

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	13 Dec 2011	0400	13 Dec 2011
2	13 Aug 2013	0255	13 Aug 2013
3	22 Aug 2017	17/205	22 Aug 2017
4	23 Aug 2022	22/209	23 Aug 2022
5	13 Feb 2024	24/031	13 Feb 2024

2 Policy Objective

The objectives of Griffith City Council in banning smoking and using e-cigarettes on Council owned and controlled land, outdoor public areas and within vehicles is 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; and
- Minimise cigarette butt pollution on Council owned and controlled land and within public places.

3 Policy Statement

This policy prohibits smoking and using e-cigarettes in the following areas on Council owned and controlled land, outdoor public areas and within vehicles specifically:

- Within ten (10) metres of all children's playground 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 taxi ranks;
- Within 4 metres of a pedestrian access point to a public building;
- In commercial outdoor dining areas being:
 - a seated dining area;
 - within 4 metres of a seated dining area on licensed premises, restaurant or café; and
 - within 10 metres of a food fair store or on public land as approved by Council.
- Within ten (10) metres of Council owned or managed buildings; and
- Within cars with a child under the age of 16 years in the vehicle.

3.1 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 effect of passive smoking and using e-cigarettes 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 and using e-cigarettes 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.

3.2 Authorised Persons

The following Griffith City Council staff are “authorised persons”:

- Environment & Public Health Coordinator
- Compliance Officers
- Planning & Environment Compliance Officer

The following State Government staff are “authorised persons”:

- NSW Health Authorised Inspectors
- NSW Police

3.3 Signage

The following open space areas will be signposted via signage or adhesive stickers, wherever practicable, to provide smoke-free zones:

- Within ten (10) metres of all children's playground equipment in outdoor public places.
- On all public land used for commercial outdoor dining areas being: a seated dining area; within 4 metres of a seated dining area on licensed premises, restaurant or café; within 10 metres of a food fair store or on public land as approved by Council (alternatively agreement/lease conditions may be used).
- Within ten (10) metres of Council owned building entrances.

3.4 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.

3.5 Enforcement

In implementing Council's Smoke-Free Outdoor Areas Policy a program of community education and awareness, specifically targeting residents and day visitors, may be undertaken.

Where Councils have policies which prohibit smoking and using e-cigarettes 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.

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

4 Definitions

Smoke means use, consume, hold or otherwise have control over a tobacco product, non-tobacco smoking product or e-cigarette that is generating smoke or an aerosol or vapour.

5 Exceptions

None

6 Legislation

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

- Erect suitably worded and strategically placed notices in "public places" (such as 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 Griffith prohibiting smoking (s.632 (1) and (2)(e) of the Act);
- Serve, by means of an authorised person, a penalty notice (current 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);
- 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 (s.681 of the Act); and
- Otherwise prohibit smoking and using e-cigarettes in any place within the local government area of Griffith, in respect of which Council is the owner or occupier, as a condition of entry to that place.

The *Smoke-free Environment Act 2000* has been amended to ban smoking and using e-cigarettes 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; and
- Within 4 metres of a pedestrian access point to a public building.

The ban on smoking and using e-cigarettes in commercial outdoor dining areas in licensed premises and restaurants commenced on 6 July 2015.

7 Related Documents

(WHS-PO-019) Smoking Policy – Internal Policy

8 Directorate

Sustainable Development