) The members present at any meeting may from time to time adjourn such meeting to any subsequent time.

(4) The Secretary of each Board shall cause to be kept and recorded full and accurate minutes of each meeting of the Board. Such minutes shall record the business transacted at such meetings and the decisions made by the Board.

(5) A copy of the minutes of such meeting of the Board shall be despatched by the Secretary to each member and to the Mayor and the Chief Executive Officer as soon as possible after such meeting.

(6) The minutes of a meeting shall be confirmed at the next meeting of the Board.

(7) When conducting the business and proceedings of the Board the Chairman shall give any necessary directions as to procedure to be observed by any parties before it.

Part 4 - Long Service Leave and Payments on Retirement or Death

Period of leave allowable -Proportionate allowance for fraction of a year

1.(1) An employee who has completed or hereafter completes not less than ten years of continuous service with the Council shall be entitled to take leave of absence called "long service leave" at the rate of one and three-tenths of a week on full pay for each year of his continuous service and proportionately for a fraction of an incomplete year to the intent that on the completion of ten years' continuous service with the Council an employee shall be entitled to thirteen weeks' long service leave on full pay and proportionately for any period of continuous service with the Council greater than ten years.

(3)(a) Any long service leave taken after the coming into force of this paragraph shall be exclusive of any statutory holiday occurring during the period when that long service leave is taken.

(b) For the purposes of this paragraph the term "statutory holiday" means:-

(i) any holiday -

(A) referred to in the list of holidays set out in the provision of subsection (3) of section 14 of the *Industrial Conciliation and Arbitration Act 1961-1980* commencing with the words "All work done"; and

(B) any day deemed by any other Act to be a holiday referred to in provision (A);
and

(ii) any day to be observed as a public holiday in the City of Brisbane pursuant to section 5 of "*The Holidays Acts, 1912 to 1961*".

Leave after previous leave -Deduction for leave already taken

2. Subject to Ordinance 4 an employee after having taken a period or periods of long service leave shall thereafter again be entitled to take long service leave but no employee shall be entitled to

take further long service leave under this provision unless and until the period of long service leave to which the employee is entitled is not less than 2 weeks; such long service leave to be calculated in respect of the whole of the employee's continuous service at the rate provided in Ordinance 1 after deducting therefrom any long service leave previously taken by him.

Limit at any one time

3.(1) The minimum period of long service leave which may be taken at any one time is 2 weeks with the maximum period being limited to the period of long service leave to which an employee is entitled under the provisions of this Part at the time at which such leave commences.

When long service leave may be taken

4.(1) Subject to the provisions of paragraphs (2) and (3) of this ordinance, long service leave may be taken by an employee at a time convenient to him, particularly in special circumstances, or in cases of emergency or urgency, including, without limiting the generality of the foregoing, illness, recuperation, convalescence or other good cause.

(2) Every application for long service leave shall be submitted to and decided by the Council which shall have power to defer the taking of long service leave applied for, for a period not exceeding six months in any case where, in the opinion of the Council, an employee's absence from duty would cause undue detriment to the business and working of the unit of administration in which the employee is employed.

(3) In any case where the taking of long service leave has been deferred by a decision pursuant to the foregoing provisions made by an officer of the Council as the delegate of the Council for that purpose, the employee concerned may make application to the Chief Executive Officer for a reconsideration of that decision (whether or not that decision has been made by the Chief Executive Officer in his capacity as that delegate) and in so doing such employee may submit such further representations as he may desire in support of his application for reconsideration, and the Chief Executive Officer, on such application being made, shall take into consideration any representations so submitted together with any reports he may consider necessary and shall thereupon weigh the respective needs and requirements or circumstances of the employee and the unit of administration concerned and make his decision accordingly.

Payment on retirement

5. If an employee's engagement be terminated by retirement at the expiration of a period of not less than ten years of continuous service, the Council shall pay to him a sum equal to the salary or wages he was receiving at the date of retirement (except as provided in Ordinance 9 hereof) for the period specified in Ordinance 12 hereof.

On death of employee payment to personal representative

6.(1) If an employee dies during the currency of a period of long service leave, the Council shall pay to his personal representative a sum equal to the salary or wages he was receiving at the date of

his death (except as provided in Ordinance 9 hereof) for the period specified in Ordinance 12 hereof.

(2) If an employee dies at the expiration of a period of not less than four years of continuous service, the Council shall pay to his personal representative a sum equal to the salary and wages he was receiving at the date of his death (except as provided in Ordinance 9 hereof) for the period specified in Ordinance 12 hereof.

Pro rata payment in other cases

8. In any case not otherwise specifically mentioned or provided for elsewhere in or by the provisions of this Part -

Where an employee -

(1) is aged not less than sixty years at his retirement otherwise than in the circumstances set out in paragraph (2) of this ordinance and has completed not less than four years of continuous service with the Council; or

(2) irrespective of age, whose service with the Council is terminated by illness or injury which is certified by a medical practitioner as of a permanent nature and rendering him unfit for further service with the Council, has completed not less than four years of continuous service with the Council;

the Council shall pay to such employee on his retirement a sum equal to the salary or wages he was receiving at the date of his retirement (except as provided in Ordinance 9 hereof) for a period calculated at the rate provided in Ordinance 1 hereof in respect of the whole of the employee's continuous service.

Pro rata payment for employee demoted through no fault of his own

9. If employee takes long service leave, he shall be paid for it at the rate of wage or salary to which he is entitled during the leave, and the Council may pay for such leave in advance, but the amount payable on his retirement or death shall be calculated as if he had not taken long service leave during his service, but there shall be deducted the amount actually paid to him as wages or salary in respect of any long service leave taken during his service.

Aggregate service

10. If an employee of the Council has not ten years of continuous service with the Council, but has an aggregate service of fifteen years with it, the Council may in its discretion pay to him on his retirement, or to his personal representative if he dies while in the Council's service, a sum not greater than would have been payable under Ordinances 5 or 6(2) as the case may be, had he had ten years of continuous service with the Council.

Continuity not broken in certain cases

11(2) An employee's absence from duty by reason of being engaged on war service shall not be

regarded as breaking or having broken the continuity of his service with the Council, and he shall be deemed for the purposes of this Part to have been continuously employed by the Council for the period of his war service. "War Service" means serving after the second day of September, 1939:-

- (a) As a member of any naval, military or air force of the Commonwealth of Australia, or Great Britain; or
- (b) As a member of any auxiliary force or any organisation -including, but without limiting the generality of the term, "The Women's Auxiliary Air Force" -attached to or accompanying any of those forces; or
- (c) As a member of any nursing service, ambulance association or any similar body or organisation attached to or accompanying any of those forces; or
- (d) As a representative, attached to or accompanying any of those forces, or any organisation providing philanthropic, welfare or medical services for members of any of those forces; or
- (e) With any naval, military or air force of any country at war with any of the King's or Queen's enemies or with any force, body or organisation auxiliary to, associated with, accompanying or attached to any such force, if the Establishment and Co-ordination Committee declares such service to have been or to be war service,

and includes undergoing detention as a prisoner of war or internment in a country under the sovereignty or in the occupation of the enemy, or internment in a neutral country immediately after so serving.

(3) An employee's absence from duty whilst receiving or entitled to worker's compensation shall be deemed not to have broken the continuity of his service with the Council, and he shall be deemed for the purposes of this Part to have been continuously employed by the Council during such absence.

(4) An employee's absence without pay on account of sickness (except while receiving or entitled to worker's compensation) shall be deemed not to have broken the continuity of his service with the Council, but such absences in excess of three months in all shall not be taken into account for the purposes of determining his rights under this Part.

(5) In cases other than the foregoing, an employee's absence on leave without pay shall be deemed to be part of his continuous service but shall not be taken into account for the purposes of determining his rights under this Part unless and except so far as the Council otherwise directs.

(6) The continuity of an employee's service with the Council shall be deemed not to be broken -

- (A) By his having been dismissed or stood down by the Council by reason of illness or injury, if-
 - (a) He shall have been re-employed by the Council; and
 - (b) He shall not have been engaged in any calling whether on his own account or as an employee, subsequent to having been so dismissed or stood down and before being so re-employed;

Provided that the period in excess of three months during which he was absent by reason of

such dismissal or standing down shall not by reason only of this subparagraph be taken into account in calculating the period of his service with the Council; or

(B) By his having been dismissed or stood down or having resigned from the service of the Council if he was re-employed by the Council within three months of such dismissal, standing down or resignation; or

(C) By reason only of any interruption or determination and renewal of his service with the Council, if that interruption or determination and renewal -

(a) Has been made by the Council with the intention of avoiding any obligation under this Part; or

(b) Has arisen directly or indirectly from an industrial dispute.

Calculation of periods on retirement or death

12. The period referred to in Ordinances 5, 6 and 7 hereof as "the period specified in Ordinance 12" shall be a period calculated at the rate provided in Ordinance 1 hereof in respect of the whole of the employee's continuous service after deducting any long service leave previously taken or any period in respect of which any payment was made under Ordinance 5.

Definitions

13. For the purpose of this Part, the terms-

"full pay", "salary" and "wages" include "cost of living adjustment" where such is payable;

"retirement" means the termination of an employee's service otherwise than by death.

Part 5 - Books, Papers, and Records

1. No person shall without the permission of the Mayor or the Chief Executive Officer-

(a) remove from the City Hall or from any other place any book, paper, or record of the Council, or

(b) cut, mutilate, disfigure, damage, or destroy any book, paper, or record of the Council.

2. Every person who with such permission removes any such book, paper, or record shall return it to the Mayor or Chief Executive Officer as the case may be at the time and place appointed when such permission is granted, or upon earlier demand made by the Mayor or Chief Executive Officer respectively.

3. Every person to whom any book, paper, or record of the Council is handed or otherwise delivered, for any purpose whatever or who has in his possession any such book, paper, or record without the permission of the Mayor or Chief Executive Officer or an officer of the Council

authorised to give such permission, shall on demand made to him by the Mayor or the Chief Executive Officer deliver such book, paper, or record to the person appointed by the Mayor or the Chief Executive Officer to receive it. For the purpose of this paragraph a person who has in any manner become possessed of any such book, paper, or record shall until he has delivered such book, paper, or record to the person from whom he obtained it or to the person appointed by the Mayor or Chief Executive Officer to receive it and without prejudice to the obligation under this Ordinance of the person actually in possession of such book, paper, or record, shall be deemed to remain in possession thereof.

4. For the purpose of this Part, the term "person" includes an Alderman and the terms "book", "paper" and "record" include all papers, documents, correspondence, and writings belonging to or relating to the business of the Council and also draft ordinances and draft provisional estimates and budgets before presentation to the Council, draft contracts and other draft documents.

Endnotes

List of amendments

PART 1 — BUSINESS OF THE COUNCIL

s 1	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
s 2	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
s 9(4)	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
s 10(3)(a)	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
s 10(3)(b)(i)	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
s 10(3)(b)(ii)	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
s 10(6)	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>

PART 2 — COMMITTEES AND BOARDS OF THE COUNCIL

Division 2 -Standing Committees

s 17(1)	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
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Division 3 -Special Committees

s 25(1)	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
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Division 4 -Provisions applicable to Council Committees

s 28(2)	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
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Division 5 -Boards of the Council

s 48(5)	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
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PART 4 — LONG SERVICE LEAVE AND PAYMENTS ON RETIREMENT OR DEATH

s 4(3)	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
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PART 5 — BOOKS, PAPERS AND RECORDS

s 1	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
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s 2	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
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s 3	amd	<i>Administrative Arrangements Local Law 2013 s 4</i>
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