

Subordinate Local Law No. 5.1

(Distribution of Business Advertising Publications and Touting) 2008

Consolidated version

Reprint No. 1

This and the following 6 pages is a certified copy of the CONSOLIDATED VERSION of *Subordinate Local Law No. 5.1 (Distribution of Business Advertising Publications and Touting) 2008* made in accordance with the provisions of the *Local Government Act 2009*, by the Council of the City of Gold Coast by resolution dated 4 April 2014

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Chief Executive Officer

**Council of the City of Gold Coast
Subordinate Local Law No. 5.1
(Distribution of Business Advertising Publications and
Touting) 2008**

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Council of the City of Gold Coast Subordinate Local Law No. 5.1 (Distribution of Business Advertising Publications and Touting) 2008

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5.1 (Distribution of Business Advertising Publications and Touting) 2008*.

2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 5 (Distribution of Business Advertising Publications and Touting) 2008*.

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 5 (Distribution of Business Advertising Publications and Touting) 2008* by—

- (a) defining land which, as a public place, is subject to *Local Law No. 5 (Distribution of Business Advertising Publications and Touting) 2008*; and
- (b) identifying business advertising publications which may be distributed in a public place; and
- (c) identifying activities in respect of which touting may be conducted in a public place.

4 Definitions—the dictionary

The dictionary in the Schedule (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

Part 2 Distribution of business advertising publications and touting

5 Public place

For the purposes of the Schedule (Dictionary) of *Local Law No. 5 (Distribution of Business Advertising Publications and Touting) 2008* Lot 1 RP 192122 at 3332 Gold Coast Highway, Surfers Paradise is a public place pursuant to *Local Law No. 5 (Distribution of Business Advertising Publications and Touting) 2008*.

6 Distribution of business advertising publications

For the purposes of section 6(2)(e) of *Local Law No. 5 (Distribution of Business Advertising Publications and Touting) 2008*, section 6(1) of *Local Law No. 5 (Distribution of Business Advertising Publications and Touting) 2008* does not apply to—

- (a) the distribution of a permitted business advertising publication, other than the distribution of a permitted business advertising publication distributed in conjunction with a major event, provided that—
 - (i) the distribution of the permitted business advertising publication is authorised in writing by the local government¹; and
 - (ii) the distribution of the permitted business advertising publication is carried out in any one suburb for a maximum of seven days in any three month period; and
 - (iii) where the distribution of the permitted business advertising publication is to be carried out within 10 metres of the entrance to a retail shop or other commercial premises, the owner or occupier of the premises has agreed in writing to the carrying out of the activity; and
 - (iv) the person holds a permit under the *Collections Act 1966*; and
 - (v) the person or organisation responsible for the distribution of the permitted business advertising publication holds a broadform public liability insurance policy on those terms and conditions as regulated by Council from time to time; or
- (b) the distribution of a permitted business advertising publication, distributed in conjunction with a major event, provided that—
 - (i) the distribution of the permitted business advertising publication is authorised in writing by the local government;² and
 - (ii) the person or organisation responsible for the distribution of the permitted business advertising publication holds a broadform public liability insurance policy on those terms and conditions as regulated by Council from time to time.

¹ An application for the approval of the local government and the determination of that approval is dealt with under Part 2 (Applications and approvals) of *Local Law No. 3 (Administration) 2008*.

² An application for the approval of the local government and the determination of that approval is dealt with under Part 2 (Applications and approvals) of *Local Law No. 3 (Administration) 2008*.

7 Touting

For the purposes of section 7(2)(d) of *Local Law No. 5 (Distribution of Business Advertising Publications and Touting) 2008*, section 7(1) of *Local Law No. 5 (Distribution of Business Advertising Publications and Touting) 2008* does not apply to—

- (a) permitted touting, other than permitted touting conducted in conjunction with a major event, provided that—
 - (i) the permitted touting is authorised in writing by the local government³; and
 - (ii) the permitted touting is carried out in any one suburb for a maximum of seven days in any three month period; and
 - (iii) where the permitted touting is carried out within 10 metres of the entrance to a retail shop or other commercial premises, the owner or occupier of the premises has agreed in writing to the carrying out of the activity; and
 - (iv) the person holds a permit under the *Collections Act 1966*; and
 - (v) the person or organisation responsible for the permitted touting holds a broadform public liability insurance policy on those terms and conditions as regulated by Council from time to time; or
- (b) permitted touting conducted in conjunction with a major event provided that—
 - (i) the permitted touting is authorised in writing by the local government;⁴ and
 - (ii) the person or organisation responsible for the permitted touting holds a broadform public liability insurance policy on terms and conditions as regulated by Council from time to time.

³ An application for the approval of the local government and the determination of that approval is dealt with under Part 2 (Applications and approvals) of *Local Law No. 3 (Administration) 2008*.

⁴ An application for the approval of the local government and the determination of that approval is dealt with under Part 2 (Applications and approvals) of *Local Law No. 3 (Administration) 2008*.

Schedule Dictionary

section 4

educational establishment has the meaning given in the local government's planning scheme.

major event means an event declared by the local government to be a major event.

occupier of premises means the person who has the control or management of the premises.

owner of premises means the person for time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

permitted business advertising publication means a business advertising publication which —

- (a) promotes the business activities of the local government; or
- (b) promotes the business activities of a charitable organisation or non-profit community organisation, where the income, if any, derived in respect of those activities will be used in respect of, to the benefit of, or for the purposes of that organisation; or
- (c) promotes the beliefs or business activities of a church or other religious organisation, where the income, if any, derived in respect of those activities will be used in respect of, to the benefit of, or for the purposes of that religious organisation; or
- (d) promotes the activities of an educational establishment, where the income, if any, derived in respect of those activities will be used in respect of, to the benefit of, or for the purposes of that educational establishment; or
- (e) is distributed in conjunction with a major event.

Example of a non-profit community organisation in paragraph (b)—

A surf lifesaving club, a local sporting club or an environmental group.

permitted touting means touting in respect of the following activities—

- (a) business activities of the local government; or
- (b) fund-raising activities for a church or other religious organisation, where the income, if any, derived in respect of those activities will be used in respect of, to the benefit of, or for the purposes of that religious organisation; or

- (c) activities which promote the beliefs of a church or other religious organisation, where the income, if any, derived in respect of those activities will be used in respect of, to the benefit of, or for the purposes of that religious organisation; or
- (d) fund-raising activities for a charitable organisation or non-profit community organisation, where the income, if any, derived in respect of those activities will be used in respect of, to the benefit of, or for the purposes of that organisation; or
- (e) fund-raising activities for an educational establishment, where the income, if any, derived in respect of those activities will be used in respect of, to the benefit of, or for the purposes of that educational establishment; or
- (f) touting conducted in conjunction with a major event.

Example of a non-profit community organisation in paragraph (d)—

A surf lifesaving club, a local sporting club or an environmental group.

premises means any land, building or structure and includes any part thereof