

# Gold Coast City Council



## **Subordinate Local Law No. 5.1 (Distribution of Business Advertising Publications and Touting) 2008**

It is hereby certified that this is a true and correct copy of  
*Subordinate Local Law No. 5.1 (Distribution of Business Advertising Publications and Touting) 2008* made, in  
accordance with the *Local Government Act 1993*, by the Council of the City of Gold Coast  
Joe McCabe  
Acting Chief Executive Officer

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

**Summary of Provisions**

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# **Gold Coast City Council 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 5(2)(e) (Distribution of business advertising publications) of *Local Law No. 5 (Distribution of Business Advertising Publications and Touting) 2008*, section 5(1) (Distribution of business advertising publications) of *Local Law No. 5 (Distribution of Business Advertising Publications and Touting) 2008* does not apply to the distribution of a permitted business advertising publication, provided that—

- (a) the distribution of the permitted business advertising publication is authorised in writing by the local government<sup>1</sup>; and
- (b) the distribution of the permitted business advertising publication is carried out in any one suburb for a maximum of 7 days in any 3 month period; and
- (c) 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
- (d) the person holds a permit under the *Collections Act 1996*; and
- (e) the person or organisation responsible for the distribution of the permitted business advertising publication holds a public liability insurance policy for \$10 million or another amount specified by the local government in respect of the operation of the activity, which notes the local government's interest as an insured party.

## 7 Touting

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

- (a) the permitted touting is authorised in writing by the local government<sup>2</sup>; and
- (b) the permitted touting is carried out in any one suburb for a maximum of 7 days in any 3 month period; and

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<sup>1</sup> 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*.

<sup>2</sup> 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*.

- (c) 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
- (d) the person holds a permit under the *Collections Act 1996*; and
- (e) the person or organisation responsible for the permitted touting holds a public liability insurance policy for \$10 million or another amount specified by the local government in respect of the operation of the activity, which notes the local government's interest as an insured party.

## Schedule            Dictionary

section 4

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

***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 promotes—

- (a) the business activities of the local government; or
- (b) 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) 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) 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.

*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.

*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.

