

POLICY REGISTER

Published

Policy Number	P000475.5
Subject	Community Services - Smoke Free Public Areas
Subject Area	COMMUNITY LAW ENFORCEMENT
Strategy	Environmental sustainability
File Number	127-68-1/8
Inception Date	11/02/2009
Last Review Date	25/02/2009
Reports	ER280052
Responsible Officer	Director City Living - DCL, Director Design & Development - DDD
Policy	

Designating Parks as Smoke Free Areas

Policy Statement

Blacktown City Council will designate areas as smoke free:

- **Within 10 (ten) metres of all children's playgrounds.**

Objectives

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

- **Improve the health 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 wellbeing of the community;**
- **Minimise cigarette butt pollution on Council owned parks and other open space areas.**

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 butt litter found in outdoor spaces;**
- **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 acknowledgement 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 smoking causing sensory irritations such as eye watering, coughing,**

difficulty in breathing or asthma.

Legislation

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

- Erect suitably worded and strategically placed notices in "public places" (such places including but not limited to public reserves and parks) within the local government area of Blacktown 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, 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 Blacktown in respect of which Council is the owner or occupier, as a condition of entry to that place.

Authorised Persons

The following Council staff are "authorised persons":
Community Law Enforcement Officers

Signage

The following Council open space areas will be signposted, wherever practicable, to provide smoke-free zones:

- Within 10 (ten) metres of all children's playgrounds.

Signs will be installed in prominent places in the open space areas listed above.

Enforcement of Ban

Enforcement of this Policy will be facilitated by persuasion and self-policing, rather than punitive enforcement.

Related Legislation

S632 Local Government Act 1993 (NSW).

Procedure

Related Delegations

Related Documents P000442.4 - Alcohol and Other Drug Policy