



**Redland**  
CITY COUNCIL

Redland City Council

**Local Law No. 21 (Roads)**

---



Redland City Council

## **LOCAL LAW No. 21 (ROADS)**

### **SUMMARY OF PROVISIONS**

#### **PART 1—PRELIMINARY**

1. Citation
2. Objects
3. Definitions
4. Relationship with other laws
5. Delegation

#### **PART 2 —CONSTRUCTION MAINTENANCE AND IMPROVEMENT OF ROADS**

##### **Division 1—Road construction**

6. Construction of roads

##### **Division 2—Maintenance, repair and improvement of roads**

7. Maintenance and repair
8. Improvement of roads

##### **Division 3—Traffic control while roadwork in progress**

9. Official traffic signs
10. Power to direct traffic

#### **PART 3—MANAGEMENT POWERS**

11. Power to assign a name, or change the name, of a road
12. Road signs
13. Numbering of adjacent premises and allotments
14. Power to require adjoining owner to fence land

## **PART 4—CONTROL OF LOCAL GOVERNMENT ROADS**

### **Division 1—Alteration or improvement of roads**

15. Requirement to hold permit
16. Grant of permit
17. Conditions of permit

### **Division 2—Use of local government roads for regulated purposes**

18. Requirement to hold permit
19. Grant of permit
20. Conditions of permit

### **Division 3—Permits generally**

21. Power to change conditions of a permit
22. Compliance with conditions of permit

### **Division 4—Blocking off or staking of local government road**

23. Blocking and Staking

### **Division 5—Compliance notices**

24. Compliance notices

### **Division 6—Suspension or cancellation of permit**

25. Suspension or cancellation of permit

## **PART 5—MISCELLANEOUS**

### **Division 1—Local government's power to carry out work**

26. Local government's power to carry out work
27. Powers of entry and cost recovery

### **Division 2—Property in road structures on undedicated roads**

28. Property in road structures

### **Division 3—Damage to local government roads**

29. Damage

#### **Division 4—Nuisance to local government roads**

30. Nuisance

30A. Washing, painting and maintenance of vehicles on a road

#### **Division 5—Prohibition of Wheeled Recreation Devices on Footways**

31. Wheeled recreation devices prohibited on certain footways

32. Seizure of wheeled recreation devices

#### **Division 5A—Shopping trolleys**

33A. Unattended shopping trolleys

33B. Seizure of shopping trolleys

#### **Division 5B—Parking unregistered vehicles**

33C. Parking unregistered vehicles on a road

#### **Division 5C—Dealing with seized property**

33D. Application of this division

33E. Seized property

33F. Dealing with seized property

33G. Procedure for disposal of seized property

33H. Purchaser of seized property gets valid title

33I. Seized property register

33J. Limitation of local government's liability

#### **Division 6—Subordinate local laws**

34 Subordinate local laws

## PART 1—PRELIMINARY

### Citation

1. This local law may be cited as *Local Law No.21 (Roads)*.

### Objects

2. The objects of this local law are to—
  - (a) ensure that the local government has the necessary powers to construct, maintain and improve roads within its area; and
  - (b) provide for the naming of roads and the numbering of adjacent properties; and
  - (c) ensure that roads and associated structures and vegetation are in harmony with their natural and built environment; and
  - (d) regulate the use of roads to prevent nuisances and interference with the safe movement of traffic.

### Definitions

3. In this local law—

"**allotment**" means a single parcel of land as defined in the Land Title Act 1994

"**authorised person**" means—

- (a) for Part 2, division 3 (Traffic control while roadwork in progress)—a person accredited as a road traffic controller under the *Transport Operations (Road Use Management) Act 1995* and authorised by the local government to exercise the powers of an authorised person under this local law; and
- (b) for other provisions of this local law—a person authorised by the local government to exercise the powers of an authorised person under this local law.

"**compliance notice**" - see section 24

**"fencing notice"** - see section 14

**"local government road"** means

- (a) an area of land dedicated to public use as a road; or
- (b) an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles; or
- (c) a bridge, culvert, ferry, ford, tunnel or viaduct; or
- (d) a pedestrian or bicycle path; or
- (e) a part of an area, bridge, culvert, ferry, ford, tunnel, viaduct or path mentioned in paragraphs (a) to (d);

but does not include a State controlled road under the *Transport Infrastructure Act 1994*.

**"object"** includes anything tangible which is non-human.

**"official traffic sign"** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**"off-street regulated parking area"** means an area of land, including any structure on the land, that—

- (a) is controlled by the local government; and
- (b) is prescribed as an off-street regulated parking area by subordinate local law.

**"regulated purpose"**—see section 18(2).

**"road"** includes a State-controlled road.

**"roadwork"** means work for the construction, maintenance, repair or improvement of a road under this local law.

**"shopping trolley"** means a wheeled basket or frame used for transporting purchases from a supermarket or shop.

**"seized property"** see section 33E.

**"seized property register"** see section 33I.

**"State controlled road"** means a State controlled road under the *Transport Infrastructure Act 1994*.

"**traffic**" includes the use by any person of any road or off-street regulated parking area, or the presence therein or thereon of any person, vehicles, tram, train, animal, or other movable article or thing whatsoever.

"**undedicated road**" means a local government road in which the land is not dedicated for public use as a road.

"**unregistered**" for a vehicle that is required to be registered under the *Transport Operations (Road Use Management - Vehicle Registration) Regulation 1999* means that the vehicle is not a registered vehicle.

"**vehicle**" has the meaning given, in the *Transport Operations (Road Use Management) Act 1995*, schedule 4<sup>1</sup>.

### **Relationship with other laws**

**4. (1)** This local law does not derogate from, and is subject to, the provisions of the *Land Protection (Pest and Stock Route Management) Act 2002*.

**(2)** *The Integrated Planning Act 1997* applies to the carrying out of work under this local law that is in the nature of development as defined in that Act.

### **Delegation**

**5. (1)** The local government delegates its authority for this Local Law to the Chief Executive Officer

## **PART 2—CONSTRUCTION MAINTENANCE AND IMPROVEMENT OF ROADS**

### **Division 1—Road construction**

#### **Construction of roads**

**6. (1)** The local government may construct a local government road.<sup>3</sup>

---

<sup>1</sup> Vehicle includes any type of transport that moves on wheels and a hovercraft but does not include a train or tram.

<sup>3</sup> Under section 901 of the *Local Government Act 1993* the local government has the capacity to take all necessary steps for the construction, maintenance and improvement of local government roads (See section 901(2)(b)).

(2) A local government road may be constructed on land of the local government or land under the local government's control.

## Division 2—Maintenance, repair and improvement of roads

### Maintenance and repair

7. (1) The local government may carry out work for the maintenance or repair of a road.<sup>4</sup>

(2) However, the local government may only carry out work for the maintenance or repair of a State-controlled road with the written approval of the chief executive of the department which administers Chapter 5 of the *Transport Infrastructure Act 1994*.

### Improvement of roads

8. (1) The local government may carry out work for the improvement of a road.

Examples—

- The local government may carry out landscaping and beautification work, such as the planting of trees and other vegetation on footpaths adjacent to the carriageway and the establishment of nature strips between carriageways with trees of low mature height and small trunk diameter.<sup>5</sup>
- The local government may construct footpaths and footbridges with associated structures.
- The local government may construct fences, grids and gates to prevent animals from getting onto the road.
- The local government may install official traffic signs to regulate, warn or guide traffic.
- The local government may install facilities for the protection or use of road users.
- The local government may install noise attenuation facilities including fencing, bunds, mounds and vegetation.

(2) However, the local government may only carry out work for the improvement of a State-controlled road with the written approval of the chief executive of the department which administers Chapter 5 of the *Transport Infrastructure Act 1994*.

## Division 3—Traffic control while roadwork in progress

---

<sup>4</sup> See footnote 3

<sup>5</sup> Section 42(1) of the *Transport Infrastructure Act 1994* provides that approval from the chief executive (see section 7(2) of this local law) is necessary if the work has a significant adverse impact on a State-controlled road.

**Official traffic signs** Error! Bookmark not defined.

9. If roadwork has started or is about to start on a road, an authorised person may regulate traffic by installing official traffic signs to facilitate the roadwork, or to avoid risk to life or property that may result from carrying out the roadwork.<sup>6</sup>

**Power to direct traffic**

10. (1) An authorised person may give directions to the driver of an animal or a motor vehicle or to a pedestrian if the direction is necessary to facilitate roadwork or to avoid risk to life or property that may result from carrying out the roadwork.

(2) A person must not contravene a direction given by an authorised person under this section.

Maximum penalty—40 penalty units.

**PART 3—MANAGEMENT POWERS****Power to assign a name, or change the name, of a road**

11. (1) The local government may, by resolution, assign a name to a local government road, or change the name of a local government road.

(2) With the written approval of the chief executive of the department which administers Chapter 5 of the *Transport Infrastructure Act 1994*, the local government may, by resolution, assign a name to a State-controlled road in its area, or change the name of a State-controlled road in its area.

**Road signs**

12. (1) The local government may erect road signs showing the name of roads in the local government's area and other information of use to road users.

(2) However, the local government may only erect a road sign on or adjacent to a State-controlled road under this section with the written approval of the chief executive of the department which administers Chapter 5 of the *Transport Infrastructure Act 1994*.

**Numbering of adjacent premises and allotments**

---

<sup>6</sup> A person who contravenes an indication given by an official traffic sign commits an offence and is liable to a maximum penalty of 40 penalty units or 6 months imprisonment (See section 74 of the *Transport Operation (Road Use Management) Act 1995*).

**13. (1)** The local government may, by resolution, adopt a numbering system for buildings and allotments adjoining a road.

**(2)** Notice of a resolution adopting a numbering system for a particular road must be given by advertisement in a newspaper circulating generally in the local government's area.

**(3)** An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this section.

Maximum penalty—20 penalty units.

**(4)** An owner of land, (other than vacant land), must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty—20 penalty units.

#### **Power to require adjoining owner to fence land**

**14. (1)** If, in the local government's opinion, land adjoining a road should be fenced to prevent animals escaping from the land onto the road, the local government may, by written notice given to the owner (a "fencing notice"), require the owner to fence the land.<sup>7</sup>

**(2)** The notice must fix a reasonable time for compliance with the notice.

**(3)** An owner of land must comply with a notice under this section.

Maximum penalty—50 penalty units.

## **PART 4—CONTROL OF LOCAL GOVERNMENT ROADS**

### **Division 1—Alteration or improvement of roads**

#### **Requirement to hold permit**

**15. (1)** A person (other than the local government) must not make an alteration or improvement to a local government road unless authorised by a permit under this division.<sup>8</sup>

---

<sup>7</sup> Section 38(1) of the *Transport Infrastructure Act 1994* provides that the chief executive of the department which administers Chapter 5 of the *Transport Infrastructure Act* does not have to contribute to the fencing of the boundary between land and a State-controlled road.

See section 4 and its footnote.

Maximum penalty—20 penalty units.

**(2)** A person makes an alteration or improvement to a local government road if the person—

- (a) erects, installs or places a structure in, on, across, under or over the road; or
- (b) changes or interferes with the structure or materials of the road; or
- (c) changes, interferes with or removes a structure associated with the road; or
- (d) plants a tree or other vegetation on the road, interferes with vegetation on the road, or clears vegetation from the road.
- (e) removes or takes any material on or from the road including soil, sand and gravel.

#### **Grant of permit**

**16. (1)** The local government may grant a permit authorising an alteration or improvement to a local government road if satisfied that the permit may be granted consistently with the objects of this local law and the criteria laid down by subordinate local laws.<sup>10</sup>

**(2)** A subordinate local law may specify criteria with which a proposed alteration or improvement to a local government road must comply.

#### **Conditions of permit**

**17. (1)** A permit to make an alteration or improvement to a local government road may be granted on conditions the local government considers appropriate.

**(2)** The local government may, by subordinate local law, prescribe conditions that must be imposed in a permit or that will ordinarily be imposed in a permit to make an alteration or improvement to a local government road.

### **Division 2—Use of Local Government Roads for regulated purposes**

---

<sup>8</sup> The local government must obtain the written approval of the chief executive of the department which administers Chapter 5 of the *Transport Infrastructure Act 1994* if carrying out road works on a local government road would have a significant adverse impact on a State-controlled road. (See section 42(1) of the *Transport Infrastructure Act 1994* )

<sup>10</sup> This would be subject to any conditions imposed under section 42 of the Transport Infrastructure Act.

### **Requirement to hold permit**

**18. (1)** A person must not use a local government road for a regulated purpose unless authorised by a permit under this division.

Maximum penalty—20 penalty units.

**(2)** A "regulated purpose" is—

- (a) the depasturing or travelling of stock<sup>11</sup>; or
- (b) the discharge of stormwater or wastes; or
- (c) the deposit of goods or materials; or
- (d) another purpose classified under a subordinate local law as a regulated purpose.

### **Grant of permit**

**19. (1)** The local government may grant a permit authorising the use of a local government road for a regulated purpose if satisfied that the permit may be granted consistently with the objects of this local law and the criteria laid down by subordinate local laws.

**(2)** A subordinate local law may specify criteria for the grant of a permit authorising the use of a local government road for a regulated purpose.

### **Conditions of permit**

**20. (1)** A permit authorising the use of a local government road for a regulated purpose may be granted on conditions the local government considers appropriate.

**(2)** The local government may, by subordinate local law, prescribe conditions that must be imposed in a permit or that will ordinarily be imposed in a permit authorising the use of a local government road for a regulated purpose.

## **Division 3—Permits generally**

### **Power to change conditions of a permit**

---

<sup>11</sup> See section 4 and its footnote.

**21. (1)** The local government may, by written notice given to the holder of a permit, change <sup>12</sup> the conditions of the permit.

**(2)** However, the local government may only change the conditions of a permit if—

(a) the holder of the permit agrees to the proposed change; or

(b) the local government—

(i) gives the holder of the permit reasonable written notice of the proposed change inviting the holder to make written representations about the proposed change within a reasonable period fixed in the notice; and

(ii) if the holder makes written representations within the time allowed in the notice—takes the representations into account.

### **Compliance with conditions of permit**

**22.** The holder of a permit must ensure that the conditions of the permit are complied with.

Maximum penalty—50 penalty units.

## **Division 4—Blocking off or staking of local government road**

### **Blocking and staking**

**23. (1)** A person must not block off or stake off a local government road without the prior permission of the local government.

Maximum penalty—50 penalty units

**(2)** If a person does not comply with Section 23(1), the local government may immediately remove the item which is causing the blocking or staking off of the road.

## **Division 5—Compliance notices**

---

<sup>12</sup> A "change" to the conditions of a permit includes a change by omission, substitution or addition (See *Acts Interpretation Act 1954, s. 36*).

## **Compliance notices**

**24. (1)** An authorised person may give a notice (a “compliance notice”) to—

- (a) a person who contravenes this local law; and
- (b) the holder of a permit who contravenes a condition of the permit.

**(2)** A compliance notice may require the person to whom it is given to—

(a) stop the contravention, if the contravention is of a continuing or recurrent nature; and

(b) perform work or otherwise take specified action to remedy the contravention, for or within a time specified in the compliance notice, whether or not the contravention is of a continuing or recurrent nature.

**(3)** A person to whom a compliance notice is given must comply with the compliance notice.

Maximum penalty for subsection (3) - 50 penalty units.

## **Division 6—Suspension or cancellation of permit**

### **Suspension or cancellation of permit**

**25. (1)** If—

- (a) the holder of a permit does not comply with a requirement of a compliance notice; or
- (b) changes in circumstances since the permit was issued make the continued operation of the permit inappropriate;

the local government may, by written notice given to the holder of the permit, suspend or cancel the permit.

**(2)** However, before suspending or cancelling a permit, the local government must—

- (a) give written notice to the holder of the permit of the proposed suspension or cancellation; and
- (b) allow the holder a reasonable period stated in the notice to make written representations to the local government about the proposed suspension or cancellation; and
- (c) consider representations made in response to the notice.

## **PART 5—MISCELLANEOUS**

### **Division 1—Local government's power to carry out work**

#### **Local Government's power to carry out work**

**26.** If a person fails to have work required by a compliance notice or a fencing notice carried out within the time allowed in the notice, the local government may itself have the work carried out.

#### **Powers of entry and cost recovery**

**27. (1)** If work required by a compliance notice or a fencing notice is to be carried out on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work—

- (a) under section 1066 of the Local Government Act 1993, if the person who has failed to perform the work is the owner or occupier of the relevant land; or
- (b) under section 1070 of the Local Government Act 1993, if the person who has failed to perform the work is not the owner or occupier of the relevant land<sup>913</sup>.

**(2)** If the person who failed to comply with the notice is the owner of the relevant land, the amount properly and reasonably incurred by the local government in performing the work is recoverable (together with interest) under sections 1066, 1067 and 1068 of the Act.

---

<sup>13</sup> A magistrate may make an order for entry under section 1063 (Order on occupier who refuses entry) if the occupier refuses to permit entry.

**(3)** If the person who failed to comply with the notice is not the owner of the relevant land, the amount properly and reasonably incurred by the local government is recoverable as a debt from the person in default together with interest on the same basis as applies to an owner of land under section 1067 of the Act<sup>1014</sup>.

### **Division 2—Property in road structures on undedicated roads<sup>1115</sup>**

#### **Property in road structures**

**28. (1)** If a structure is erected, installed or placed in, on, across, under or over an undedicated road, the structure becomes the property of the State.

### **Division 3—Damage to Local Government Roads**

#### **Damage**

**29. (1)** A person who, without the local government's authority, intentionally or negligently damages a local government road or a structure associated with a local government road is liable to the local government in damages.

**(2)** The local government may recover damages under this section in the same way as damages for a tort.

### **Division 4 - Nuisance to local government roads**

#### **Nuisance**

**30 (1)** A person shall not cause any mud, dirt, sand, gravel, sediments, soil of any type, dust, mulch, oil, grease or any other offensive substance to be deposited on a local government road.

Maximum Penalty - 20 penalty units

**(2)** A person who causes any mud, dirt, sand, gravel, sediments, soil of any type, dust, mulch, oil, grease or any other offensive substance to be deposited on any road may be issued with a compliance notice in accordance with Part 4 Division 5 of this local law.

#### **Washing, painting and maintenance of vehicles on a road**

---

<sup>14</sup> Section 1067(8) of the *Local Government Act 1993* provides for the payment of interest on the same basis as for an overdue rate.

<sup>15</sup> Under section 95 of the *Land Act 1994* the land in all roads dedicated and opened for public use (and hence the property in fixtures in or on that land) vests in, or remains vested in, the State.

**30A. (1)** A person must not wash, cleanse or paint a vehicle or another object, or cause, suffer or permit a vehicle or another object to be washed, cleansed or painted in, on or over a local government road.

Maximum penalty for subsection (1) - 20 penalty units.

**(2)** A person must not repair, alter or carry out maintenance of a vehicle or another object, or cause, suffer or permit a vehicle or another object to be repaired, altered or maintained in, on or over a local government road.

Maximum penalty for subsection (2) - 20 penalty units.

**(3)** Subsection (2) does not apply if the repair, alteration or maintenance of the vehicle or other object is necessary because the vehicle or other object is disabled, and the vehicle or other object is stopped on the local government road for no longer than is necessary for the vehicle or other object to be moved safely to a place other than a local government road where the vehicle or other object may be repaired, altered or maintained.

## **Division 5 Prohibition of Wheeled Recreation Devices on Footways**

### **Wheeled recreation devices prohibited on certain footways**

**31 (1)** A person must not ride or use a wheeled recreation devices on a designated footway.

Maximum penalty – 4 penalty units

**(2)** The Council may, by a subordinate local law, designate the footways and types of wheeled recreation devices to which the prohibition under subsection 31(1) applies.

**(3)** If the Council acts under subsection (2) to impose a prohibition in relation to particular footways, it must define the footways to which the prohibition applies by means of official traffic signs or, if there is no applicable official traffic sign, by means of sign as specified in the subordinate local law.

### **Seizure of wheeled recreation devices**

**32. (1)** If an authorised person finds a person committing an offence against subsection 31(1) the authorised person may seize the wheeled recreation devices.

**(2)** A person must not obstruct the authorised person in effecting the seizure.

Maximum penalty – 4 penalty units

**(3)** The authorised person may use such force as is reasonably necessary to effect the seizure.

### **Division 5A—Shopping trolleys**

#### **Unattended shopping trolleys**

**33A. (1)** A person must not, without reasonable excuse, deposit, store, dump or leave unattended a shopping trolley on—

- (a) a local government road; or
- (b) a State-controlled road.

Maximum penalty - 20 penalty units.

**(2)** This section does not apply to the area of a shopping centre car park that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles.

#### **Seizure of shopping trolleys**

**33B. (1)** If an authorised person finds a shopping trolley on a local government road or a State-controlled road, the authorised person may seize the shopping trolley.

- (2)** A person must not obstruct the authorised person in effecting the seizure.

Maximum penalty - 50 penalty units.

### **Division 5B— Parking unregistered vehicles**

#### **Parking unregistered vehicles on a road**

**33C. (1)** A person must not, without reasonable excuse, park or leave stand, an unregistered vehicle<sup>15A</sup> on—

---

<sup>15A</sup> This section does not apply to a vehicle unless the vehicle is unregistered. See definition of “unregistered” in section 3.

- (a) a road; or
- (b) an off-street regulated parking area.

Maximum penalty - 20 penalty units.

**(2)** An authorised person may give a compliance notice to a person who parks, or leaves stand, an unregistered vehicle on a road or an off-street regulated parking area.

**(3)** An authorised person may seize an unregistered vehicle on a road or an off-street regulated parking area if—

- (a) the authorised person has given a compliance notice to the owner of the unregistered vehicle requiring the owner to remove the unregistered vehicle from the road or off-street regulated parking area within a time specified in the compliance notice; and
- (b) the owner of the unregistered vehicle has not complied with the compliance notice within the time specified in the compliance notice.

**(4)** This section does not apply to a State-controlled road except with the written agreement of the chief executive under section 66(5)(b) of the *Transport Operations (Road Use Management) Act 1995*.

### **Division 5C— Dealing with seized property**

#### **Application of this division**

**33D.** This division applies if—

- (a) a wheeled recreation device is seized under section 32; or
- (b) a shopping trolley is seized under section 33B; or
- (c) an unregistered vehicle is seized under section 33C.

#### **Seized property**

**33E** In this division “seized property” includes—

- (a) a wheeled recreation device seized under section 32; and

- (b) a shopping trolley seized under section 33B; and
- (c) an unregistered vehicle seized under section 33C.

### **Dealing with seized property**

**33F. (1)** If this division applies, an authorised person must give the owner of the seized property written notice stating—

- (a) the nature of the seized property; and
- (b) the date of seizure; and
- (c) a period (which must be at least 3 days but not more than 60 days) for which the seized property is to be retained by the local government; and
- (d) a place where the seized property may be reclaimed; and
- (e) the prescribed fee payable if the seized property is reclaimed.

**(2)** The seized property must be returned to the owner of the seized property if the owner—

- (a) reclaims the seized property by written application made to the local government after, but not more than 1 month after, the end of the period fixed under subsection (1)(c); and
- (b) provides appropriate proof of ownership; and
- (c) pays the prescribed fee for release of the seized property.

**(3)** An authorised person must, as soon as practicable after seizing seized property, remove the seized property to a place established by the local government for the safe custody of property seized under this division.

**(4)** The local government must take all reasonable measures to ensure the safe custody of seized property until the seized property is—

- (a) returned to its former owner; or
- (b) otherwise disposed of under this division.

### **Procedure for disposal of seized property**

**33G (1)** This section—

- (a) applies to seized property; but
- (b) is subject to section 491 of the *Local Government Act 1993*.

**(2)** If the seized property is not reclaimed under section 33F(2) then the local government may—

- (a) if, in the opinion of an authorised person, the seized property is reasonably saleable, sell the seized property; or
- (b) if paragraph (a) does not apply, or if the authorised person is unable to sell the seized property after making reasonable efforts, destroy or otherwise dispose of the seized property.

**(3)** The process for sale under subsection (2)(a) must include reasonable and appropriate advertising in a newspaper circulating generally in the area, but the sale need not be by way of auction and may be made by private contract.

**(4)** An amount realised on the sale of seized property must be applied—

- (a) first, towards the local government's costs of the sale; and
- (b) second, by payment to the former owner of the seized property.

### **Purchaser of seized property gets valid title**

**33H. (1)** The sale or disposal of seized property under this division confers valid and paramount title to the property sold or disposed of on the purchaser of the property regardless of the amount or value of the consideration (if any) and despite a failure by

the local government to comply with a provision of this local law.<sup>15B</sup>

**(2)** However, subsection (1) does not affect a right which a person would otherwise have to claim indemnities against the local government if, because of a failure to comply with this division, the local government sells or disposes of seized property which the local government was not lawfully entitled to sell or dispose of.

### **Seized property register**

**33I. (1)** The local government must keep a register of all seized property (the “**seized property register**”).

**(2)** The seized property register must—

- (a) be open to public inspection; and
- (b) contain the following details in respect of seized property—
  - (i) the date and location of the seizure; and
  - (ii) the person believed to be the owner of the seized property; and
  - (iii) whether or not the property has been released in accordance with section 33F(2); and
  - (iv) if the seized property has not been released in accordance with section 33F(2) — details of the disposal of the property.

### **Limitation of local government’s liability**

**33J. (1)** An action does not lie against the local government or against an authorised person or any other officer, employee or agent of the local government assisting the authorised person, for or in respect of injury to a person or loss of, or damage to, property during, or because of, its seizure, removal or detention under this division.

**(2)** However, subsection (1) does not apply—

---

<sup>15B</sup> In terms of *Local Law No. 1 (Administration) 2003* of the local government, the property in confiscated goods vests in the local government. As the lawful owner of the relevant goods, the local government is able to confer good title on the purchaser or acquirer of the goods from the local government.

- (a) if the injury, loss or damage was wilfully or negligently caused by the authorised person or other officer, employee or agent of the local government; or
  
- (b) if the injury occurred because the authorised person wilfully or negligently contravened section 32(3).

**Division 6—Subordinate local laws**

**Subordinate local laws<sup>16</sup>**

34. The local government may make subordinate local laws about—

- (b) criteria for granting permits and permit conditions; or
  
- (c) classifying a particular purpose of use as a regulated purpose;<sup>1217</sup> or
  
- (d) other matters about which this local law specifically allows for the making of subordinate local laws.

**Certification**

This and the preceding 21 pages bearing my initials is a certified copy of a consolidated version of *Redland City Council Local Law No. 21 (Roads)* adopted in accordance with the provisions of the *Local Government Act 1993* by Redland City Council by resolution dated 20 October 2010.

.....  
Chief Executive Officer

.....  
Dated

<sup>16</sup> See section 853 of the *Local Government Act 1993*.

<sup>17</sup> See section 16, 17, 19 and 20.