

Wagga Wagga City Council

SMOKE-FREE OUTDOOR AREAS POLICY

REFERENCE NUMBER	POL 009		
ORIGINAL APPROVAL DATE	March 2009		
RESPONSIBLE MANAGER	Manager Environment and City Compliance		
RESPONSIBLE DIRECTORATE	Community		
<p>This document is to be reviewed: every four years or in the first twelve months of the new term of Council, whichever is the earliest. Next Review Date: September 2020</p>			
Revision number	Issue Date	Council Resolution	Council Meeting Date
1	30/03/2009	Res No: 09/053	30 March 2009
2	1/08/2012	E Team	22 January 2013
3	August 2013	Res No: 13/224.1	26 August 2013
4	June 2016	Res No: 15/342	14 December 2016
5	August 2017	Res No: 17/279	28 August 2017

PART 1: INTRODUCTION

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life threatening health impacts including heart disease, cancer, asthma and other respiratory problems. While most of the evidence relates to indoor exposure, there is emerging evidence on how smoking affects air quality in outdoor locations such as alfresco dining areas, building entrances and playgrounds. This policy is in the interests of the health of our local community, employees, visitors and the environment.

1.1 Policy Objectives

The objectives of Wagga Wagga City 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 waterways, parks and other open space areas.

PART 2: POLICY CONTENT

2.1 Policy Principles

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.

2.2 Policy Details

This policy prohibits Smoking within ten (10) metres of the entrance to all Wagga Wagga City Council buildings

2.3 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 children’s play grounds, the entrances to Wagga Wagga Airport Terminal, Oasis, Crematorium, Civic Centre and other Council buildings) within the local government area of Wagga Wagga prohibiting smoking (s.632 (1) and (2)(e) of the Act);
- For failing to comply with policy after verbal warning 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 cl.5-7 of, and Schedule 1 to, the General Regulation); and
- Otherwise prohibit smoking in any place within the local government area of Wagga Wagga, in respect of which Council is the owner or occupier, as a condition of entry to that place.
- Include in all alfresco dining agreements the prohibition of smoking within the licensed area.

The *Smoke-free Environment Act 2000* has been amended to ban smoking in the following outdoor places from 7 January 2013:

- Within 10 metres of children’s play equipment in outdoor public places;
- Public swimming pools;
- Spectator areas at sports grounds or other recreational areas used for organised sporting events;
- Public transport stops and platforms; including ferry wharves and taxi ranks;
- Within 4 metres of a pedestrian access point to a public building; and

The ban on smoking in commercial outdoor dining areas in licensed premises and restaurants commence on 6 July 2015.

NSW Health is responsible for the administration and enforcement of the requirements under the *Smoke-free Environment Act 2000*.

2.4 Enforcement of Policy

Where Councils have policies which prohibit smoking in locations not covered by state-wide legislation (*Smoke-free Environment Act 2000*) or where policies go further than the state bans, they are enforced by Council.

Community support for this policy should ensure that the bans are self-policed, providing the community benefit which Wagga Wagga City Council aims to achieve. If self-policing does not achieve the objectives of this policy, enforcement options may occur as detailed above.