

Local Law No. 5

(Distribution of Business Advertising Publications and Touting) 2008

Consolidated version

Reprint No. 1

This and the following 7 pages is a certified copy of the CONSOLIDATED VERSION of
Local Law No. 5 (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

Dale Dickson
Chief Executive Officer

**Council of the City of Gold Coast
Local Law No. 5
(Distribution of Business Advertising Publications and
Touting) 2008**

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 5 (Distribution of Business Advertising Publications and Touting) 2008*.

2 Object

The objects of this local law are to—

- (a) prohibit touting and the distribution of business advertising publications in a public place; and
- (b) prevent unreasonable impacts upon the amenity, enjoyment and use of a public place; and
- (c) prevent a nuisance, hazard, inconvenience or annoyance to a person in a public place.

3 Definitions—the dictionary

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

4 Relationship to other local laws

The powers given by this local law must be exercised in a way that is not inconsistent with all Acts (including subordinate legislation) including—

- (a) the *Environmental Protection Act 1994*; and
- (b) the *Transport Operations (Road Use Management) Act 1995*; and
- (c) the *Transport Operations (Passenger Transport) Act 1994*.

5 Application of local law

This local law does not apply to a State-controlled road unless the chief executive of the department which administers Chapter 6 of the *Transport Infrastructure Act 1994* has given written approval to the local government to exercise all or any of the powers under this local law in respect of the State-controlled road.

Part 2 Prohibited activity

6 Distribution of business advertising publications

- (1) Subject to subsection (2), a person must not when in a public place distribute a business advertising publication.

Maximum penalty for subsection (1)—50 penalty units.

- (2) Subsection (1), does not apply to the distribution of—
- (a) a newspaper which complies with the *Printing and Newspaper Act 1981*; or
 - (b) printed material by post; or
 - (c) a bus timetable at a bus stop; or
 - (d) printed material which involves the promotion of public awareness of the prevention of emergencies and distributed by—
 - (i) the Queensland Police Service; or
 - (ii) Queensland Fire and Rescue; or
 - (iii) the Rural Fire Service; or
 - (iv) the Queensland Ambulance Service; or
 - (v) the State Emergency Service; or
 - (e) a particular business advertising publication or a class of business advertising publication which is specified in a subordinate local law.

7 Touting

- (1) A person must not tout in a public place.

Maximum penalty for subsection (1)—50 penalty units.

- (2) Subsection (1) does not apply to—
- (a) a person who is attempting to arrange a multiple hiring for a taxi at a taxi rank pursuant to the *Transport Operations (Passenger Transport) Act 1994*; or
 - (b) a person who at a bus stop is selling nothing but tickets which allow travel on a scheduled passenger service which utilises that bus stop; or
 - (c) a person who is the holder of an approval under the *Tow Truck Act 1973* who is touting in respect of the operation of the tow truck for which the approval is held; or

- (d) touting in respect of an activity specified in a subordinate local law.

Part 3 Enforcement

8 Evidence

In addition to section 13 (Evidentiary provisions) of *Local Law No. 3 (Administration) 2008*, in any proceedings for an offence involving a contravention of this local law, an averment in a complaint that in the case of a contravention of section 6(1) of this local law, section 6(2) has no application will be evidence of the fact stated.

Part 4 Subordinate local laws

9 Subordinate local laws

The local government may specify in a subordinate local law—

- (a) that a place under the local government's control is subject to this local law pursuant to the Schedule (Dictionary) of this local law; and
- (b) that section 6(1) of this local law does not apply to the distribution of a particular business advertising publication or a class of business advertising publication pursuant to section 6(2)(e) of this local law; and
- (c) that section 7(1) of this local law does not apply to a person who has touted in respect of a specified activity pursuant to section 7(2)(d) of this local law; and
- (d) such other matters as are provided for in this local law.

Part 5 Application of Local Law No. 3 (Administration) 2008

10 Application of Local Law No. 3 (Administration) 2008 to this local law

- (1) To avoid any doubt, the provisions of *Local Law No. 3 (Administration) 2008* apply to this local law, including (but not limited to) the following parts of *Local Law No. 3 (Administration) 2008*—
 - (a) Part 7 (Enforcement); and
 - (b) Part 8 (Administration).

Note—

Part 7 (Enforcement) of *Local Law No. 3 (Administration) 2008* sets out the powers of the local government to deal with a contravention of a local law (including this local law) and the steps that the local government may take to remedy any non-compliance.

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Part 8 (Administration) of *Local Law No. 3 (Administration) 2008* contains a number of provisions which clarify the liability of persons for actions taken contrary to a local law (including this local law).

This local law must be read with any relevant provisions of *Local Law No. 3 (Administration) 2008*.

- (2) If there is a conflict between a provision of this local law and *Local Law No. 3 (Administration) 2008*, the provision in this local law will prevail to the extent of any inconsistency.

Schedule Dictionary

section 3

business advertising publication means a publication that publicises any business, commercial or trade activity.

local government road means—

- (a) a road under the *Local Government Act 2009*; or
- (b) a mall, square, or court under the local government's control that is specified in a subordinate local law to be subject to this local law; or
- (c) light rail land designated to be used as a road under section 359 of the *Transport Infrastructure Act 1994*.

local law includes any subordinate local law.

newspaper has the meaning given in the *Printing and Newspapers Act 1981*.

nuisance has the meaning given in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

prohibited activity means an activity prohibited pursuant to sections 6(1) and 7(1) of this local law.

publication means any printed or written matter and includes a book, pamphlet, leaflet, circular, handbill, notice, ticket, voucher, pass, advertisement, poster, magazine or other periodical publication, but does not include a newspaper.

public place means—

- (a) a road; or
- (b) trust land; or
- (c) a park or reserve as defined in *Local Law No. 9 (Parks and Reserves) 2008*; or
- (d) a bathing reserve as defined in *Local Law No. 10 (Bathing Reserves) 2004*; or
- (e) premises of which the local government is the owner or occupier; or
- (f) premises which are managed or controlled by the local government; or
- (g) premises specified as a public place in a subordinate local law.

publicise means to draw to the attention of, make known, advertise or promote and **publicises** has the corresponding meaning.

road means a local government road or a State-controlled road.

scheduled passenger service has the meaning given in the *Transport Operations (Passenger Transport) Act 1994*.

State-controlled road means a State-controlled road under the *Transport Infrastructure Act 1994*.

tout means to publicise either verbally or in writing a business, commercial or trade activity and **touted** and **touting** have the corresponding meaning.