

House of Assembly—No 46

As received from the Legislative Council and read a first time, 13 November 2008

South Australia

**Local Government (Miscellaneous) Amendment
Bill 2008**

A BILL FOR

An Act to amend the *Local Government Act 1999*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Local Government (Miscellaneous) Amendment Act 2008*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Local Government Act 1999*

3—Insertion of section 240A

10 After section 240 insert:

240A—By-laws about smoking

- (1) A council may make by-laws prohibiting smoking in a specified public place.
- 15 (2) A by-law under this section does not operate in relation to a public place that is subject to a licence under the *Liquor Licensing Act 1997*.
- (3) A council must fix the following penalties for a breach of a by-law made under this section:
 - 20 (a) a maximum penalty of \$200; and
 - (b) an expiation fee of \$20.
- (4) If a council makes a by-law under this section, notices setting out the effect of the by-law must be erected in such numbers and in positions of such prominence that the signs are likely to be seen by persons within the public place.

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- (5) To avoid doubt, a by-law under this section is not inconsistent with the *Tobacco Products Regulation Act 1997* merely because it prohibits smoking in a place in which smoking is not banned under that Act.
 - (6) Despite section 6 of the *Expiation of Offences Act 1996*, an expiation notice for a by-law made under this section may be given to a child who has attained the age of 15 years.