



**Policy register**  
 incorporating  
 policies, procedures and protocols

## Smoke free public areas

<b>Policy, procedure protocol</b>	Smoke free public areas policy
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<b>Date revoked</b>	
<b>Documents superseded</b>	Smoke Free Public Areas Policy V1.01 adopted 20/10/2009
<b>Related documents</b>	Clarence Valley Council Smoke Free Workplace Protocol
<b>Relevant delegations</b>	
<b>Responsible officer</b>	Manager Assets

## 1. Purpose

The aim of creating smoke free public areas on land owned and/or managed by Clarence Valley Council is to:

- Protect the health of community members, in particular children;
- Improve public amenity and maintenance of Council properties;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social well being of the community; and
- Minimise cigarette butt pollution on Council owned/managed lands and in the Valleys' open space environments and waterways generally.

## 2. Definitions

*Authorised person(s): Clarence Valley Council Rangers and Officers.*

*Public area: an area set aside for public recreation on Council owned and/or managed land, including: children's playgrounds; covered bus stops and taxi ranks; public jetties; patrolled beaches; sporting fields; sports stadiums and centres; public swimming pools; squash courts; tennis courts; croquet lawns; community buildings; and footpaths within areas of commercial zoning.*

## 3. Background/legislative requirements

In March 2007, the Cancer Council surveyed NSW residents and found overwhelming community support for smoking restrictions in the following areas:

- 92% support bans in children's playgrounds;
- 85% support bans outside workplace doors/entrances;
- 80% support bans in sports stadiums;
- 69% support bans in outdoor dining areas; and
- 65% say they avoid places where they may be exposed to other people's smoke.

Under the *NSW Local Government Act 1993* Council has the power to legislate in their own jurisdiction to protect their local communities from the effects of second-hand smoke. In particular, Council has the discretionary power to:

- erect suitably worded and strategically placed signage in public recreation areas; and
- prohibit smoking in any place within the local government area of Clarence Valley in respect of which Council is the owner or occupier, as a condition of entry to that place.

Council's workplaces and other enclosed public places are already smoke-free as a requirement under the *Smoke-Free Environment Act 2000*. This legislation requires enclosed public places in NSW to be smoke-free, including community halls and centres, and this Policy is an extension of this philosophy.

#### **4. Policy, protocol or procedure statement**

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.

#### **5. Procedures**

The following Council public areas will be signposted, wherever practicable, to provide smoke free public areas:

- Within fifteen (15) metres of all children's playgrounds;
- Within fifteen (15) metres of all covered bus stops and taxi ranks;
- Within fifteen (15) metres of Council playing fields, sporting fields, sport centres and at outdoor sporting facilities where active sport is being played;
- At all events run or sponsored by Council;
- At all patrolled beaches, within fifteen (15) metres to the north and south of the patrolled area; public jetties;
- Within fifteen (15) metres of Council owned building entrances, including sports stadiums and centres, swimming pools, tennis courts, squash courts and community buildings; and
- On all Council owned footpaths within areas of commercial zoning.

This Policy does not apply to the following public areas:

- Public footpaths outside of areas of commercial zoning; and

- General parks, gardens and open spaces, including grassed areas behind and/or adjacent to patrolled beaches.

The copyrighted smoke-free areas logo will be available to Clarence Valley Council for use on such signage. An example of the logo is below:



## 6. Enforcement

This policy will be supported by occasional enforcement blitzes as deemed necessary, or in conjunction with other enforcement activities. Council Rangers are delegated authority to issue \$110 On The Spot fines, under the Local Government Act 1993 Section 632, Acting contrary to notices erected by Council.

## 7. Leases, Licenses and other Council Agreements

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

## 8. References

Smoke-Free Outdoor Areas – A Resource Kit for Local Government