

# LOCAL LAW NO. 4 – PROHIBITION ON SMOKING

Commencement date - 1 October 2011

# **CITY OF MONASH**

# LOCAL LAW NO. 4 – PROHIBITION ON SMOKING

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#### CITY OF MONASH

#### LOCAL LAW NO. 4 – PROHIBITION ON SMOKING

#### PART 1

#### **PRELIMINARY**

#### Title

1. This Local Law is called the "Prohibition On Smoking Local Law 2011" (being Local Law No. 4).

# What are the objectives of this Local Law?

- 2. The objectives of this Local Law are to:
  - 2.1 provide for the peace, order and good government of the *municipal district*; and
  - 2.2 promote a physical and social environment free from hazards to health, in which the residents of the *municipal district* can enjoy a quality of life that meets the general expectations of the community,

and to achieve these objectives by prohibiting smoking at specified events and in and around specified buildings.

#### What authorises this Local Law?

3. This Local Law is made under section 111 of the Act.

#### When does this Local Law commence?

4. This Local Law commences on 1 October 2011.

#### When does this Local Law end?

5. This Local Law ends on 30 September 2021.

#### To what part of the municipal district does this Local Law apply?

6. This Local Law applies throughout the whole of the *municipal district*.

#### **Definitions**

7. The words identified in italics throughout this Local Law are intended to have the following meanings:

"Act" means the Local Government Act 1989.

"authorised officer" means a person appointed by Council to be an authorised officer under section 224 of the Act.

"Council" means Monash City Council.

"Council Land" means any land:

- 7.1 listed in the Schedule; or
- 7.2 vested in or owned, occupied or managed by or under the control of Council which is prescribed as Council Land for the purposes of this Local Law

but excludes any:

- 7.3 playground located in a *reserve*; and
- 7.4 road.

Explanatory Note: Although a playground in a *reserve* is excluded from the definition, smoking in a playground is prohibited by clause 18A of Local Law No. 3A.

"Event" means any event:

- 7.5 listed in the Schedule; or
- 7.6 sponsored or supported by *Council* which has been *prescribed* as an *Event* for the purposes of this Local Law, whether a festival or not.

"municipal district" means the municipal district of Council.

"Penalty Unit" has the same meaning as in the Sentencing Act 1991.

"prescribed" means determined by Council and designated or otherwise described by Council:

- 7.7 in a newspaper generally circulating within the *municipal district*; and
- 7.8 on Council's website.

"reserve" means any land which is vested in or owned, occupied or managed by or under the control of *Council* and dedicated or used for an outdoor cultural, sporting or recreational purposes.

"road" has the meaning ascribed to it by section 3 of the Act.

Explanatory Note: A footpath is therefore a *road* for the purposes of this Local Law.

"the Schedule" means the Schedule to this Local Law.

# Notes in this Local Law 8. Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

#### PART 2

# **SMOKING AT SPECIFIED EVENTS**

**Introduction:** This Part contains a provision that prohibits smoking at certain events, including events organised or sponsored by *Council*.

# **Smoking at Events**

9. A person must not, while in attendance at any *Event*, smoke on the land on which the *Event* is being held.

**Penalty: 1 Penalty Unit** 

#### PART 3

# **SMOKING ON SPECIFIED LAND**

**Introduction**: This Part makes it an offence for a person to smoke in and around buildings on *Council Land*.

# **Smoking on Council Land**

- 10. A person must not smoke:
  - 10.1 Inside a building on Council Land;
  - 10.2 Within 10 metres of the entrance to a building on Council Land;
  - 10.3 Within 10 metres of a building on a reserve located on Council Land;
  - 10.4 On Council Land.

**Penalty: 1 Penalty Unit** 

#### PART 4

#### ADMINISTRATION AND ENFORCEMENT

**Introduction:** This Part aims to supplement the preceding provisions of the Local Law by explaining how the Local Law may be administered and enforced.

#### **Infringement Notices**

- 11. As an alternative to prosecution for an offence, a person may be served with an Infringement Notice.
- 12. The penalty fixed for an Infringement Notice is one *Penalty Unit*.
- 13. Where an *authorised officer* has reason to believe that a person is guilty of an offence or offences for which an Infringement Notice may be issued under this Local Law, the *authorised officer* may issue and serve on that person an Infringement Notice.
- 14. Any person served with an Infringement Notice may pay the penalty indicated to an *authorised officer* at the *Council* offices.
- 15. To avoid prosecution, the penalty indicated should be paid within 28 days from the date of the service of the Infringement Notice.
- 16. A person served with an Infringement Notice is entitled to disregard the Notice and defend the prosecution in court.
- 17. If a person served with an Infringement Notice makes a written representation to *Council* or an *authorised officer* within 28 days of the issue of the Infringement Notice, the representation must be brought to the attention of the Chief Executive Officer.
- 18. The Chief Executive Officer may consider any written representations and any other relevant information and must consider any such material brought to his or her attention within 28 days of the service of the Infringement Notice to which it relates.

# Withdrawing a Notice

- 19. Council or the Chief Executive Officer may withdraw an Infringement Notice in accordance with the *Infringements Act* 2006.
- 20. Where an Infringement Notice is withdrawn, the person upon whom it was served is entitled to a refund or any payment which that person has made on the Infringement Notice.

THE COMMON SEAL of MONASH CITY COUNCIL was hereunto affixed this day of	:

This Local Law was made by resolution of Council at a meeting held on 30 August 2011.

#### **SCHEDULE**

#### Part A – Events

Clayton Street Festival, Clayton Road

Flavours of Oakleigh Festival, Warrawee Park, Oakleigh

Activation Festival, Batesford Reserve, Chadstone

Mulgrave Fun Day, Wellington Reserve Community Centre, Mulgrave

Monash Carols by Candlelight, Jells Park, Wheelers Hill

Glen Waverley Chinese New Year and Lantern Festival, Kingsway, Glen Waverley

# **SCHEDULE**

# Part B - Council Land

Alvie Hall, 314 High Street Road, Mount Waverley
Amaroo Neighbourhood House, 34 Amaroo Street, Chadstone
Appletree Hill Preschool, 37 Shepherd Road, Glen Waverley
Argyle Reserve Pavilion, Kinrade Street, Hughesdale
Argyle Reserve Indoor Training Pavilion, Kinrade Street, Hughesdale
Ashwood Children's Centre, 4-8 Yooralla Street, Ashwood
Ashwood College North (Netball) Pavilion, Cassinia Avenue, Ashwood
Ashwood College South Pavilion, Cassinia Avenue, Ashwood
Ashwood Memorial Preschool, 17A Arthur Street, Ashwood
Ashwood Reserve North Pavilion, Winbirra Parade, Ashwood
Ashwood Reserve South Pavilion (Bob Trewin), Winbirra Parade, Ashwood
Ashwood Hall, 21A Electra Avenue, Ashwood
Batesford Reserve Pavilion Complex, Batesford Road, Chadstone
Batesford Hub Community Centre, Batesford Road, Chadstone
Bayview Tennis Club, 12-36 Burton Street, Chadstone
Black Flat Community Centre, 685 Waverley Road, Glen Waverley
Bogong Ave Car Park, Bogong Avenue, Glen Waverley
Brandon Park Children's Centre, 659 Ferntree Gully Road, Wheelers Hill
Brandon Park MCHC & Preschool Complex, 7 Collegium Avenue, Wheelers Hill
Brandon Park Reserve Pavilion Complex, 657 Ferntree Gully Road, Wheelers Hill
Brandon Park MCHC & Preschool Complex, Wheelers Hill
Brandon Park Community Centre, 645 Ferntree Gully Road, Wheelers Hill
Brentwood Preschool, 60-62 View Mount Road, Wheelers Hill
Brentwood Reserve Pavilion Complex, 11-31 Maylands Crescent, Glen Waverley
Brine Street Child Care Centre, 33 Brine Street, Hughesdale
Chadstone Calisthenics (formerly Scout Hall, 7th Waverley), 33 Brine Street, Hughesdale
Cabena Cres Children's Services Centre, 22 Cabena Crescent, Chadstone
Caloola Reserve Pavilion Complex, 88A Drummond Street, Oakleigh
Capital Reserve Pavilion Complex, 85-95 Capital Avenue, Glen Waverley
Clayton Reserve Pavilion Complex, 356A Haughton Road, Clayton
Carlson Reserve West Pavilion Complex, 64-76 Clayton Road, Clayton
Citizens Advice Bureau, 25 Downing Street, Oakleigh
Central Reserve Main Grandstand, 401 Springvale Road, Glen Waverley
Central Reserve North Pavilion, 401 Springvale Road, Glen Waverley
Central Reserve Athletics Pavilion, 401 Springvale Road, Glen Waverley
Central Reserve Canteen, 401 Springvale Road, Glen Waverley
Central Reserve, Terraced Grandstand, 401 Springvale Road, Glen Waverley
Citizens Advice Bureau, 6 Holskamp Street, Mount Waverley
Civic Centre, 293 Springvale Road, Glen Waverley
Clayton Community Centre Complex, 9-15 Cooke Street, Clayton
Clayton Hall Complex, 264 Clayton, Road, Clayton
Columbia Park Preschool, 28A Columbia Drive, Wheelers Hill
Columbia Park Child Care Centre, 28A Columbia Drive, Wheelers Hill
Columbia Park Reserve Pavilion, 26 Columbia Drive, Wheelers Hill
Damper Creek Reserve Office, Norman Court, Mount Waverley

Davies Reserve Pavilion Complex, Huntingdale Road, Oakleigh South

Dover Street Preschool Centre, 19 Dover Street (Monash Preschool), Oakleigh East

Drummies Bridge Reserve Pavilion, 1021 High Street, Road

East Oakleigh Maternal and Child Health Centre & Preschool Complex, 59 Greville Street, Huntingdale

Electra Reserve Pavilion, Electra Avenue, Ashwood

Electra Community Centre Complex, 21A Electra Avenue, Ashwood

Elizabeth Gardens Nursing Home, 2-8 Elizabeth Street, Burwood

Elizabeth Gardens Hostel, 2-8 Elizabeth Street, Burwood

Elizabeth Gardens ILU (1-4), 18 Elizabeth Street, Burwood

Elizabeth Gardens ILU (15A-D), 10-16 Elizabeth Street, Burwood

Essex Heights Children's Services Centre, 15 Outlook Road, Mount Waverley

Essex Heights Reserve Pavilion, Outlook Road, Mount Waverley

Essex Heights Tennis Club, 2 Federal Street, Mount Waverley

Freda Street Homes For The Aged, 6 Freda Street, Hughesdale

Freeway Reserve Pavilion South (Soccer Clubrooms), Kernot Avenue, Mulgrave

Freeway Reserve Archery Pavilion, Kernot Avenue, Mulgrave

Freeway Reserve Pavilion North (Social Clubrooms), Kernot Avenue, Mulgrave

Fregon Hall, Fregon Road, Clayton

Fregon Reserve Pavilion Complex, Browns Road, Clayton

Gardiners Reserve South Pavilion, Sixth Avenue, Burwood

Gardiners Reserve North Pavilion, Sixth Avenue, Burwood

Gem Club, 329 Waverley Road, Mount Waverley

Gladeswood Reserve Pavilion Complex, Maygrove Way, Mulgrave

Gladeswood Reserve Tennis Club, Maygrove Way, Mulgrave

Glenvale Tennis Club, 100 Shepherd Road, Glen Waverley

Glen Waverley Library, Kingsway, Glen Waverley

Glen Waverley Golf Course Club Rooms Complex, 917 Waverley Road, Glen Waverley

Glen Waverley Golf Course, Workshop, 917 Waverley Road, Glen Waverley

Glen Waverley Golf Course Superintendent's Office & Staff Amenities, 917 Waverley Road, Glen Waverley

Glen Waverley Community Centre, 700 Waverley Road, Glen Waverley

Glen Waverley Bowls Club Pavilion, 690 Waverley Road, Glen Waverley

Glenburn Tennis Club, 13 Madeline Street, Glen Waverley

Glen Waverley North Reserve Pavilion, 13 Madeline Street, Glen Waverley

Glen Waverley South Preschool, 43 Fraser Street, Glen Waverley

Glen Waverley Tennis Club, 626-658 Waverley Road, Glen Waverley

Glendal Preschool, 3 Lucerne Street, Mount Waverley

Halcyon Day Centre, 915 Waverley Road, Glen Waverley

Herriott's Boulevard Office Building, Herriott's Boulevard, Glen Waverley

Highmount Preschool, 36 Lechte Road, Mount Waverley

Highvale Preschool, 56 Campbell Street, Glen Waverley

Holmesglen Reserve Rugby Pavilion, 65A Power Avenue, Ashwood

Hughesdale Community Centre, 162-166 Poath Road, Hughesdale

Hughesdale Kindergarten, 8 Freda Street, Hughesdale

Huntingdale Hall & Kindergarten Complex, 38 Clarendon Avenue, Huntingdale

Jack Edwards Reserve West (Soccer) Pavilion, Edwards Street, Oakleigh

Jack Edwards Reserve East (Frank Thompson) Pavilion, Edward Street, Oakleigh

Jack Edwards Reserve Grandstand, Edward Street, Oakleigh

Jells Park Preschool, 37 Petronella Avenue, Wheelers Hill

Jingella Reserve Pavilion, Jingella Avenue, Ashwood

Jordan Reserve Pavilion, Burton Street, Chadstone

Jordanville Maternal and Child Health Centre & Preschool Complex, 36 Burton Street, Chadstone

Kemp Lodge - Family and Community Care Network, 583 Ferntree Gully Road, Glen Waverley

Kerrie Maternal and Child Health Centre, 35 Boyanna Road, Glen Waverley

Kerrie Neighbourhood House, 36 Kincumber Drive, Glen Waverley

Larpent Reserve Pavilion Complex, Hammence Street, Glen Waverley

Legend Park Preschool, 56 King Arthur Drive, Glen Waverley

Legend Park Preschool Store, 56 King Arthur Drive, Glen Waverley

Legend Park Tennis Pavilion, 85-95 Capital Avenue, Glen Waverley

Lum Reserve Pavilion Complex, Cintra Avenue, Wheelers Hill

Lum Reserve Tennis Club Pavilion, Cintra Avenue, Wheelers Hill

Mayfield Park Reserve Pavilion Complex, 12A Mayfield Drive, Mount Waverley

Mayfield Park Tennis Club, 12A Mayfield Drive, Mount Waverley

Men's Shed, 49-77 Bogong Avenue, Glen Waverley

Monash Community Inn, 72 Clayton Road, Clayton

Monash Aquatic Centre, 626 Waverley Road, Glen Waverley

Monash Enterprise Centre (Business Incubator), 5A Hartnett Close, Mulgrave

Monash Gallery of Art & Wheelers Hill Library Complex, 860C Ferntree Gully Road, Wheelers Hill

Monash Gardens Village Independent Living Units, 97-99 Monash Drive, Mulgrave

Monash Gardens Village Independent Living Units, Stage 2, 97-99 Monash Drive, Mulgrave

Monash Gardens Nursing Home, 355 Wellington Road, Mulgrave

Monash Volunteer Resource Centre, 5 Myrtle Street, Glen Waverley

Monash Seminar & Training Centre, 1A Atherton Road, Oakleigh

Monash Youth and Family Services Centre, 14 Bogong Avenue, Glen Waverley

Mount Street Neighbourhood House, 6 Mount Street, Glen Waverley

Mount Waverley Reserve Pavilion, 38-42 Charles Street, Mount Waverley

**Mount Waverley Tennis Pavilion** 

Mount Waverley Library, 41 Miller Crescent, Mount Waverley

Mount Waverley Youth Centre, 45 Miller Crescent, Mount Waverley

Mount Waverley Community Centre, 47 Miller Crescent, Mount Waverley

Mount Waverley Community Centre Garage, 45 Miller Crescent, Mount Waverley

Mount Waverley Maternal & Child Health Centre & Preschool Complex, 35 Sherwood Road, Mount Waverley

Mulgrave Community Centre, 355 Wellington Road, Mulgrave

Mulgrave Maternal and Child Health Centre, 55 Shaftsbury Drive, Mulgrave

Mulgrave Preschool, 68-72 Albany Drive, Mulgrave

Mulgrave Preschool Store, 68-72 Albany Drive, Mulgrave

Mulgrave Reserve Pavilion, Garnett Road, Mulgrave

Napier Park Reserve West Pavilion Complex, 956 High Street Road, Glen Waverley

Napier Park Reserve East Pavilion, 956 High Street Road, Glen Waverley

Napier Park Reserve South Pavilion Complex, 956 High Street Road, Glen Waverley

Nara Preschool, 1 Sadie Street, Mount Waverley

North Oakleigh Tennis Club, Timmings Street, Mount Waverley

Notting Hill Hall Complex, 386 Ferntree Gully Road, Notting Hill

Notting Hill Neighbourhood House, 31-37 Westerfield Drive, Notting Hill

Notting Hill Pinewood Tennis Club Pavilion, 1-9 Baker Avenue, Glen Waverley

Oakleigh Bowling Club, Logie Street, Oakleigh

Oakleigh Golf Course Pro Shop, Park Road, Oakleigh

Oakleigh Golf Course Workshop, Stamford Road, Oakleigh

Oakleigh Library Complex, 148 Drummond Street, Oakleigh

Oakleigh Recreation Centre, Park Road, Oakleigh

Oakleigh Tennis Club Clubrooms, Park Road, Oakleigh

Oakleigh Youth Club Complex, 40 Haughton Road, Oakleigh

Oakleigh Service Centre, 3 Atherton Road, Oakleigh

Pinewood Maternal and Child Health Centre, 7-13 Pinewood Drive, Mount Waverley

Pinewood Preschool, 7-13 Pinewood Drive, Mount Waverley

Pinewood Reserve Pavilion Complex, 7 Pinewood Drive, Mount Waverley

Princes Highway Reserve West Complex, 1658-1660 Dandenong Road, Oakleigh East

Princes Highway Reserve East Complex, 1658-1660 Dandenong Road, Oakleigh East

Scotchmans Run Reserve Pavilion, 2-12 Estelle Street, Oakleigh

South Oakleigh MCHC, 1228 North Road, Oakleigh South

South Oakleigh Bowling Club, North Road, Oakleigh South

Southern Reserve Southern Community Centre, Rupert Drive, Mulgrave

Southern Reserve Pavilion, Rupert Drive, Mulgrave

Wellington Tennis Club Pavilion, Rupert Drive, Mulgrave

St John's Preschool, 2 Carmichael Road, Oakleigh East

Stan Riley Reserve BMX Clubrooms, 1051 Centre Road, Oakleigh South

Syndal Preschool, 2 Matthew Street, Glen Waverley

W A Scammell Reserve Complex, 1216 North Road, Oakleigh South

Tally Ho Preschool, 24 Martin Place, Glen Waverley

Tally Ho Reserve Pavilion Complex, Bennett Avenue, Mount Waverley

Tally Ho Tennis Club, 42 Bennett Avenue, Mount Waverley

The Highway Gallery, 14 The Highway, Mount Waverley

WAC Administration Building, 390 Ferntree Gully Road, Notting Hill

WAC Depot Store / Trades, 390 Ferntree Gully Road, Notting Hill

WAC Social Club/Amenities, 390 Ferntree Gully Road, Notting Hill

WAC Nursery Office, 390 Ferntree Gully Road, Notting Hill

Wadham House, 52 Wadham Parade, Mount Waverley

Warrawee Park Bandstand, 99 Drummond Street, Oakleigh

Warrawee Park Oval Grandstand Pavilion, 46B Warrigal Road, Oakleigh

Ward Ave Preschool, 4 Ward Avenue, Oakleigh South

Waste Transfer Office Building, 380 Ferntree Gully Road, Notting Hill

Waverley Basketball Centre & Jordanville Community Centre Complex, Batesford Reserve, Chadstone

Waverley Meadows Preschool, 6-12 Farnham Avenue, Wheelers Hill

Waverley Women's Sports Centre Indoor Netball Facility, 2-32 Jells Road, Wheelers Hill

Waverley Women's Sports Centre Softball Pavilion, 2-32 Jells Road, Wheelers Hill

Waverley Women's Sports Centre, Wheelers Hill

Wayburne Preschool, 579 Waverley Road, Mount Waverley

Waverley Community Learning Centre 5 Fleet Street, Mount Waverley

Wavlink 36 Myrtle Avenue, Glen Waverley

Wavecare 155 Coleman Parade, Glen Waverley

Warrawee Park, Oakleigh

Waverley Meadows Preschool, 6 Farnham Avenue, Wheelers Hill

Waverley Youth Housing Group, 14 Bogong Avenue, Glen Waverley

Wellington Preschool, 53 Shaftesbury Drive, Mulgrave

Wellington Reserve Pavilion Complex, Bevis Street, Mulgrave

Wellington Community Centre Complex, Mulgrave

Wheelers Hill Tennis Club, Sunnybrook Drive, Wheelers Hill	
Whites Lane Tennis Club Pavilion, Whites Lane	
Wilkinson Pavilion, 46B Warrigal Road, Oakleigh	
Waverley Gymnastic Centre, Dorrington Drive Mount Waverley	