



WEDDIN SHIRE COUNCIL

POLICY NUMBER: 3.2.3

POLICY FOR NO SMOKING – PUBLIC PLACES & COUNCIL OWNED LAND

Adopted: 20 April 2017

POLICY FOR NO SMOKING – PUBLIC PLACES & COUNCIL OWNED LAND (NO. 3.2.3)

1. **Title:** Policy for No Smoking – Public Places and Council Owned Land
2. **Number:** Policy Number 3.2.2
3. **Purpose:**
The purpose of this policy is to lead the community towards a safer and healthier smoke-free environment.
4. **Application:**
The policy applies to the entire Weddin Shire Local Government area.
5. **Associated legislation:**
Local Government Act 1993
Smoke Free Environment Act 2000
6. **Policy**
 - 6.1 In the interests of providing a smoke-free environment, Council will discourage smoking in all public places and Council controlled land, in particular places used for recreation and places used by children.
 - 6.2 Council will declare smoke-free zones in the following areas:
 1. Within 10 metres of all children's play areas and facilities for the use of children.
 2. On all playing fields and sporting grounds(within the areas commonly used by players and officials)
 3. Footpath areas within 5 metres of the entrances to Council operational buildings.

“Smoke-free zone” means part of an outdoor area in which smoking is not permitted. The smoke-free zone will be identified by the presence of one or more signs displaying the phrase “smoke-free zone”. Smoking means smoking, holding or otherwise having control over an ignited smoking product. Smoking product includes any tobacco or other product that is intended to be smoked.
 - 6.3 Council will pursue declaration of smoke-free zones within footpath dining areas in all new or renewed licence agreements as required under Section 68 of the Local Government Act 1993.
 - 6.4 Council will work with sporting clubs and community groups using Council outdoor areas to promote this policy and to adopt NSW Health's "Smoke-Free NSW" programs including:
 1. Banning smoking by minors at club activities.
 2. Banning coaches and club officials from smoking at club activities including coaching and training.
 3. Banning smoking by club members and team members at all club activities including training sessions.
 4. Requiring team meetings on the field or during breaks to be smoke-free.
 5. Banning sale of tobacco products at club facilities or events.
 6. Erecting and maintaining appropriate notices and signs to educate, warn and enforce the bans.

POLICY FOR NO SMOKING – PUBLIC PLACES & COUNCIL OWNED LAND (NO. 3.2.3)

6.5 Council will undertake, on its own account or in conjunction with State and Commonwealth Health authorities, education campaigns on this issue for the benefit of residents and visitors.

6.6 Council will supply, upon request, to each delegated committee or association occupying or otherwise using a Council controlled property, sufficient signs to advise users of the smoking ban.

6.7 Erect and maintain suitable signage prohibiting smoking at all relevant locations in order to:

1. educate and warn persons of the prohibition
2. enforce the prohibition, and
3. highlight the adverse environmental and public health issues associated with smoking

6.8 Authority and Enforcement

Council has created this policy in accordance with Division 8 of the Local Government Act 1993 and the relevant provisions of the Smoke Free Environment Act 2000.

7. Non-Compliance

Under Section 632 of the Local Government Act 1993 – “*Acting contrary to notices erected by councils*” –

(1) A person who, in a public place within the area of a Council, fails to comply with the terms of a notice erected by the Council is guilty of an offence.

Maximum penalty: 10 penalty units.

(2) The terms of any such notice may relate to any one or more of the following:

- a) the payment of a fee for entry to or the use of the place
- b) the taking of a vehicle into the place
- c) the driving, parking or use of a vehicle in the place
- d) the taking of any animal or thing into the place
- e) the use of any animal or thing in the place
- f) the doing of any thing in the place
- g) the use of the place or any part of the place

8. Review and Amendment

- This policy shall be reviewed by September 2021 and thereafter at four (4) yearly intervals, to ensure it meets all statutory requirements and the needs of Council.

9. Adoption

- This policy commences as from the date of adoption by Council, being 20 April 2017 and replaces any previous policy.

10. History

Version	Details
3.2.1	Adopted 19 November 2009
3.2.2	Adopted 18 April 2013
3.2.3	Adopted 20 April 2017