
Parramatta City Council

Smoking in Public Places Policy

This policy document was expressly adopted by Council pursuant to a resolution at the council meeting held on 9 July 2012



1.0 STATEMENT OF INTENT

- Parramatta City Council (PCC or 'Council') acknowledges its obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to members of the community including children and vulnerable people.
- This policy recognises **Council's commitment** to:
 - Protect members of the community from the health and social impacts of second hand cigarette smoke, and
 - Improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter in outdoor spaces.
- The **aim of this policy** is to ban smoking in designated public places.
- The **purpose of this policy** is to provide a rationale and framework for the management of smoking in public places on Council owned land.

2.0 ELIGIBILITY

- This policy applies to all persons who use or are in the vicinity of the identified locations/ public places within the Parramatta City Council local government area that are detailed in this policy.

3.0 DEFINITIONS

- **Authorised Persons:** Council Community Safety Officers.
- **Aquatic Centres:** Owned by Council or on Crown land under Council's care, control and management, including the Parramatta Pool and Granville Pool.
- **Council Owned Land:** Land either owned by Parramatta City Council or Crown land under the care, control and management of Parramatta City Council and land that is being leased by Council.
- **Children's Playgrounds:** Includes simple swing sets in local parks to sophisticated custom built playgrounds for children located in some of Council's larger parks.
- **Outdoor Dining Area:** An area located on any land (including, without limitation, a public road or a footway) owned by Council, controlled by Council or under Council's care, control and management within which food or beverages or both are sold or supplied to the public for consumption in conjunction with the sale or supply of food or beverages or both to the public for consumption from adjoining or nearby premises.

- **Sports Fields and Facilities:** Are areas of land used primarily for active recreation involving organised sports, including tennis courts, golf courses, netball and basket ball courts and the like. Sports fields include the playing surface as well as the related ancillary facilities including infrastructure (flood lights, goal posts, nets etc) amenities buildings (club houses, toilets, change rooms and storage areas),and other amenities (seating, shade, shelter, barbeques and picnic facilities).
- **Smoke:** Means to smoke, hold or otherwise have control over an ignited smoking product and Smoking has a corresponding meaning.
- **Smoking Product:** Means any tobacco or other product that is intended to be smoked.

4.0 LEGISLATION

- Under the NSW Local Government Act 1993 Councils have the power to legislate in their own jurisdictions to protect their local community from the effects of second hand smoke.
- Specifically the Local Government Act 1993 gives Council 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 baths, public swimming pools, public parks and public roads) within the local government area of Parramatta prohibiting smoking (see, relevantly, s.632 (1) and (2)(e) and S632 (3) of the Act);
 - Serve, by means of an authorised person, a penalty notice (Minimum Penalty: \$110.00) upon any person who fails to comply with the terms of any such notice (see, relevantly, s.679 of the Act);
 - 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 Parramatta, in respect of which Council is the owner or occupier, as a condition of entry to that place.

5.0 PROVISIONS

- Smoking is prohibited in the following areas on Council owned land:
 - Within ten (10) metres of children's playgrounds and play equipment;
 - Within ten (10) metres of the boundaries of sports fields and sports facilities;
 - Within ten (10) metres of aquatic centres;
 - Within taxi ranks;
 - Within covered bus shelters, and
 - In outdoor dining areas on Council owned land / roadway (this comes into effect 1st May 2012).

- Smoking bans are already in place in all Council buildings under the Occupational Health and Safety Act 2000.

6.0 IMPLEMENTATION OF PROVISIONS

6.1 Children's Playgrounds

- Council will erect suitably worded and strategically placed notices in accordance with S.632 (1) and 2(e) of the Local Government Act 1993, in the vicinity of all Children's playgrounds and equipment to notify that smoking is prohibited within 10 metres and that penalties apply.

6.2 Aquatic Centres

- Council will erect suitably worded and strategically placed notices in accordance with S.632 (1) and 2(e) of the Local Government Act 1993, in the vicinity of aquatic centres to notify that smoking is prohibited within 10 metres and that penalties apply.

6.3 Sports Fields and Facilities

- Agreements to hire sports fields and facilities will have smoke free clauses inserted into their license agreements for use.
- Council will erect suitably worded and strategically placed notices in accordance with S.632 (1) and 2(e) of the Local Government Act 1993, in the vicinity of all sports fields and facilities to notify that smoking is prohibited within 10 metres and that penalties apply.

6.4 Outdoor Dining

- Any occupancy right granted by Council in respect of an Outdoor Dining Area must include a prohibition on smoking.
- The person who has been granted the occupancy right in respect of an Outdoor Dining Area is responsible for enforcing the prohibition on smoking. Failure to enforce the prohibition on smoking may result in (amongst other things) termination of the occupancy right, no renewal of the occupancy right or prosecution for offences under the Local Government Act.

6.5 Bus Covered Shelters and Taxi Ranks

- Council will erect suitably worded and strategically placed notices in accordance with S.632 (1) and 2(e) of the Local Government Act 1993, in the vicinity of covered bus shelters and taxi ranks to notify that smoking is prohibited and that penalties apply.

7.0 RESPONSIBILITY AND ACCOUNTABILITY

- It is intended that a key mechanism for compliance with this policy is peer pressure from the community.
- The person who has been granted the occupancy right in respect of an Outdoor Dining Area is responsible for enforcing the prohibition on smoking in respect of the Outdoor Dining Area to which the relevant occupancy right relates.
- Sports grounds and facilities hirers are responsible for notifying players and spectators of the restrictions on smoking and for managing the prohibition for the period of the hire..
- Council Community Safety Officers are responsible for carrying out enforcement action for breaches of this policy.
- Communication and Education Programs are the responsibility of the City Strategy Unit, Environmental Health and Strategic Asset Management Teams.
- Business support and resources are the responsibility of the City Strategy Unit, Environmental Health and Strategic Asset Management Teams.

8.0 RELATED POLICIES / LEGISLATION

This policy should be read in conjunction with:

- Local Government Act 1993
- Smoke Free Environment Act 2000
- Occupational Health and Safety Act 2000
- Parramatta City Council Outdoor Dining Policy

9.0 ADMINISTRATION

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