

## Warringah Council Policy

### Policy No. STR-PL 825

### Smoke-free Public Places Policy

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#### 1 The purpose of this Policy is

- To protect members of the community from the health and social impacts of smoking by others in public places;
- To provide a rationale and framework for the management of smoking in public places;
- To provide a consistent process to identify places where the Policy will apply; and
- To contribute to the protection of the environment from the impacts of discarded cigarette butts.

#### 2 Policy statement

This Policy:

- Bans smoking in public places where people will be in close association, and/or are a focus for children's activities, due to Council provision of services and assets;
- Bans smoking in and near Council-owned buildings; and
- Promotes voluntary arrangements to improve management of smoking in other public places owned or managed by Council.

#### 3 Principles

The Policy recognises that:

- Passive smoking has identified and quantified health risks;
- Children are most vulnerable to the effects of passive smoking on respiratory illness and asthma (Cancer Council; NHMRC);
- Where Council provides assets and services intended to be a benefit to children and other members of the community, Council has an obligation to promote public health outcomes;
- The data for public health impacts of smoking in well ventilated open space areas are complex, and that some of these impacts are indirect and cumulative and not related to the inhalation of smoke. Indirect effects can result from children playing with, and swallowing, discarded butts, and from the accumulation of cigarette-derived particles on clothing and skin;
- The *Smoke-free Environment Act 2000* has been amended increasing the public outdoor areas where smoking is banned. These areas include:
  - i) Within 10 metres of children's play equipment in outdoor public spaces;
  - ii) Swimming pool complexes;
  - iii) Spectator areas at sports grounds or other recreational areas during organised sporting events;
  - iv) Railway platforms, light rail stops, light rail stations, bus stops, taxi ranks and ferry wharves;
  - v) Within 4 metres of a pedestrian access point to a public building; and

- vi) From 6 July 2015, in commercial outdoor dining areas.
- NSW Health is the authority responsible for the administration and enforcement of the *Smoke-free Environment Act 2000*. Complaints relating to persons smoking in areas defined under the *Smoke-free Environment Act 2000* shall be referred to NSW Health.
- Council support further restrictions of areas, in addition to the current legislative requirements, where smoking is banned and that this be primarily implemented by education rather than by enforcement.

Additional smoke-free outdoor public places banned under this Policy include:

- i) Within the grounds of Brookvale Oval;
- ii) On beaches;
- iii) At all outdoor dining areas on Council land (footpaths and other access ways);
- iv) In Council-owned parking stations that are partly or fully enclosed by walls and ceilings; and
- v) At all activities and functions run or promoted by Council.

In addition to the bans identified above, Council will:

- Encourage sporting clubs in Warringah to adopt the codes promoted by NSW Health as part of the "Smoke free NSW" program, including:
  - Banning smoking by under 18s at club activities;
  - Banning coaches from smoking whilst coaching or training;
  - Banning smoking by team players at training sessions;
  - Requiring team meetings on the field or during breaks to be smoke-free;
  - Banning the sale of tobacco products at club facilities;
  - Designating outdoor smoking areas in compliance with the Policy.
- Implement educational programs to support the Policy and to promote community awareness and acceptance;
- Include specific requirements that this Policy be enforced in any leases, licences or other estates that apply to Council owned and managed lands and properties.

Notices or signs shall be displayed indicating by words and or symbols that smoking is not permitted in the area, where required under the *Smoke-free Environment Act 2000* or by Council's lease agreement or approval.

For the purpose of outdoor dining areas and other areas leased or licensed from Council on an exclusive basis, an occupier must display signs, in a form approved by Council and at the cost of the occupier, in an outdoor dining area.

For the purpose of sports grounds and courses and sporting facilities leased or licensed from Council on an exclusive basis, a lessee or licensee must display signs, in a form approved by Council and at the cost of the lessee or licensee, near the boundaries of, and normal entrance points to, the sports ground or course or sporting facility.

#### **4 Amendments**

This Policy was amended on:

- 25 May 2010 and
- 6 August 2013.

#### **5 Authorisation**

This Policy was originally adopted by Council on 28 September 2004.

The Policy is due to be reviewed in August 2017.

**6 Who is responsible for implementing this Policy?**

Group Manager - Development and Compliance Services

Group Manager - Parks, Reserves and Foreshores

Group Manager - Roads, Traffic and Waste

Group Manager - Community Services

Group Manager - Buildings, Property and Spatial Information

Group Manager - Warringah Aquatic Centre

**7 Document owner**

Deputy General Manager – Environment

**8 Legislation and references**

Smoke-free Environment Act 2000

[legislation.nsw.gov.au/maintop/view/inforce/act+69+2000+cd+0+N](http://legislation.nsw.gov.au/maintop/view/inforce/act+69+2000+cd+0+N)

NSW Health

[health.nsw.gov.au/tobacco/Pages/smokefree-legislation.aspx](http://health.nsw.gov.au/tobacco/Pages/smokefree-legislation.aspx)

Cancer Council

[cancercouncil.com.au/31928/reduce-risks/smoking-reduce-risks/going-smoke-free/smoking-and-the-law/?pp=31928](http://cancercouncil.com.au/31928/reduce-risks/smoking-reduce-risks/going-smoke-free/smoking-and-the-law/?pp=31928)

National Health and Medical Research Council

[nhmrc.gov.au](http://nhmrc.gov.au)

Heart Foundation

[heartfoundation.org.au/driving-change/current-campaigns/local-campaigns/Pages/nsw-smoke-free.aspx](http://heartfoundation.org.au/driving-change/current-campaigns/local-campaigns/Pages/nsw-smoke-free.aspx)

**9 Definitions**

The relevant definitions of the *Smoke-free Environment Act 2000*, and the *Local Government Act 1993* apply to this Policy.