

GOLD COAST CITY COUNCIL



LOCAL LAW NO. 39

(GOLD COAST COMMUNITY ENTERTAINMENT
AND ARTS CENTRE)

REPEALED (GAZETTED 19/12/08)

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AND ARTS CENTRE)**

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PART 1 - PRELIMINARY

Citation

1. This local law may be cited as the Gold Coast City Council Local Law No. 39 Gold Coast Community Entertainment and Arts Centre.

Objects

2. The objects of this local law are to:-
 - (a) provide for a community entertainment and arts centre (“the Centre”) that effectively meets the needs of the community;
 - (b) confers the necessary powers for the administration, management and control of a community entertainment and arts centre and associated services;
 - (c) to provide for the protection of the Centre’s resources.

Definitions

3. In these local laws save where a contrary intention appears:-

“Auditorium” means any part of the Centre occupied, or able to be occupied by an audience;

“Authorised Person” means a person authorised by the Council to exercise the powers of an Authorised Person under this local law.”

“Firearm” has the meaning assigned to it by the Weapons Act 1990;

“Centre” means the Keith Hunt Community Entertainment and Arts Centre known as Gold Coast Arts Centre and is situated on part of the land described as Lot 4 on R.P. 841216 at 135 Bundall Road, Surfers Paradise and comprising of two auditoriums, three art galleries, club rooms, bars, foyer, wedding chapels, ancillary buildings, sculpture court and parking areas;

“Centre Management” means the person to whom, or body of persons or corporate entity to which, the Council assigns the responsibility for administration, management and or control of the Centre;

“Parking area” means any part of the Centre determined to be a parking area for the purpose of this part of these local laws;

“Sculpture Court” means the part of the Centre immediately adjacent to the Restaurant used generally for the display of sculpture pieces.

PART 2 - USE OF THE CENTRE

Entry and Use of the Centre

4. (1) A person shall not:-
- (a) Sweep, throw, place, spill, drop or otherwise deposit in or onto the Centre any rubbish, garbage, refuse, paper or noxious matter or thing that may interfere with the tidiness or cleanliness of the Centre: Provided it shall not be an offence for a person to dispose of any such materials in a receptacle provided for that purpose.
 - (b) Dig or remove or cause to be dug or removed any turf, gravel, clay, sand, soil or other material from the Centre.
 - (c) Wilfully remove or damage any part or thing whatsoever of the Centre.
 - (d) Without the permission of the Centre Management or an Authorised Person paste, post, paint, write, print, nail or affix in any manner whatsoever upon any part of the Centre any handbill, poster, notice, sign or advertisement.
 - (e) Wilfully, carelessly or negligently deface, injure or destroy any part of a wall or fence in or enclosing the Centre or any part of the building, barrier, railing, seat or other structure or sculpture in the Centre.
 - (f) Ride, drive, or bring, or cause or suffer to be ridden, driven or brought any beast of draught or burden upon any part of the Centre without permission of the Centre Management first had an obtained.
 - (g) Cut, uproot, displace or interfere with or cause or suffer to be cut, uprooted, displaced or interfered with any tree, sapling, shrub, underwood, gorse, furze, fern or plant in the Centre.
 - (h) Fire off or discharge any firearm in, into over or across the Centre.
 - (i) Throw or discharge any stone or other missile of whatever kind or fly any model aircraft in, into, over or across the Centre
 - (j) Climb any wall or fence in or enclosing the Centre or any tree, barrier, railing or post therein.
 - (k) Obstruct, disturb, interrupt or annoy any person in the proper use of the Centre, or obstruct, disturb or interrupt any officer in the execution of his duty therein, or interrupt or attempt to interrupt the proper usage of the Centre or interrupt or attempt to interrupt any organised event conducted therein.
 - (l) Act in a disorderly manner or use any indecent or obscene language to the annoyance of any person in the Centre.
 - (m) Frequent or use the Centre for the purpose of betting or wagering.

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- (n) Cut, mark or otherwise deface any seat, notice board or other property in the Centre.
- (o) Camp, lodge or stay overnight in the Centre, except with permission of the Centre Management.
- (p) Enter or be within the Centre in contravention of a direction or indication given by an Authorised Person or by a directory sign installed by the Centre Management.
- (q) Without permission of the Centre Management first had and obtained:-
 - (i) use any lighted candle, burning brand, wick, coal or fuel of any kind in the Centre for illumination, heat, theatrical effect or any other reason;
 - (ii) have in possession or store at the Centre any explosive substance or ammunition;
 - (iii) have in possession a concealable fire-arm;
 - (iv) light any fire in the Centre. Outdoor barbeques within the Centre's environs being utilised for their intended purpose are exempt from this local law.
- (r) Enter or remain in any part of the Centre where a notice placed by an Authorised Person prohibits entry without permission of the Centre Management first had and obtained.
 - (i) A person other than an Authorised Person shall not remove, displace or interfere with:-
 - (a) Any board, plate or tablet or any support, fastening or fitting of any board, plate or tablet used or constructed or adapted to be used for the exhibition of any local law or notice erected by the Centre Management in the Centre.
 - (b) Any notice or copy of local laws attached to or otherwise painted or fastened on any such board, plate or tablet by the Centre Management or an Authorised Person.
 - (ii) A person other than an Authorised Person shall not remove or displace any barrier, railing or post, or any seat, or any part of any building, structure or construction or any monument, ornament, statue, statuette or decoration, or any implement, utensil, apparatus, appliance or article provided for use, or used or adapted to be used in the laying out, planting, improvement or maintenance of the Centre or in the care, cultivation or protection of any tree, sapling, shrub, underwood, gorse, furze, fern or plant in the Centre.

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- (iii) A person other than an Authorised Person shall not erect a post, rail, fence, pole, tent, booth, stand, building, or any other structure: Provided that the foregoing prohibitions shall not apply in any case where the Centre Management has granted permission to erect any post, rail, fence, pole tent, booth, stand, building or other structure pursuant to clause (i) (p) of this local law.
- (iv) A person shall not without the approval of the Centre Management first had and obtained, push, wheel, drive or ride, or cause or suffer to be pushed, wheeled, driven or ridden:
- (a) any barrow, truck or machine, or any vehicle other than a wheelchair or perambulator, upon any part of the Centre other than a carriageway:
- (b) any bicycle or tricycle upon any part of the Centre other than a carriageway.
- (v) A person other than an Authorised Person shall not:-
- (a) walk or run over, or stand, sit or lie upon any flower bed, or any shrub, fern or plant or in any ground in course or preparation or cultivation as a flower bed or for the reception or growth of any shrub, fern, or plant.
- (b) pluck, cut or remove by any means whatsoever any bud, blossom or flower, or leaf of any tree, sapling, shrub, fern or plant nor shall he wilfully injure or destroy any tree, sapling, shrub, fern or plant.
- (vi) (a) A male person other than a boy under the age of seven years shall not enter or use any place, room or building therein set apart for the use of females in the Centre. The foregoing prohibition shall not apply in any case where assistance is being rendered to a disabled person.
- (b) A female person other than a girl under the age of seven years shall not enter or use any place, room or building therein set apart for the use of males in the Centre. The foregoing prohibition shall not apply in any case where assistance is being rendered to a disabled person.
- (vii) A person shall not deliver any public address in the Centre provided that the foregoing prohibition shall not apply in any case where the Centre Management has granted permission to do so.
- (viii) A person shall not, without the approval of the Centre Management first had and obtained, make any collection, sell or offer, or expose for sale, or let to hire, or offer or expose for letting to hire any commodity or article in the Centre. The Centre Management may impose a fee for such sale or hire as determined from time to time by Council resolution.

- (ix) The Centre Management or/an Authorised Person may remove from the Centre any person who, in his opinion, is not correctly dressed.
- (x) A person shall not talk loudly or behave in any manner or use or operate any mechanical or electronic device which will interfere with peace, quiet or good order of the Centre.
- (xi) The Centre shall not be used by any member of the public for any teaching or instruction except in areas specifically assigned for such purposes without the written permission of the Centre Management first had and obtained.

Compliance with Notices

5. Any person who enters the Centre shall comply with the requirements of every notice or sign erected by the Centre Management therein.

Distribution of Literature

6. (1) A person shall not give out or distribute or scatter, drop or throw down any handbill, ticket, placard, notice or literature without the written approval of the Centre Management first had and obtained.
- (2) An application for approval pursuant to this local law must be in writing to the Centre Management.

Protection of Employees

7. (1) A person shall not:-
- (a) use insulting language or abusive language to;
 - (b) assault or attempt or threaten to assault;
 - (c) obstruct or impede or attempt to obstruct or impede a Centre employee at any time whilst the Centre employee is engaged upon his duties.
- (2) A person shall not damage, misuse, tamper with or destroy any clothing, equipment, motor vehicle or any material thing whatsoever worn or used by a Centre employee in the performance of his duties.

Removal of person from the Centre

8. Any Authorised Person may order –
- (a) a trespasser;
 - (b) any person causing annoyance or inconvenience to any other person;
 - (c) any person who commits a breach of a Local law, to remove himself together with all chattels owned by him or in his possession from the Centre or a part thereof and such person upon being so ordered shall leave the Centre forthwith.

PART 3 - ACCESS TO THE CENTRE

Entry

9. A person shall not enter or leave the Centre otherwise than through a gate, wicket, passage or opening appointed by the Centre Management as an authorised means of entrance to or egress from the Centre.

PART 4 - AUDITORIUM

Entry to Auditorium

10. (1) A person shall not enter the auditorium unless the person -
- (a) is in possession of a ticket properly issued by the Centre Management for use at the time entry is sought; or
 - (b) is authorised to do so by the Centre Management; or
 - (c) provided that such entry is for the purpose of such use, is authorised to do so by a person to whom the Centre Management has allowed the use of the auditorium.
- (2) A person shall not, without the permission of the Centre Management first had and obtained -
- (a) take into,
 - (b) have in possession of,
 - (c) consume and/or drink, liquor in the auditorium.
- (3) A person shall not without the permission of the Centre Management first had and obtained have in his possession a sound or video recorder or camera in the Auditorium.

Letting Auditorium

11. (1) The Centre Management may let the Auditorium from time to time to such persons as the Centre Management thinks fit.
- (2) Subject to the provisions of this local law the charges for the use of the Auditorium shall be such amounts as are determined by Council by resolution, from time to time.

Application

12. (1) A person who seeks to hire the Auditorium shall make written application to the Centre Management in such form as the Centre Management from time to time

prescribes. Such application shall be accompanied by the charge or deposit as the case may be.

- (2) (a) A deposit, as determined by the Centre Management, shall be paid to the Council at the time of application and no hiring shall be deemed to be confirmed until payment has been made. The balance, if any, shall be paid on settlement.
- (b) The applicant shall pay the total hire charge at the time of the application where the period of hire is one day or less.
- (c) Where the period of hire is more than one day the terms of payment shall be as per the hiring agreement.
- (d) In the event of a cancellation of hire by the hirer, the cancellation fee to apply will be in accordance with the terms of the contract as determined by the Centre Management.

Conditions of Letting

13. The hirer of the Auditorium during his occupancy thereof shall observe the following conditions in the use of the Auditorium.
 - (1) The Hirer shall pay to the Council the cost of any damage to the windows and doors or the cost of repairing a wall of the Auditorium which may be defaced.
 - (2) The Hirer shall be liable to repair, replace, or pay the cost of repairing or replacing any part of the building, furniture, fittings, or equipment which may have been damaged.
 - (3) The Hirer shall be responsible for any damage caused to the electric light fittings and apparatus in the Auditorium.
 - (4) The Hirer shall indemnify and keep indemnified the Council and Centre Director against any infringement of copyright which may occur during the hiring.
 - (5) No liquor shall be sold or supplied in the Auditorium without permission of the Centre Management first had and obtained.
 - (6) No stage play shall be performed the performance of which has been prohibited by any person or authority having lawful authority to prohibit the same.
 - (7) The hirer shall not sub-let the Auditorium or any other part of the Centre without written permission of the Centre Management being first had and obtained.
 - (8) The right of entry to the Auditorium and any other part of the Centre is reserved to the Centre Management, and any police officer and any fire brigade officer at any time during the period of hire.
 - (9) The hirer shall be responsible for keeping good order in the Auditorium during the hiring and the Centre Management may, if he thinks fit, charge the hirer for any

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extra expenses he may incur for engaging security officers or special constable to preserve order prior to, during or after any hire of the Auditorium

- (10) No bolts, nails, screws, or other such object shall be driven into any part of the Auditorium nor shall any placards or other articles be fixed thereto.
- (11) The Centre Management may, if he thinks fit, charge the hirer any additional expense for cleaning considered excessive above and beyond normal cleaning requirements.
- (12) No flags, emblems or other decorations shall be displayed outside any part of the Auditorium without the previous consent of the Centre Management.
- (13) The hirer shall remove any flag, emblem or other decoration displayed by the hirer inside the Auditorium if in the opinion of the Centre Management it is unseemly, or in poor taste or exposes the Auditorium to an undue risk of fire or in the opinion of the Centre Management or Authorised Person is likely to lead to disturbance or a breach of the peace.
- (14) No additional lights or extension from the existing electric light fittings and facilities or any other additional electrical installation, equipment or fittings shall be used without the previous written consent of the Centre Management or Authorised Person.
- (15) No alteration structural or otherwise shall be made in the Auditorium or in the internal fittings or arrangements of the same, or in windows or ventilators, or in any door or other means of ingress thereto or egress therefrom during the currency of any hire without the previous approval in writing of the Centre Management. Such approval shall not be given unless the hirer shall first have submitted a plan and full particulars of such alterations to the Centre Management. All alterations shall be removed at the end of the hire and the Centre restored to its original condition at the expense of the hirer.
- (16) No structure, material, substance, or thing whatever either temporary or permanent, which does or may interfere with, impede obstruct, delay, or endanger the egress of the public using the Auditorium, shall be placed in or across or on any hall, lobby, passage, staircase, or alley-way of the same during the currency of such letting or hiring. Provided that with the previous written consent of the Centre Management a device approved by the Centre Management may be used to denote divisions of the Auditorium.
- (17) The Hirer shall not permit any person or equipment to stand or sit in such a manner as to impede or obstruct passageways or the view of patrons in the Auditorium.

PART 5 - SCULPTURE COURT AND OPEN SPACES

Designation

14. The Council may from time to time by resolution close any part of Lot 4 on R.P. 841216 to the public and during such closure the Centre Management may permit any person to have the exclusive use thereof upon payment to the Council of such fee as determined by resolution for such purpose as the Centre Management determines.

Letting Sculpture Court and Open Spaces

15. (1) The Centre Management may let the sculpture court or open space from time to time to such persons as the Centre Management thinks fit.
- (2) Subject to the provisions of this local law the charge for the use of the sculpture court or open space shall be such amounts as determined by Council and amended by Council Resolution, from time to time.

Application

16. (1) A person who seeks to hire the sculpture court or open space shall make application to the Centre Management. Such application shall be accompanied by the charge or deposit as the case may be.
- (2) (a) All charges or deposits, as the case may be, shall be paid at the time of application and no hiring shall be deemed as confirmed until payment has been made. The balance if any shall be paid within seven days of completion of hire.
- (b) The applicant shall pay the total hire charge at the time of the application where the period of hire is one day or less.
- (c) Where the period of hire is more than one day the terms of payment shall be as per the hiring agreement.
- (d) In the event of a cancellation of hire by the hirer, the cancellation fee to apply will be in accordance with the terms of the contract as determined by the Centre Management.

Conditions of Letting

17. The hirer of the sculpture court or open space during his occupancy thereof shall observe the following conditions in the use of the sculpture court or open space -
- (1) To use the sculpture court or open space only between such hours as the Centre Management may direct when he approves the application to hire.
- (2) To make good all damage to or losses of the Centre property;
- (3) To comply with the requirements of all Local laws of the Centre. The hirer shall ensure that all persons in the sculpture court or open space for the purpose for which it is let comply with the Local Laws;
- (4) Such other conditions as determined by the Centre Management.

PART 6 - ART GALLERY

Art Gallery

18. A person shall not deface, damage or interfere with any artwork displayed in the Centre's Art Gallery.
19. A person shall not, without the written permission of the Centre Management or Authorised Person first had and obtained -
 - (1) remove or interfere with any artwork displayed in the Centre's Art Gallery;
 - (2) smoke within the Centre's Art Gallery;
 - (3) take flash photographs of artwork displayed;
 - (4) have in his possession, within the Centre's Art Gallery, any food or liquid refreshment.
20. The Centre Management or Authorised Person may refuse to admit, or may remove from, the Centre's Art Gallery, a child apparently under the age of twelve (12) years. If such a child is not accompanied by a person who is capable of effectively controlling such a child.
21. The Council may, from time to time, fix fees in respect of admission charges where such charges may apply.

PART 7 - CONTROL OF FAUNA

Dogs

22. A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in any part of the Centre. This local law does not apply to those dogs to harness assisting blind persons.

Animals Other Than Dogs

23. A person shall not without the written approval of the Centre Management drive or bring or cause to be driven or brought into the Centre any animal other than a dog as prescribed in local law 21.

PART 8 - PARKING AREA

Entry and Use of Parking Area

24. (1) A person shall not -
 - (a) Drive or attempt to drive or otherwise move a vehicle into the parking area or out of the parking area except by the entrance or exit provided for those respective purposes;

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- (b) Park a vehicle in the parking area elsewhere than entirely within the confines of a single marked parking bay;
- (c) Drive into or park in the parking area an vehicle exceeding seven (7) metres in length without the permission of the Centre Management first had and obtained;
- (d) Contravene a direction given by any sign displayed at the parking area;
- (e) Without lawful authority demolish, destroy, pull down, erase, remove, deface or otherwise damage or interfere with a sign displayed at the parking area;
 - (i) A person other than a Centre employee shall not enter upon the parking station save to park or remove a vehicle in accordance with this part or as a passenger in a vehicle or intending passenger in a vehicle parked therein.
 - (ii) Any person in actual or apparent control of a vehicle at the parking station shall obey any reasonable direction regarding such vehicle given by a Centre employee or by a member of the Police Force.
 - (iii) Council may from time to time by resolution, fix fees with respect to the parking area.

PART 9 - LOST PROPERTY

Lost Property

25. (1) A person who finds in the Centre property which he believes to have been lost or abandoned shall, forthwith, deliver the property to an employee of the Centre.
- (2) An employee of the Centre may take possession of property which is found by him, or delivered to him, and is reasonably believed by him to have been lost or abandoned in the Centre.
- (3) Claims for lost property. A person who satisfied an employee of the Centre that he is entitled to possession of property in the possession of the employee under the last preceding local law may, upon giving a receipt for the property, be given possession of the property.
- (4) Indemnity of the Centre. No action lies against the Centre, an employee of the Centre or person authorised to conduct a sale under the last preceding local law by reason of the taking or giving of possession, or the sale, disposal or destruction, or property under these local laws.

PART 10 - PROHIBITED SMOKING

26. A person shall not smoke:-
- (1) in an auditorium of the Centre;

- (2) in any area designed, designated or fitted out for use as art galleries; or
- (3) in any part of the Centre in which smoking is prohibited by a notice authorised by the Centre Management under any local law of these local laws.

PART 11 - GENERAL

- 27. The Centre Management may cause to be displayed in or adjacent to any part of the Centre any notice which the Centre Management deems necessary.
- 28. The Centre be exempt from the application of Gold Coast City Council Local Law No. 40 (Places of Public Amusement or Public Resort) which requires licensing of premises.
- 29. The powers of the Council under these local laws are hereby delegated to the person for the time being holding the office of "Centre Management".

PART 12 - OFFENCES AND PENALTIES

Offences

- 30. (1) A person who contravenes or fails to comply with any provision of these local laws commits an offence against these local laws.
- (2) A person who –
 - (a) fails to do what he is directed to do; or
 - (b) does that which he is forbidden to do;by a person acting under the authority of these local laws commits an offence against these local laws.

Penalty

- 31. Save where a specific penalty is otherwise prescribed, a person who commits an offence against these Local laws is liable to a penalty.

Maximum Penalty Units: 100 Penalty Units