



## **Local Law No. 6**

## **(Smoke Free Places) 2015**

**Original as in force on 7 August 2015**

It is hereby certified that this is a true and correct copy of  
*Local Law No. 6 (Smoke Free Places) 2015* made, in accordance with  
the *Local Government Act 2009*, by the Council of the City of Logan.

C. C. Rose  
Chief Executive Officer



# Local Law No. 6 (Smoke Free Places) 2015

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# **Logan City Council**

## **Local Law No. 6**

### **(Smoke Free Places) 2015**

#### **Part 1 Preliminary**

##### **1 Short title**

This local law may be cited as *Local Law No. 6 (Smoke Free Places) 2015*.

##### **2 Application and object**

- (1) This local law and any subordinate local law made under this local law apply to the whole of the Logan City Council local government area.
- (2) The object of this local law is to regulate smoking in a smoke free place to promote a healthy environment and enhance the general amenity and appearance of the local government area through—
  - (a) establishing smoke free places; and
  - (b) specifying a penalty for offences in respect of smoking in a smoke free place.

##### **3 Relationship to other laws**

This local law is made pursuant to the *Tobacco and Other Smoking Products Act 1998*.

##### **4 Definitions—the dictionary**

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

#### **Part 2 Regulation of smoke free places**

##### **5 Declaration of a smoke free place**

- (1) The local government may, by a subordinate local law—
  - (a) declare the whole or part of an outdoor pedestrian mall or a public transport waiting point to be a smoke free place; or
  - (b) change the boundaries of a smoke free place; or
  - (c) revoke the declaration of a smoke free place.
- (2) The boundaries of a smoke free place must be defined in the subordinate local law.

**6 A person must not smoke in a smoke free place**

A person must not smoke in a smoke free place.

Maximum penalty—20 penalty units.

**7 Direction**

- (1) A person must comply with an oral direction not to contravene section 6 given by an authorised person.

Maximum penalty—20 penalty units.

- (2) The giving of a direction in section 7(1) (Direction) does not prevent an authorised person from taking any other action under this local law or any other applicable law.<sup>1</sup>

## **Part 3 Signage**

**8 Local government to exhibit a sign**

- (1) The local government must exhibit a no smoking sign at the entrance of a smoke free place if the local government makes a subordinate local law pursuant to section 5 (Declaration of a smoke free place).
- (2) However, section 8(1) (Local government to exhibit a sign) of this local law does not apply if the local government determines by resolution that a sign should not be exhibited in accordance with section 8(1) (Local government to exhibit a sign) of this local law.

*Example—*

The local government may determine not to erect a sign if the local government is of the opinion that—

- the sign would cause a visual nuisance;
  - the sign would encourage vandalism; or
  - the sign would not be cost effective; or
  - the smoke free place does not have a designated entrance.
- (3) It is not material to the commission of an offence under sections 6 (A person must not smoke in a smoke free place) or 7 (Direction) that a person was not aware of the sign in subsection (1) or whether the sign had been removed or defaced.

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<sup>1</sup> For example the *Environmental Protection Act* section 440D provides the general offence of littering which would apply to the disposal of cigarette butts.

## **Part 4                      Subordinate local laws**

### **9                      Subordinate local laws**

The local government may in a subordinate local law—

- (a)        declare a smoke free place pursuant to section 5 (Declaration of a smoke free place); and
- (b)        specify a sign to be a no smoking sign pursuant to the Schedule (Dictionary) of this local law.

## Schedule Dictionary

section 4

**authorised person** means a person authorised by the local government pursuant to *Local Law No. 2 (Administration) 2010* to exercise the powers of an authorised person under this local law.

**no smoking sign** means a sign declared to be a no smoking sign in a subordinate local law.

**outdoor pedestrian mall** has the meaning given in the *Tobacco and Other Smoking Products Act 1998*.

**public transport waiting point** means a public transport waiting point under the *Tobacco and Other Smoking Products Act 1998* which is not in an enclosed place and is under the control of the local government.

**sign** means a device that publicises a matter.

**smoke** has the meaning given in the *Tobacco and Other Smoking Products Act 1998*.

**smoke free place** means the whole or part of an outdoor pedestrian mall or a public transport waiting point that is declared to be a smoke free place under section 5 (Declaration of a smoke free place) of this local law.