	POLICY NO:	3.3.10(v2)
	POLICY TITLE:	Smoke Free Outdoor Area Policy
	DATE ADOPTED:	16/01/2012
	RESOLUTION NO:	24/2012
	SUPERCEDES:	Policy: 3.3.10 Smoke Free Outdoor Area Date adopted: 22/02/2010 Resolution No: 80/2010
	PROPOSED REVIEW DATE:	16/01/2015

Policy

Council complies with Section 632 of NSW Local Government Act 1993

Policy statement

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 effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas
- 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.

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

The objectives of these smoke free areas are to:

- Improve the health of community members
- Improve public amenity and maintenance of Council property
- Raise community awareness of the issues associated with smoking
- Minimise cigarette butt pollution on Council owned parks and swimming pool.

PROCEDURES

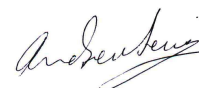
Related legislation

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

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baths, public swimming pools, public parks and public roads) within the Local Government area of Bourke Shire Council prohibiting smoking (specifically S632 (1) and (2)(e) of the Act).

- Remove by means of an authorised person from the swimming pool 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 Bourke Shire in respect of which Council is the owner or occupier, as a condition of entry to that place.

Authorised Persons

The following Council contractors are “authorised persons” to remove any person from the War Memorial Swimming Pool Complex:

- Pool Managers

Definitions

Swimming Pool - This is the War Memorial Swimming Pool Complex

Playground Equipment – This is children’s playground equipment found in public parks in the township of Bourke.

Defined Public areas

The defined public areas in which smoking is banned are:

- Within the grounds of the Bourke War Memorial Swimming Pool Complex
- Within 10 metres of all children’s playgrounds in public parks in the township of Bourke
- The areas will be defined by signs

Signs

Signs will be installed in prominent places in the open space areas listed above. The signs will include the international no-smoking symbol and relevant wording:



NO SMOKING
WITHIN 10 METRES
OF PLAYGROUND EQUIPMENT
WARNING: Heavy Penalty
Regulated Under S632
NSW Local Government Act 1993



NO SMOKING
WITHIN SWIMMING POOL
GROUNDS
WARNING: Heavy Penalty
Regulated Under S632
NSW Local Government Act 1993

History

Council currently bans smoking at all offices, libraries, vehicles and depots where staff works. The Cancer Council has advised that some 45 Local Government Areas have implemented some form of smoking ban in outdoor areas. They also believe that self regulation is reasonably successful.

Related Council Policies

2.3.9 – Non Smoking Policy

Related Legislation

S632 NSW Local Government Act 1993

Variation

Council retains the right to review, vary or revoke this policy at any time.

The General Manager has the right to review or vary these procedures.

Presented to Manex on: 5/12/2011

Policy adopted by Council: 16/01/2012