

**GOLD COAST CITY COUNCIL**



LOCAL LAW No 40

(PLACES OF PUBLIC AMUSEMENT OR PUBLIC RESORT)

Repealed (Gazette 19/12/08)

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**Citation**

1. This local law may be cited as Gold Coast City Council Local Law No. 40 (Places of Public Amusement or Public Resort).

**Objects**

2. The objects of this local law are to:-
  - (a) ensure that places of public amusement or public resort comply with appropriate standards of health and safety; and
  - (b) protect the amenity of areas in which places of public amusement or public resort are situated.

**Definition**

3. In this local law the following terms have the following meanings respectively assigned to them, that is to say:-

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

Premises” - A building or any part of a building or other structure, or any enclosure, ground or place.

“Place of Amusement or Public Resort” - In relation to any premises, a place which is open to members of the public (whether or not a charge or fee for entry is required by the management of the premises and whether or not the management reserves the right to exclude individual members of the public therefrom) for the purposes of amusement, recreation, entertainment or the sale or purchase of goods or food stuffs: The term includes a bazaar, flea market or fair ground, premises at which auctions of any kind are conducted, and premises upon which any display or exhibition is conducted.

“Management” - Includes any person having control of or authority over premises used as a place of public amusement or public resort, and the owner, lessee or operator of premises used or intended for use as a place of public amusement or public resort.

**Licence Required**

4. No person shall use, keep or let premises as a place of public amusement or public resort, or engage in the management of a place of public amusement or public resort unless there is currently in force a licence issued by the Council pursuant to this local law in respect of those premises, specifying the particular use to which the premises may be put.

### **Application for Licence**

5. (1) The management of any premises proposed to be used as a place of public amusement or public resort shall apply to the Council for a licence prior to the commencement of such use of the premises.
- (2) Application for the issue of a licence pursuant to this local law shall be in the form prescribed from time to time by the Council and shall include such information or particulars as the Council may require.
- (3) The application shall be accompanied by an application fee in an amount by resolution by the Council

### **Grant or Refusal of Application**

6. (1) A licence may be issued for any purpose, activity or amusement which is specified in an application and approved by the Council.
- (2) The approval by the Council of an application for a license pursuant to this local law may be subject to such condition as the Council considers fit.
- (3) Where the Council as a condition of approval of an application requires any works to be carried out upon the premises of the installation of any facilities, those works or the installation of those facilities shall be completed to the satisfaction of an Authorised Person or, if required by the nature of the works or facilities, a Certificate of classification authorising occupation of the premises for the purpose permitted by the licence shall be issued by the Council in accordance with Part 9 of the Standard Building Regulation 1993 prior to the commencement of use of the premises for the purpose permitted by the licence:

Provided that the Council may issue a temporary licence to have effect during the carrying out of such works or the installation of such facilities, and subject to such conditions as the Council may consider fit.

- (4) The Council may refuse to issue a licence if, in its opinion:-
  - (a) The provisions of the clauses of this local law or any statute relating to the matters under such clauses have not been complied with;
  - (b) Alterations or additions to the premises are necessary for public safety or convenience; or
  - (c) The premises, the subject of the application of the site thereof, are not suitable for the purpose specified in the application.
  - (d) A Certificate of Classification authorising occupation of the premises for the proposed purpose has not been issued by the Council as required by Part 9 of the Standard Building Regulation 1993 made pursuant to the *Building Act 1975* (as amended).

### **Duration of Licence**

7. A licence issued pursuant to the provisions of this local law shall unless otherwise stated therein, expire on the 31<sup>st</sup> day of August next occurring after the date of issue of the licence and shall continue in force during the intervening period unless cancelled or suspended by the Council.

### **Renewal of Licence**

8. (1) A Licence issued under this local law may on expiration thereof be renewed upon payment of such fees as the Council may fix by resolution.
- (2) Upon expiration of a licence issued under this local law in respect of any premises and until renewal of that licence is effected it shall be deemed that there is no licence currently in force in respect of those premises.

### **Extension of Licence**

9. The extension of a licence to permit use of any premises for a purpose activity or amusement not specified in an existing licence shall be subject to the submission of an application in accordance with clause 4 of this Local law.

### **Premises Licensed to be Used only for the Purpose Specified in Licence**

10. Premises licensed under this local law shall not be used as a place of amusement or public resort other than for such purpose as it specified in the licence.

### **Suspension and Cancellation**

11. Upon a breach of the licensee of any of the provisions of the clauses of this local law, or of any condition imposed by the licence, without prejudice to any other action which may be taken under the clauses of this local law, an Authorised Person may forthwith suspend such licence until the next meeting of the Council and the Council after giving the licensee an opportunity to be heard in his own defence, may at the said meeting or at any adjourned sitting thereof, either –
- (a) Suspend a licence for a period fixed by resolution; or
- (b) Cancel the licence.

### **Council Officer may Inspect**

12. During the time that premises licensed under this local law are open to the public or are being used for the purpose for which they are licensed, the management of the premises shall:-
- (a) Permit an Authorised Person to enter the premises in order to inspect them; and
- (b) Comply with any direction of an Authorised Person which is in his opinion necessary to ensure the proper observance of the provisions of this local law.

## Exemption

13. (1) Unless the Council otherwise determines, the provisions of this local law shall not apply to:-
- (a) Premises belonging to or used by a public educational authority or by a religious body or denomination in connection with a church or place of public worship which is used solely for:-
    - (i) Educational instructions; or
    - (ii) Meetings for religious worship or instruction; or
    - (iii) Tea meetings, concerts, lectures or entertainment held in connection with an educational authority or denominational religious body; or athletic games or competition;
  - (b) A public sports ground or the like not used or let for private gain, used for the playing of athletic games or competition;
  - (c) A temporary place of amusement or entertainment established at and in connection with some annual or periodical public show or exhibition upon land under the control of the public body or organisation conducting such show or exhibition;
  - (d) A building or part of a building accommodating not more than 30 persons;
  - (e) A shop;
  - (f) A restaurant;
  - (g) A hotel.
- (2) Upon the application in writing of any person, the Council may by resolution exempt from the operation of the whole or part of this local law any particular entertainment or amusement whereof the proceeds or profits are to be applied to a charitable patriotic or national or other public purpose approved by the Council.

## Obligation of Management

14. Where the duty of complying with this local law is not specifically imposed upon a particular person, the duty of compliance rests upon each person comprising the management of the premises in respect of which the licence is granted.

## Offences

15. Where, in respect of any premises, any provision of this local law is not complied with -
- (a) Each person who fails to comply with that provision; and
  - (b) Each person comprising the management of the premises;

shall be guilty of an offence.

Maximum Penalty Units: 50 Penalty Units