

POLICY:-	
Policy Title:	Smoke Free Zones – Playgrounds, Playing Fields and Sporting Grounds Policy
File reference:	F10/618-04
Date Policy was adopted by Council initially:	28 February 2008
Resolution Number:	66/08
Other Review Dates:	15 December 2011
Resolution Number:	484/11
Current Policy adopted by Council:	18 June 2015
Resolution Number:	151/15
Next Policy Review Date:	2018

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy Developed by:	WHS Coordinator
Committee/s (if any) consulted in the development of this policy::	WHS Committee
Responsibility for implementation:	Manex Committee
Responsibility for review of Policy:	Director of Works and Operations

OBJECTIVE

- Improve the health of community members, especially children
- Improve public amenity and maintenance of Council property;
- Raise community awareness of the negative health outcomes associated with smoking
- Minimise cigarette butt pollution on Council owned waterways, parks and other open space areas
- To maximise the health benefits of sport particularly for children by removing the risk of passive smoking from the immediate surrounds of sporting fields and playgrounds
- To reinforce the requirements set out in NSW Smoke-free Environment Act 2000 and the Tobacco Legislation Amendment Act 2012

Scope

This policy recognises that Council has:

An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community;

A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces;

An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and

An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

Policy

Council has banned smoking in the following areas:

- Smoking in, and within 10 (ten) metres of all children's playground areas;
- Around all Council playing fields, sporting grounds and at outdoor sporting facilities;
- On all land used for alfresco dining (alternatively lease conditions may be used);
- At all events run or sponsored by Council;
- Within 10 (ten) metres of Council owned building entrances as well as those managed by Council; and
- At all covered bus stops

Legislation

Under the NSW Local Government Act 1993 Council has the power to:

- Erect suitably worded and strategically placed notices in "public places" (such places including but not limited to public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools,

- public parks and public roads) within the local government area of [locality] prohibiting smoking (see, relevantly, s.632 (1) and (2)(e) of the Act);
- Serve, by means of an authorised person, a penalty notice (Penalty \$110.00) upon any person who fails to comply with the terms of any such notice (see, relevantly, s.679 of the Act and cl.5-7 of, and Schedule 1 to, the General Regulation);
- Demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice (see, relevantly, s.680 of the Act);
- Remove, by means of an authorised person, from community land any person who fails to comply with the terms of any such notice (see, relevantly, s.681 of the Act); and
- Otherwise prohibit smoking in any place within the local government area of (name), in respect of which Council is the owner or occupier, as a condition of entry to that place.

Authorised Persons

The following (name) Council staff are “authorised persons”:

- Council Rangers

Signage

The following Council open space areas will be signposted, wherever practicable, to provide smoke-free zones:

- Within 10 (ten) metres of all children’s playgrounds;
- Around all Council playing fields, sporting grounds and at outdoor sporting facilities;
- On all land used for alfresco dining (alternatively lease conditions may be used);
- At all events run or sponsored by Council;
- Within 10 (ten) metres of Council owned building entrances;
- At all covered bus stops.

Leases, licenses and other Council agreements

Council buildings and outdoor dining areas that are leased, licensed or hired by Council will have smoke-free clauses inserted into their agreements for use.

Enforcement of Ban

Enforcement of this Policy will supported by persuasion and self-policing, rather than punitive enforcement.

RELEVANT LEGISLATION AND COUNCIL POLICIES

NSW Local Government Act 1993
Smoke – Free Environment Act 2000
Tobacco Legislation Amendment Act 2012
Smoking in the Workplace policy

Variation

Council reserves the right to vary or revoke this policy.