

## 1 PURPOSE

Purpose of this Policy is to provide the Burnie City Council's position in relation to protecting the community against the harmful effects of exposure to tobacco smoke.

This Policy –

- a) expresses a commitment by the Council to manage the Burnie municipality as a safe, healthy and supportive environment in which to live, work and visit;
- b) recognises the health and wellbeing of residents and visitors to Burnie is important;
- c) promotes a supportive community culture in which healthy lifestyle choices are valued and encouraged;
- d) recognises the Council's obligation under the *Work Health and Safety Act 2012* as a person conducting a business to provide a healthy and safe workplace;
- e) recognises there is considerable evidence to establish tobacco smoke, including second-hand or environmental tobacco smoke, is harmful to human health;
- f) recognises there is considerable evidence that minimising exposure by children to tobacco use and access to tobacco products is effective in prevent smoking being perceived as a normal and acceptable activity;
- g) indicates a commitment to observe the prohibitions on smoking prescribed under the *Public Health Act 2007* in relation to the occupation and use of any land, building, place or vehicle by or for the Council, and by any third party; and
- h) indicates the Council supports an expansion of a prohibition on smoking to include any land, building, place, and vehicle under the care control and management of the Council.

## 2 OBJECTIVE

The objective of this Policy is to assist in safeguarding residents and visitors to Burnie and the Council's workers from the harmful effects of tobacco smoke by –

- a) providing public buildings, places, vehicles and events at which smoking is prohibited;
- b) supporting programs and initiatives which raise community awareness of the health risks and social and economic costs associated with tobacco use and exposure to environmental tobacco smoke;
- c) supporting programs and initiatives which seek to denormalise the use of tobacco in environments where children are present;
- d) requiring compliance to prohibition on smoking within any land, building, place, and vehicle of the Council;
- e) supporting programs and initiatives which assist people to quit smoking; and
- f) ensure a smoke free workplace for workers and visitors to all Council sites.

### 3 SCOPE

This Policy applies for any land, building, place or vehicle –

- a) owned, leased or hired by and for the occupation and use of the Burnie City Council;
- b) under the care, control and management of the Burnie City Council, including any workplace of the Council; and
- c) occupied or used in whole or part under any lease, hire or other agreement for permanent, seasonal, or occasional use by a third party, including by a community or sporting group.

### 4 POLICY

#### 4.1 Buildings

4.1.1. The following buildings are smoke free areas within which smoking is prohibited in accordance with section 67C *Public Health Act 2007* -

- a) All buildings for the use or occupation of the Burnie City Council.

This class of buildings include but is not limited to the Burnie City Offices, the Burnie Arts and Function Centre, the Burnie Regional Museum, and the Burnie Works offices.

- b) All buildings owned, leased or hired by the Burnie City Council and used or occupied in whole or part by a third party.

This class of buildings include but is not limited to the Burnie Arts and Function Centre; indoor sports venues including the Burnie Sports Centre; club and social premises occupying Council land, including at an outdoor sporting venue; community halls; any change room, officials, media, equipment and catering areas in any premises; public toilets; and barbecue and picnic shelters.

- c) Any temporary building erected on land owned, leased or managed by or for the Burnie City Council.
- d) Anywhere within 3.0m of the entrance to or exit from a building owned, leased or hired by and for the use of the Burnie City Council or occupied in whole or part by a third party.
- e) Anywhere within 10.0m of any air intake for ventilation equipment on a building owned, leased or hired by and for the use of the Burnie City Council or occupied in whole or part by a third party.

## 4.2 Places

4.2.1. The following places are smoke free areas within which smoking is prohibited in accordance with section 67C *Public Health Act 2007* –

- a) Anywhere within a seating or spectator area, an area provided for competitors and officials and on the competition area at an outdoor sporting venue for use of the Burnie City Council for the duration of an organised sporting event.
- b) Anywhere within a seating or spectator area, an area provided for competitors and officials, and on the competition area at an outdoor sporting venue occupied for permanent, seasonal or occasional use by a third party for the duration of an organised sporting event.
- c) Anywhere within 10.m of play equipment at a children’s playground on land owned, leased or hired by or for the Burnie City Council or occupied in whole or part by a third party.
- d) Anywhere within the Burnie Aquatic Centre, including any change room, dining area, meeting or training area, and any open area within the boundaries of the site on which the Centre is located whether or not enclosed.
- e) Anywhere in or within 3.0m of an outdoor dining area on land owned, leased or hired by or for the Burnie City Council, and including any area occupied by a third party.
- f) Anywhere between the water’s edge and the sea wall at West Beach and bounded by the flags when erected by the Burnie Surf Life Saving Club to indicate the preferred swimming area.
- g) Anywhere within the Cattley Street Bus mall as declared by the Director of Public Health.
- h) Anywhere within 3.0m of a bus shelter on a public street.

4.2.2. The Council supports no smoking in the following places –

- a) Anywhere on a local highway, including the pedestrian area, within the Burnie central business area as bounded by the Bass Highway, West Beach, and Marine Terrace, and at the Upper Burnie shopping centre.
- b) Anywhere within a public reserve to which the Burnie City Council *Public Reserves and Public Buildings By-law No 1 of 2011* applies.
- c) Anywhere is a public car park to which the Burnie City Council *Parking Policy* (CP-CBS-SG-007) applies.

- d) Anywhere on a local highway or within a public reserve (otherwise than in a designated smoking area) where there is or is likely to be a congregation of smokers, the effect of which is to create a risk of exposure by others to tobacco smoke or an inconvenience for the amenity of the area.

### **4.3 Vehicles**

- 4.3.1. Smoking is prohibited in all vehicles owned, leased or hired by or for the use of the Burnie City Council and in any vehicle of the Council made available for use by a third party.

Vehicle includes any passenger vehicle, truck or transporter, and plant or equipment.

The prohibition on smoking applies irrespective of whether the vehicle is available in whole or part for personal use, and regardless of whether there are passengers in the vehicle.

### **4.4 Events**

- 4.4.1. The following events are smoke free and smoking is prohibited in accordance with section 67C Public Health Act 2007 –

- a) Burnie Carols by Candlelight
- b) Burnie Agricultural and Pastoral Society Show (Burnie Show)

- 4.4.2. The Council supports no smoking at the following events –

- a) Any organised event conducted by or for the Burnie City Council;
- b) Any organised event conducted by a third party on land or at a place owned, leased or hired by or for the Burnie City Council for the purpose of providing an activity, education or entertainment at which the audience or participants are primarily children under the age of 18 years.
- c) Any organised event conducted by a third party on land or at a place owned, leased or hired by or for the Burnie City Council at which the community may be present, whether or not by invitation or payment.

### **4.5 Workplaces**

- 4.5.1. All Council workplaces are smoke free in accordance with section 67B *Public Health Act 2007*.

A workplace includes any place where the work of the Burnie City Council is carried out, and includes any place where a worker goes or is likely to be while at work.

“Worker” has the meaning provided by the *Work Health and Safety Act 2012*.

A workplace of the Burnie City Council is not confined to the buildings and work areas occupied by the Council, but also include an area within a local highway, a public reserve, a waste management area and any vehicle where the Council is doing work.

A workplace may also include the land or premises of a third party at which a Burnie City Council worker is required to carry out work.

### 4.6 Enforcement

- 4.6.1. The Council is the occupier for the purposes of section 67D *Public Health Act 2007* of any land, building, place or vehicle owned, leased or hired by or for the use or occupation of the Burnie City Council including any local highway, public reserve, and public building over which it has care, control and management.
- 4.6.2. A person or organisation in occupation of Council land, building, place or vehicle under a lease, hire or other agreement with the Council is the occupier for the purposes of section 67D *Public Health Act 2007* for the duration of the period specified in the lease, hire or other agreement.
- 4.6.3. The Council will use appropriate signs and other means to reasonably identify and make known the existence of a smoke free area occupied by the Council.
- 4.6.4. The Council will not provide or sell any ashtray, match, or lighter or do any other thing to facilitate smoking in a smoke free area.
- 4.6.5. The Council as the occupier of land, building, place or as the organiser of an event will take all reasonable action to –
- a) request a person who is smoking to stop smoking in a smoke free area;
  - b) inform a person who is smoking in a smoke free area that the person is committing an offence; and
  - c) request a person to leave a smoke free area if a person who is smoking continues to smoke.
- 4.6.6. The Council will require as a condition of any lease, hire or other agreement for use or occupation of any Council land, building, place or vehicle and for conduct of an event –
- a) the land, building, place or vehicle or the event must be smoke free;
  - b) appropriate signs and other means are used to indicate a smoke free area or event;
  - c) there is no sale or provision of tobacco products or of any product or implement to facilitate smoking; and
  - d) there is no advertising of a tobacco product.

## Smoke Free Areas Policy

Approved By: **Council**  
 Doc Controller: **General Manager**  
 File: 4/14/2

Document Code: **CP-CBS-SG-029**  
 Version: **2.0**  
 Approved Date: **16 Jun 2015**  
 Next Review Date: **16 Jun 2019**

- 4.6.7. The issue of an infringement notice and other enforcement action for breach of the smoke free area provisions of the *Public Health Act 2007* is only to be undertaken by an authorised officer or a nominated officer under the Act.

## 5 LEGISLATION

The following legislation is relevant –

### Legislation

*Local Government Act 1993*

### Provision

Section 20 establishes that the powers and functions of a council include to provide for the health, safety and welfare of the community; and enable that a council may do anything necessary or convenient to perform its functions either within or outside its municipal area

*Public Health Act 2007*

Provides for prescribed smoke free areas for public buildings, places and events within which smoking of tobacco is prohibited; and creates responsibility for the occupier of a smoke free area to take reasonable action to prevent smoking occurring.

It is an offence to smoke in a smoke free area.

*Work Health and Safety Act 2012*

Requires that a person undertaking a business must ensure workers are provided with a safe and healthy workplace.

## 6 RELATED DOCUMENTS

Burnie City Council Public Reserves and Public Buildings By-law, No 1 of 2011

Community Liability Policy – Facilities and Reserves (CP-CBS-SG025)

Parking Policy (CP-CBS-SG-007)

Smoking in the Workplace (WP-OGM-WHS-018)

Leases and hire agreements in relation to any permanent, seasonal or occasional occupation of Council land, building, place or vehicle or for conduct of a public event.



COUNCIL POLICY

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### Policy Endorsement

Responsibility:	It is the responsibility of the Director Land and Environmental Services to administer and review this policy as required. It is the responsibility of the Governance Unit to maintain this policy within the Corporate Document Framework.
Minute Reference:	Item Number AO131/15; Resolution MO139/15
Council Meeting Date:	16 June 2015
Strategic Plan Reference:	Strategy 7.1.1 Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.
Previous Policies Replaced:	This policy replaces the previous policy <i>No Smoking Policy C29</i> version 1.0 dated 11 Dec 2007 (Minute 528, 11 Dec 2007).
Date of Commencement:	17 June 2015
Publication of policy:	Members of the public may inspect this policy at the City Offices, or access it on Council's website ( <a href="http://www.burnie.net">www.burnie.net</a> )