

Smoke-Free Policy

Detail of Policy

Short Title	Smoke-Free Policy
Division	All
Category	Open Space/Council owned or managed property
Date adopted by Council	28 June 2010
Date ratified by Council	4 June 2012

COUNCIL POLICY

Objectives

The objectives of Willoughby City Council in banning smoking in various Council areas 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 beaches, waterways, parks and other open space areas.

Principles

This policy recognises that Council has:

- An obligation to promote public healthy 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.

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 public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the local government of Willoughby City prohibiting smoking (see, relevantly, 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 (see, relevantly, 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 (see, relevantly, s.681 of the Act); and
- Otherwise prohibit smoking in any place within the local government area of Willoughby City, in respect of which Council is the owner or occupier, as a condition of entry to that place.

Authorised Persons

Willoughby City Council Rangers are “authorised persons”:

Signage

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

- Within 20 (twenty) metres of all children’s playgrounds;
- On all playing fields, sporting grounds and sporting facilities including Northbridge Baths;
- Within all bushland, parks and reserves;
- In alfresco dining areas on public land
- At all events run or sponsored by Council;
- Within Chatswood Mall
- Within The Concourse
- Within ten (10) metres of Council owned or managed buildings including balconies or covered areas of those buildings, with the exception of those buildings leased (eg commercial premises, industrial units, residential dwellings);
- Within Council car parks
- At bus stops and taxi ranks.

The signs will include the international no-smoking symbol and the wording:
WARNING:

Heavy Penalty. Regulated under *s632 NSW Local Government Act 1993*.

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.

Enforcement of Ban

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

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