

Smoking local law

1. Definitions

In this Local Law:

"**acceptable no smoking sign**" has the same meaning as in the Tobacco Act 1987;

"**prescribe**" and "**prescribed**" means determined and resolved by Council;

"**smoke**" has the same meaning as in the Tobacco Act 1987;

"**smoke free area**" means any area listed in the Schedule or prescribed by Council;

"**smoke free event**" means an organised recreational, cultural, commercial or social event or a gathering of people which is held on Council land as listed in the Schedule or prescribed by Council, and it includes a procession, festival and street party;

"**tobacco product**" has the same meaning as in the Tobacco Act 1987.

2. Smoking in Smoke Free Areas or at a Smoke Free - Event.

- (a) A person must not **smoke** a tobacco product in a **smoke free area** or at a **smoke free event**.
- (b) Where an **Authorised Officer** believes on reasonable grounds that a person is contravening or has contravened clause 2. (a), the **Authorised Officer** may direct the person to extinguish and then dispose of the **tobacco product**.
- (c) A person to whom a direction is given under clause 2. (b) must comply with that direction.
- (d) **Council** may **prescribe** any area within the **municipality** to be a **smoke free area**.
- (e) **Council** may **prescribe** any event within the **municipality** to be a **smoke free event**.
- (f) **Council** or an **Authorised Officer** may erect, or cause to be erected, an **acceptable no smoking sign** in a **smoke free area** or at a **smoke free event**.

Penalty: One (1) Penalty Unit

3. Smoking on Council land

- (a) A person must not **smoke**:
 - (i) Inside a building on **Council land**;
 - (ii) On **Council land** within 10 metres of the entrance to a building.
- (b) Where an **Authorised Officer** believes on reasonable grounds that a person is contravening or has contravened clause 3. (a), the **Authorised Officer** may direct the person to extinguish and then dispose of the **tobacco product**.
- (c) A person to whom a direction is given under clause 3. (b) must comply with that direction.
- (d) **Council** or an **Authorised Officer** may erect, or cause to be erected, an **acceptable no smoking sign** on **Council land**.

Penalty: One (1) Penalty Unit