

R6 RECREATION SMOKE-FREE POLICY

Department:	Shire Services
Unit:	Customer and Community Services
File:	F2004/07011 (F2004/06067 and F2004/06003)
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1 OBJECTIVE

The objective of Wyong Shire Council in banning smoking in various Council areas is to:

- * Protect members community members from the health impacts of smoking by others in public places;
- * 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;
- * Minimise cigarette butt pollution on open space areas

2 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 affects of passive smoking while well documented in regards to outdoor areas, is also beginning to emerge in regard to outdoor areas;
- * An understanding that children are most vulnerable to the effects of passive smoking;
- * An acknowledgment that the indirect effects of people smoking in an outdoor areas 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 POLICY STATEMENT

That smoke- free zones are declared in the following areas on Council owned and managed land:

- 1 At all sporting facilities. This includes all sports grounds and their associated infrastructure such as amenities buildings and car parks; tennis court and netball courts, skate and bmx parks, swimming centres; golf driving ranges and at Council events.
- 2 Within 30m of playgrounds on all parks and reserves.
- 3 Within 10m to the side and rear of red and yellow swimming flags on all patrolled beaches when patrols are present, and within 10m of rock pools, lake and ocean baths; barbeques, picnic furniture areas and alfresco dining areas.
- 4 Within 10m of entrances to Council owned or managed buildings, including balconies and covered areas of those buildings;
- 5 Within 10m all bus stops.
- 6 At all Council owned and managed pedestrian malls and plazas.
- 7 Within 10m all of covered taxi ranks located on Council owned or managed land.
- 8 At all events run or sponsored by Council.

4 LEGISLATION

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

- * Erect suitably worded and strategically placed notices in public places within the local government area of Wyong prohibiting smoking - Section 632 (1) and 2(e);
- * Serve by means of an authorised person, a penalty notice of \$110 upon any person who fails to comply with the terms of any such notice - Section 679;
- * Demand by means of an authorised person, the name and address of any persons reasonably suspected of failing to comply with the terms of any such notice - Section 680;
- * Remove, by means of an authorised person, from community land any persons who fails to comply with the terms of any such notice – Section 681; and
- * Prohibit smoking in any place within the local government area of Wyong, in respect of which Council is the owner or occupier, as a condition of entry to that place.

5 ENFORCEMENT OF BANS

- * In implementing Council's Smoke Free Policy, a program of community education and awareness, specifically targeting residents and visitors will be undertaken.
- * Enforcement of this policy will be supported by persuasion, self policing and punitive enforcement by authorised Council Officers.

6 DEFINITIONS

“*Smoke -free zone*” means part of an outdoor area in which smoking is not permitted.

“*Smoking*” means smoking, holding or otherwise having control over an ignited smoking product. Smoking products include any tobacco or other product that is intended to be smoked.

LEGISLATION: NSW Local Government Act 1993