



SMOKE-FREE ENVIRONMENT POLICY

2015

**Tamworth Regional Council
Smoke-Free Environment Policy**

1. OBJECTIVES

The objectives of Tamworth Regional Council in banning smoking in various Council areas are to:

- Improve the health and well being 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 well being of the community;
- Minimise cigarette related litter on Council owned public outdoor 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 related litter found in public outdoor areas;
- 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 understanding 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
 - Sensory irritations such as eye watering, coughing, difficulty in breathing, asthma, or other respiratory problems.

3. 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, public swimming pools, public parks, public roads) within the local government area of Tamworth 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,

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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 Tamworth, in respect of which Council is the owner or occupier, as a condition of entry to that place.

4. AUTHORISED PERSONS

The following titles are “authorised persons” for the purposes of enforcement action concerning this policy:

- Tamworth Regional Council Rangers
- Tamworth Regional Council Environmental Health Officers
- Tamworth Regional Council Parking Officers
- NSW Police Officers

5. SMOKE-FREE AREAS

This policy prohibits smoking, including the use of electronic cigarettes, in the following outdoor public areas:

- All outdoor public areas currently covered by the *Smoke-free Environment Act 2000*.
- Tamworth CBD
 - Peel Street (between Bourke Street and Hill Street); and
 - Fitzroy Street (between Kable Avenue and Marius Street).
- Manilla CBD
 - Manilla Street (between Court Street and Market Street)
- Barraba CBD
 - Queen Street (between Alice Street and Savoy Street)
- All areas of properties where Council is owner, reserve trust manager or has care, control and management where such properties are:

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- Playing fields;
 - Sporting grounds and recreational facilities;
 - Bushland;
 - Parks, playgrounds and recreational reserves.
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- Public footpaths outside of schools, childcare centres and hospitals;
 - Within 4 metres of a pedestrian access point to a Council owned and/or operated buildings (excluding those which are privately leased);
 - Within alfresco dining areas on public land *where Council has conditioned such approvals to occupy the land.*

Suitably worded signs will be installed in prominent places in the areas listed above, where practicable. Signage will include the internationally recognised no smoking symbol to indicate that these areas are smoke-free.

6. LEASES, LICENCES 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.

7. ENFORCEMENT

Enforcement of this policy will be supported by signage, positive persuasion and self-policing amongst the community. Enforcement may involve issuing penalty infringement notices where required, as an additional measure to achieve compliance. Suitable signage will be installed in all applicable areas, where practicable. In implementing Council's Smoke-Free Environment Policy a program of community education and awareness will be undertaken.

8. VARIATION AND REVIEW

Council shall review this policy in 2017. Council reserves the right to vary or revoke this policy at its discretion.