



Inverell Shire Council

Smoke-Free Outdoor Public Places Policy

**Adopted 27 July 2022
Res 2022/102**

1. Purpose

The purposes of the policy are as follows:

- Protect members of the community from the health and social impacts of smoking by others in public places,
- Improve public amenity and maintenance of Council property,
- Help to protect the environment from the impacts of discarded cigarette butts,
- Support the intent of the *Smoke-free Environment Act 2000 (NSW)* (**SFE Act**).

2. Principles

The policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services for the benefit the community.
- A commitment to improve the natural environment and the amenity of the local area by reducing cigarette related litter.
- An acknowledgement of the damaging effects associated with passive smoking in outdoor public spaces.
- An understanding of the indirect effects of smoking in outdoor areas such as atmospheric pollution, sensory irritations and exposure to discarded cigarette butts.
- Adopted a Community Strategic Plan that includes the following destinations:
 - i) A community that is healthy, educated and sustainable; and
 - ii) An environment that is protected and sustained.

3. Scope

This policy applies to everyone in relation to the nominated outdoor public places in the Inverell Shire Council Local Government Area. Further information regarding nominated smoke-free areas is contained in Part 6 of this policy.

4. Background (State Wide Controls)

Controls exist under the SFE Act that ban smoking in enclosed public places and various outdoor public places including:

- a. within 10 metres of children's play equipment,
- b. public swimming pool complexes,
- c. spectator areas at public sports grounds and other recreational areas,

- d. at public transport stops and stations, (bus stops and taxi ranks)
- e. within 4 metres of a pedestrian access point to a public building,
- f. commercial outdoor dining areas.

Smoking bans in the above areas are regulated by NSW Health. Complaints relating to people smoking in those areas identified in the Act should be referred to NSW Health.

Through application of this policy Council extends the smoking ban to additional outdoor public places in Inverell Shire.

5. Legislative Framework

Under the *NSW Local Government Act 1993* Council has the power to:

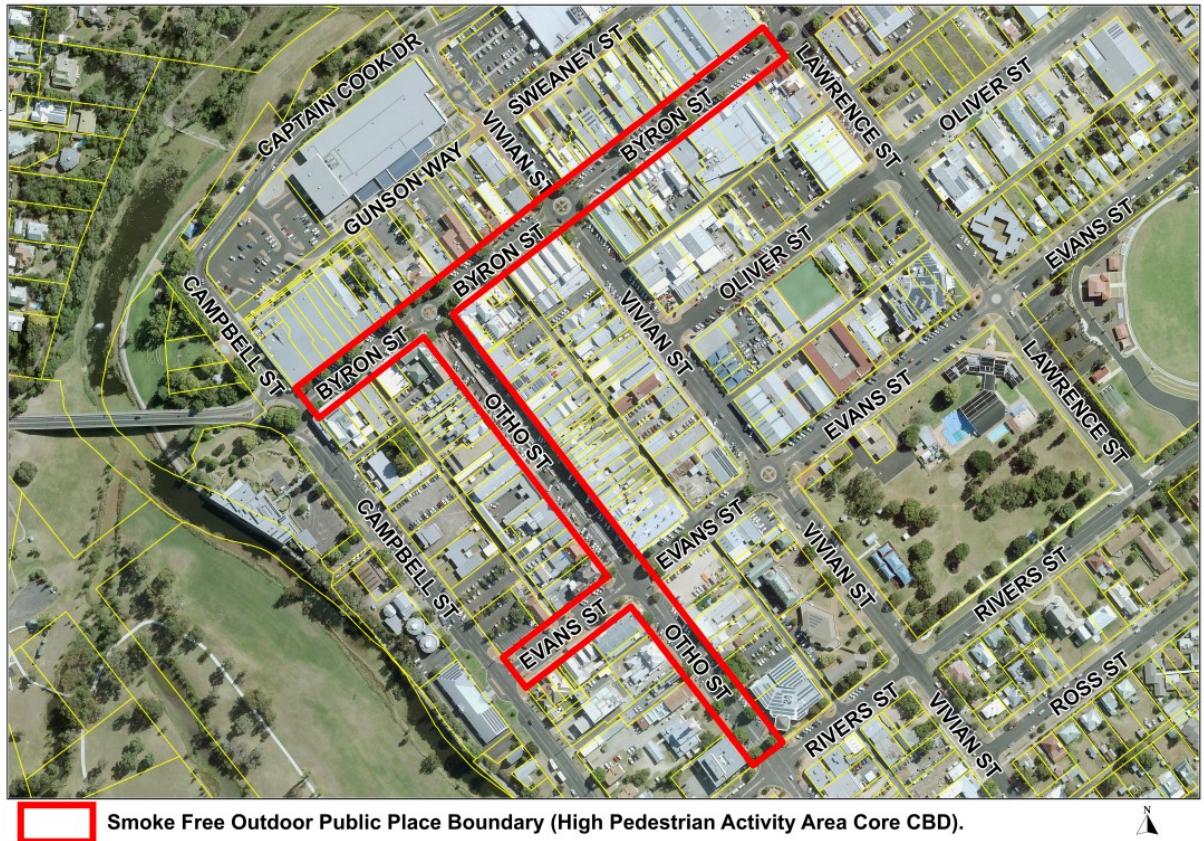
- Erect suitably worded and strategically placed notices in public places (including public roads) prohibiting smoking (including e-cigarettes) (s.632 (1) and (2) (e) of the Act).
- Serve by means of an authorised person, a penalty infringement notice (\$110.00) upon any person who fails to comply with the terms of any such notice (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 (s680 of Act).
- Remove, by means of an authorised person, from community land any person who fails to comply with the terms of any such notice (s681 of the Act).

Council also has a common law right as a condition of entry to prohibit smoking on properties it owns or occupies. All Council owned buildings are smoke-free environments.

6. Application (Additional 'Smoke-Free' Outdoor Public Places)

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

- High Pedestrian Activity Areas of Inverell Core CBD defined as:
 - Otho Street (between Rivers Street and Byron Street)
 - Byron Street (between Campbell Street and Lawrence Street)
 - Evans Street (between Otho Street and Campbell Street)



The prohibition of smoking in these areas applies at all times. Suitable signage will be installed as required throughout the identified area.

These areas are in addition to those places listed under the SFE Act.

7. Enforcement and Authorised Persons

Enforcement of this policy will rely on signage, positive persuasion (messaging) and self-policing through the community. In certain instances enforcement may also include the issuing of penalty infringement notices by authorised officers if necessary to achieve compliance.

Council Rangers and Environmental Health Officers are authorised officers for the purpose of enforcement action in accordance with this policy. NSW Police Officers are also authorised officers under the provisions of the Local Government Act.

8. Variation and Review

Council shall review this policy on an annual basis. Council reserves the right to vary or revoke this policy at its discretion.