



OUTDOOR SMOKE-FREE POLICY POLICY 4.71

OUTDOOR SMOKE-FREE POLICY

DIVISION: WORKS & SERVICES

PILLAR: ECONOMIC & COMMUNITY DEVELOPMENT

FILE / BINDER: Environmental Health/Public Health/Legislation/Acts

OBJECTIVES:

The objectives of Camden Council in banning smoking in various Council areas are to:

- Improve the health of community members;
- Improve public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community;
- Minimise cigarette butt pollution on Council owned parks and other open space area.

PRINCIPLES:

This policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be 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.

LEGISLATION:

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

- Erect suitably worded and strategically placed notices in public places within the local government area of Camden prohibiting smoking (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 (s.679 of the Act and Schedule 1 to, the General Regulations);
- Demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with terms of any such notice (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 (s.681 of the Act); and
- Otherwise prohibit smoking in any place within the local government area of Camden, in respect of which Council is the owner or occupier, as a condition of entry to that place.

AUTHORISED PERSONS:

The following Camden Council staff are authorised persons:

- Council Rangers

SIGNAGE:

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

Examples:

- Within 10 metres of all children's playgrounds;
- Around all Council playing fields, sporting grounds and at outdoor sporting facilities, including the Camden Pool and Mount Annan Leisure Centre;
- Within 10 metres of Council owned building entrances;
- Within 10 metres of sheltered bus stops and taxi ranks.

Signs will be installed in prominent places in open space areas listed above. The signs will include the international no-smoking symbol and where appropriate will include wording: *WARNING: Heavy Penalty. Regulated under Section 632 NSW Local Government Act 1993.*

LEASES, LICENSES AND OTHER COUNCIL AGREEMENTS

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

ENFORCEMENT

In implementing Council's Smoke-Free Outdoor Policy a program of community education and awareness, specifically targeting residents and day visitors, is to be undertaken. The purpose of the program of educating and raising awareness is to support the community to implement changes themselves without reliance on punitive actions to help direct that change.

Enforcement of this Policy therefore will be primarily by persuasion and self-policing, rather than punitive enforcement, although the latter is available where deemed appropriate.

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RELEVANT LEGISLATION: NSW Local Government Act, 1993 -
s.632(1) and (2)(e) of the Act;
s.679 of the Act and Schedule 1 to, the
General Regulations;
s.680 of the Act; and
s.681 of the Act

RELATED POLICIES: n/a

DELEGATIONS: No

SUSTAINABILITY ELEMENT: No

STAFF TRAINING REQUIRED? No

NEXT REVIEW DATE: April 2010

PREVIOUS POLICY

ADOPTED: n/a
MINUTE: n/a