

Smoke-Free Zones Policy

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1. TITLE

Smoke-Free Zones Policy

2. OBJECTIVES

The objectives of this Policy are to:

- address gaps in other existing controls over smoking in areas of high pedestrian foot traffic in Activity Centres and wider municipality to complement the *Tobacco Act 1987*;
- promote a physical and social environment free from hazards to health, in which the residents of and visitors to the municipality can enjoy a quality of life that meets the general expectations of the community; and
- promote the health and wellbeing of residents of and visitors to the municipality.

3. BACKGROUND

Council's *Community Wellbeing Plan 2021-2025* makes the objective (in Priority 4 – Create healthier environments) to 'reduce the harm to our community from tobacco, alcohol and other drugs and from gambling'.

Principle 3 of Council's *2040 Community Vision* is to have an inclusive and healthy community.

Direction five of Council's *Council Plan 2021-2025* is to have a healthy, inclusive and resilient community.

The Victorian Government has progressively strengthened the *Tobacco Act 1987* to ban smoking in many public places including sporting or activity venues; education facilities; Victorian public premises; workplaces; transport; hospitality venues and entertainment venues. There is a growing trend for local governments to introduce a power to establish additional smoking controls in outdoor spaces not covered in State legislation.

4. SCOPE

Council may prescribe or declare a smoke-free zone anywhere within the municipality.

The Chief Executive Officer may declare a smoke-free zone anywhere within the municipality. The declaration must be limited by reference to a specified event on a particular day and during specified times on that day.

Where State legislation controls smoking in a smoke-free zone, the Local Law is inoperative.

This Policy applies to smoking a tobacco product (including an e-cigarette) or shisha pipe within a smoke-free zone.

5. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Council	means Glen Eira City Council.
e-cigarette	has the same meaning as in the <i>Tobacco Act 1987</i>
Local Law	means Council's <i>Smoke-Free Zones Local Law</i> .
municipality	means the district under the local government of Council.

shisha pipe	means a single or multi-stemmed water pipe used for vaporising and smoking flavoured tobacco, herbs or fruit mixes, the vapour or smoke of which is passed through a water basin before inhalation.
smoke	has the same meaning as in the <i>Tobacco Act 1987</i> .
smoke-free zone	an area that is prescribed or declared as a smoke-free zone under the Local Law
Policy	means the Smoke-Free Zones Policy
Chief Executive Officer	means the Chief Executive Officer of Council.

6. POLICY

The implementation of this Policy is supported by:

- the making of the Local Law;
- the identification of proposed smoke-free zones to which this Policy and Local Law will apply;
- consultation with the community on proposed smoke-free zones; and
- education and collaboration with the community in the enforcement of smoke-free zones.

7. SMOKE-FREE ZONES LOCAL LAW

On 14 December 2021, Council made the Local Law. The Local Law allows Council to prescribe and declare smoke-free zones and the Chief Executive Officer to declare smoke-free zones anywhere within the municipality.

8. IDENTIFICATION AND CONSULTATION ON PROPOSED SMOKE-FREE ZONES

Areas of high pedestrian foot traffic in Activity Centres in the municipality will be assessed against the factors in clause 9(4) of the Local Law for suitability for prescribing as a smoke-free zone.

Public consultation must be undertaken before prescribing an area as a smoke-free zone.

9. PRESCRIBED SMOKE-FREE ZONES

When determining whether to prescribe an area as a smoke-free zone Council must have regard to the following factors:

- the size of the proposed smoke-free zone;
- the proximity of the proposed smoke-free zone to a public place, part or all of which is not in a smoke-free zone;
- the opinions of any person who is the owner or occupier of any part of the proposed smoke-free zone;
- the opinions of any person who is the owner or occupier of any part of the area immediately adjoining the proposed smoke-free zone;
- the extent and outcome of any community engagement on the proposed smoke-free zone;
- any evidence of benefits to the community which would be achieved by Council prescribing the proposed smoke-free zone;
- any evidence of detriments to the community which would be caused by Council prescribing the proposed smoke-free zone; and
- any other factors that Council considers relevant.

10. NOTIFICATION OF SMOKE-FREE ZONES

Any prescription or declaration (including details of the relevant areas, times and dates referred to in the prescription or declaration) must be published by Council by giving public notice at least 14 days before the prescription or declaration (as the case may be) takes effect by:

- giving notice on Council's website;
- giving notice on a publicly accessible notice board at the Town Hall; and
- Council must retain a copy of the public notice in the register of prescriptions and declarations to be kept with the Local Law from the date of the notice until the restrictions have ceased to operate.

Maps showing smoke-free zones must be available from the Service Centre, Glen Eira City Council Town Hall, and Council's website.

11. SIGNAGE

Smoke-free zone signage installed by Council will indicate a smoke-free zone.

Smoke-free zone signage will include an acceptable no smoking sign.

Smoke-free zone signage will avoid negative imagery or language and instead have a positive and recognisable message focusing on the health and benefits of being smoke-free.

Smoke-free zone signage will either include a smoke-free zone map or a QR code linked to a map of the smoke-free zone.

12. ENFORCEMENT

Enforcement of this Policy will be undertaken in accordance Council's enforcement procedure and the Local Law.

This Policy will be supported by effective signage, education and self-enforcement.

The Local Law allows Authorised Officer to issue infringement notices to people smoking in a prescribed and declared smoke-free zone.

In the six months following an area being prescribed as a smoke-free zone, Authorised Officers will focus on educating and raising awareness of the smoke-free zone.

Enforcement through infringement notices and prosecutions for offences under the Local Law within a smoke-free zone will only commence six months after the smoke-free zone has been prescribed.

13. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as compatible with the Charter of Human Rights and Responsibilities Act 2006 (Vic).

14. ASSOCIATED INTERNAL DOCUMENTS

Glen Eira Community Wellbeing Plan 2021-2025
Glen Eira *Council Plan 2021-2025*
Glen Eira *2040 Community Vision*

15. EXTERNAL REFERENCES/RESOURCES

Local Government Act 2020 (Vic)
Public Health and Wellbeing Act 2008
Tobacco Act 1987