



CITY OF
MONASH

LOCAL LAW NO. 4 – PROHIBITION ON SMOKING

Commencement date – 1 October 2011

CITY OF MONASH

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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 <i>reserve</i> 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 <i>road</i> 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.

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

THE COMMON SEAL of MONASH CITY)
COUNCIL was hereunto affixed)
this day of 2011)
in the presence of:)

.....

.....

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
Warrabee Park Bandstand, 99 Drummond Street, Oakleigh
Warrabee 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
Wavcare 155 Coleman Parade, Glen Waverley
Warrabee 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