

Policy Name:	Smoke Free Outdoor Area Policy
File Number:	129/1
Council Reference:	Ordinary Council Meeting 8 September 2009 – Item 10.5
Date Approved:	8 th September 2009
Policy Review Date:	June 2015
Business Group:	Service Planning and Regulation
Responsible Officer:	Group Manager Service Planning and Regulation
OBJECTIVE	To define public areas where smoking is banned to create smoke free conditions.

1. PURPOSE OF THE POLICY

To define public areas where smoking is banned to create smoke free conditions.

2. POLICY OBJECTIVE

The specific objectives of the Smoke Free Outdoor Areas Policy are aimed at:

- improving the health of community members by banning smoking in public outdoor areas;
- improving the amenity and reduce maintenance of Council property;
- raising community issues associated with smoking;
- providing community leadership in taking measures to protect the health and social wellbeing of the community;
- reducing cigarette butt pollution on Council owned and controlled outdoor areas.

3. PRINCIPLES

The amended 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 of the damaging effects of passive smoking in regard to outdoor areas.
- provided community leadership in taking measures to protect the health and social wellbeing of the community;

4. POLICY STATEMENT

Maitland City Council, in the interests of the health of our local community and environment, bans smoking:

With effect January 2010:

- i. Within 10 metres of all children's playgrounds under Council's care and control
- ii. Within the boundaries of all sports grounds, swimming centres and sporting facilities (excluding car park areas and access roads)
- iii. Within 10 metres of Maitland Hospital entrances located on the Maitland Hospital boundary abutting High Street

With effect 1 July 2011

- iv. Within 10 metres of the entrances to Council owned or managed buildings and covered areas of those buildings;
- v. Alfresco dining areas on public land, where Council has conditioned such approvals to occupy the land.

5. 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 area of Maitland prohibiting smoking (specifically, 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 (Section 679 of the Act and clause 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 (Section 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 (Section 681 of the Act);
- Otherwise prohibit smoking in any place within the local government area of Maitland in respect of which Council is the owner or occupier, as a condition of entry to that place.

6. AUTHORISED PERSONS

The following staff are “authorised persons”:

- Enforcement Officers

7. ENFORCEMENT OF THE BAN

In implementing Council’s Smoke Free Outdoor Areas Policy a program of community education and awareness will be undertaken.

Enforcement of this policy will be by signage, positive persuasion and self-policing through the community.

Suitable signage, including the installation of new signage as well as the appendage of internationally recognised “no-smoking” symbols to existing signage.



8. RELATED LEGISLATION

- NSW Local Government Act 1993
- NSW Smoke-Free Environment Act 2000

9. REVIEW DATE

June 2015