

# GEORGES RIVER SMOKE FREE POLICY FOR OUTDOOR AREAS

## POLICY ADMINISTRATION

<b>Dates</b>	Policy approved 23/08/2021 This policy is effective upon its approval. Policy is due for review August 2024
<b>Approved by</b>	Council Meeting 23/08/2021 Council Resolution CCL052-21 (ENV039-21)
<b>Policy Type</b>	<input type="checkbox"/> Executive Policy <input checked="" type="checkbox"/> Council Policy
<b>Exhibition Period</b>	7/06/2021 – 19/07/2021
<b>Policy Owner</b>	Manager - Environment, Health and Regulatory Services
<b>Related Documents</b>	Council's <a href="#">Enforcement Policy</a>
<b>References &amp; Legislation</b>	<a href="#">Smoke-Free Environment Act 2000 (NSW)</a> <a href="#">Local Government Act 1993 (NSW)</a> NSW Environment Protection Authority – <a href="#">Reducing cigarette butt litter</a>
<b>Document Identifier</b>	Policy #: Pol-081.01 Doc #: D21/211667
<b>Breaches of Policy</b>	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
<b>Record Keeping</b>	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

## PURPOSE

This Policy outlines Council's commitment to improving the health of its community and the natural environment and amenity by reducing the community's exposure to passive smoking and reducing cigarette butt litter.

## SCOPE

This Policy applies to the use of Council owned or occupied land or buildings identified under this Policy as Designated Smoke Free Areas.

This Policy should be read in conjunction with the [Smoke-Free Environment Act 2000](#) (NSW), the [Local Government Act 1993](#) (NSW) and Council's [Enforcement Policy](#).

## DEFINITION OF TERMS

Term	Meaning
Authorised Officer	An employee of Georges River Council provided with delegated authority to act under the <a href="#">Local Government Act 1993</a> (NSW).
Community	People that live, work or invest in Georges River local government area. More specifically, Community includes residents, ratepayers, business owners, sporting groups, not-for-profit organisations, schools, religious institutions and State and Federal agencies.
Council	Georges River Council
Outdoor Areas	Those listed under Section 2 of this Policy - Designated Smoke Free Areas
Public Place	Also known as public land. Any land (including community land and operational land) vested in or under the control of Council, but does not include: a) A public road; or b) Land to which the <i>Crown lands Act 1989</i> applies; or c) A common; or d) Land subject to the <i>Trustee of Schools of Arts Enabling Act 1902</i> or e) A regional park under the <i>National Parks and Wildlife Act 1974</i> .

## POLICY STATEMENT

### 1. Guiding Principles

1.1. This Policy recognises that Council has:

- a) An important leadership role in protecting the health and wellbeing of the community;

- b) An understanding of the adverse health effects of passive smoking in regard to indoor and outdoor areas;
- c) An obligation to provide assets and services intended to benefit the health and wellbeing of the community; and
- d) A commitment to improving the natural environment and the local area's amenity by reducing the amount of cigarette butt litter found in outdoor spaces.

## 2. Designated Smoke Free Areas

2.1. The [Smoke-Free Environment Act 2000](#) (NSW) lists the following outdoor areas to be Smoke-Free areas across NSW:

- a) Within 10 meters of children's play equipment,
- b) Swimming pool complexes,
- c) Spectator areas of sporting grounds or other recreational areas when organised sporting events are being held,
- d) Within four metres of a pedestrian access point to a building,
- e) Bus stop and taxi ranks, and
- f) Commercial outdoor dining areas.

2.2. Section 632 of the [Local Government Act 1993](#) (NSW) gives powers to Council to erect Smoke-Free notices or signs in a public place within the Local Government Area. Currently, these areas include:

- a) Hurstville Memorial Square,
- b) Hurstville Plaza, and
- c) Kogarah Town Square

2.3. The following criteria will be used by Council in determining the suitability of other Council owned or occupied land to be Designated Smoke-Free Areas under this Policy:

2.3.1 Large public domain areas:

- a) of significant community congregation
- b) where visitors will have an extended stay due to the presence of seating/tables
- c) where significant community complaint has been received regarding outdoor smoking

- d) that can be easily defined from adjoining premises/land uses

### 3. Enforcement

- 3.1. NSW Health is the enforcement agency for the Designated Smoke Free Areas under 2.1 of this Policy in accordance with the [Smoke-Free Environment Act 2000](#) (NSW). Breaches of this Act are investigated and actioned by NSW Health Officers.
- 3.2. Section 632, 670 and 679 of the [Local Government Act 1993](#) (NSW) gives Council power to:
- a) Erect notices or signs in a public place within the local government area prohibiting smoking.
  - b) Issue penalty notices, by Council's authorised officers, to any person who fails to comply with the terms of the notice or sign erected by Council.
  - c) Allow Council's authorised officers to obtain the name and address of any person reasonably suspected to have breached the directions on the notice or sign.
  - d) Prohibit smoking on land, building, vehicle owned or occupied by Council as a condition of use or entry.
- 3.3. Council is the enforcement agency for the Designated Smoke Free Areas under 2.2 of this Policy in accordance with the [Local Government Act 1993](#) (NSW).

## RESPONSIBILITIES

Position	Responsibility
Authorised Officer (within Environment Health and Regulatory Services Section)	<ul style="list-style-type: none"> <li>• To effectively participate in policy training.</li> <li>• To follow the policy outlined.</li> <li>• To report any barriers or concerns relating to the policy implementation to the Coordinator without undue delay.</li> <li>• To effectively participate in document review.</li> <li>• To make decisions relating to the investigation of alleged unlawful activity with the support of the Coordinator.</li> </ul>
Team Leader and Coordinator (within Environment Health and Regulatory Services Section)	<ul style="list-style-type: none"> <li>• To effectively train, guide and monitor staff in policy implementation.</li> <li>• To effectively respond to reported concerns or barriers to policy implementation.</li> <li>• To be an active advocate for policy implementation.</li> <li>• To effectively coordinate and participate in the policy review</li> <li>• To ensure policy requirements remain consistent with Council Policy and organisational objectives.</li> <li>• To review decisions relating to investigations of alleged unlawful activity made by an Authorised Officer.</li> </ul>

Manager Environment Health and Regulatory Services	<ul style="list-style-type: none"> <li>To effectively respond to reported concerns or barriers to policy implementation.</li> <li>To be an active advocate for policy implementation.</li> <li>To effectively coordinate and participate in the policy review.</li> <li>To ensure policy requirements remain consistent with Council Policy and organisational objectives.</li> </ul>
Councillors	<ul style="list-style-type: none"> <li>To refer customers that have allegations of unlawful activity to appropriate Council officers/ Managers to ensure appropriate action is taken.</li> <li>Councillors are not to make decisions around the way unlawful activities are investigated and/or prosecuted.</li> <li>Councillors are prohibited from involvement day to day operations and management decisions around enforcement and prosecution.</li> <li>Councillors can assist individuals who raise concerns with them by satisfying themselves that the Council's policies are being carried out correctly.</li> </ul>

## VERSION CONTROL AND CHANGE HISTORY

Version	Amendment Details	Policy Owner	Period Active
KCC	Former Kogarah Council Policy revoked	Kogarah - Environmental Health and Regulatory Services	24/3/2014 – 22/6/2020
1.0	Complete new Georges River Smoke Free Policy for Outdoor Areas	Manager Environment Health and Regulatory Services	23/08/2021 - ongoing