



Name: Paul R Wesener  
Telephone: 340 36453  
Fax (direct): 340 36211  
Your reference:  
Our reference: 456/26/1-94/2004

20 September 2005

Mr R Mathews  
254 Hawken Drive  
ST LUCIA QLD 4067

**Brisbane City Council**  
**ABN 72 002 765 795**

**Office of the Chief Executive**  
GPO Box 1434  
Brisbane Qld 4001  
Australia  
Telephone 07 340 38888  
Facsimile 07 340 36211

Dear Mr Mathews

I refer to your Freedom of Information application no. 94/2005.

Following this matter proceeding to external review, the Office of the Information Commissioner has instructed me to release the attached documents to you.

Yours faithfully

Paul R Wesener  
**FOI and Administration Manager**

FACSIMILE



**Brisbane City Council**

TO	<b>Owen Benvenuti</b>	DATE	<b>26/10/2004</b>
ATTN		FAX	<b>70135.</b>
FROM	<b>Joanne Whiting</b>	PHONE	<b>34203</b>
RE	<b>254 Hawken Drive St Lucia</b>	PAGES	<b>6</b>

**Brisbane City Legal Practice  
 City Governance Division  
 Level 2 69 Ann Street  
 Brisbane Qld 4000  
 GPO Box 1434  
 Brisbane Qld 4001  
 Telephone 07 3403 5313  
 Facsimile 07 3403 5432**

Owen,

I am forwarding the advice of Wayne Tolton barrister for your consideration

Regards

*Joanne Whiting*  
 Joanne Whiting  
 Solicitor  
 Brisbane City Legal Practice  
CITY GOVERNANCE DIVISION

IF THIS FACSIMILE TRANSMISSION IS INCOMPLETE OR ILLEGIBLE, PLEASE TELEPHONE 07 3403 5313

**COMMERCIAL IN CONFIDENCE**

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 BRISBANE CITY LEGAL PRACTICE

Your Fax: 3403 5432

Inns of Court  
 Level 6  
 107 North Quay  
 BRISBANE Q 4000  
 PHONE: 3236 0123

**TO:** Ms. J. Whiting

**FROM:** Wayne Tolton

**DATE:** 21/10/2004

**No. of PAGES (including this one):**5

**SUBJECT:** Powers of Entry Hawken Drive St Lucia

FOR RELEASE



**WAYNE JOHN TOLTON**

**Barrister-at-Law**

**Telephone 07 3236 0123**

**Facsimile 07 3236 3578**

**Mobile 0412 681 857**

**Email [wtolton@powerup.com.au](mailto:wtolton@powerup.com.au)**

Brisbane City Council,  
C/O Brisbane City Legal Practice,  
Level 2,  
69 Ann Street,  
Brisbane, Qld 4000

**For the attention of Ms. J. Whiting**

Tuesday 19<sup>th</sup> October 2004

Dear Joanne,

**RE: Powers of Entry Hawken Drive St Lucia**

I refer to the above and to our recent conversations in relation to same.

I have had the opportunity of perusing the file and have reviewed the relevant law.

1. The Council clearly has the power to enter this place by authority of Section 200(1) of the Health Regulation 1996["the Regulation].

**Bennett Chambers**

**Level 6, Inas of Court**

**107 North Quay, Brisbane 4000**

**PO Box 238**

**Mt Ommaney**

**Qld 4074**

61 7 32363578

4. Council can use force under Section 200(1) of the Regulation to break the chain lock on the gate at the place. The section employs the very broad expression:

"...the chief executive of the local government...do or cause to be done all acts and things...necessary to comply with the requirements of the notice..."

FOI RELEASE

**WAYNE JOHN TOLTON**

**Barrister-at-Law**

**Telephone 07 3236 0123**

**Facsimile 07 3236 3578**

**Mobile 0412 681 857**

**Email [wjtolton@powerup.com.au](mailto:wjtolton@powerup.com.au)**

**FOI RELEASE**

In my opinion these words permit the use of force at least to the extent contemplated in this case.

**Bennett Chambers**

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**Mt Ommaney**

**Qld 4074**

61 7 32363578

I trust this advice is satisfactory. Should be there anything further my instructing solicitors wish me to consider then please do not hesitate to contact me.

I thank you for your instructions in these matters.

Yours sincerely,

Wayne J. Tolton PP ~~CA~~  
Chambers

FOI RELEASE

FACSIMILE



Brisbane City Council

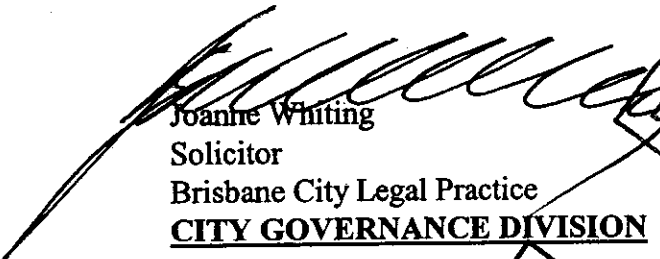
TO Owen Benvenuti DATE 26/10/2004  
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Solicitor  
Brisbane City Legal Practice  
**CITY GOVERNANCE DIVISION**

FOR RELEASE

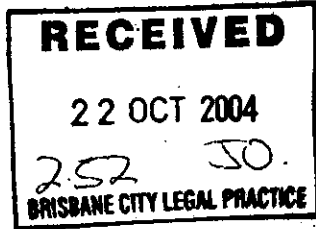
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DOCUMENT2





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**Mt Ommaney**

**Qld 4074**

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BENNETT CHAMBERS 7 NORTH QUAY

14:52

22/10/2004

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**Email [wjtolton@powerup.com.au](mailto:wjtolton@powerup.com.au)**

**FOI**

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