

Smoke Free Environment Policy

Approved by Council 26th November 2019



**MORNINGTON
PENINSULA**
Shire

1 Introduction

The Mornington Peninsula Shire Council (“the Shire”) plays a crucial role in reducing smoking rates on the Mornington Peninsula through its compliance with the *Tobacco Act 1987 (Vic)* (“Tobacco Act”), the *Public Health and Wellbeing Act 2008* and support of smoking cessation programs for employees and the community. Further the Shire has adopted a Health and Wellbeing Plan which includes the development of a Shire-wide Smoke Free Environment Policy.

The Shire has supported reducing smoking rates internally, through the development of a Smoke Free Environments Policy in 2009 which applies to all Shire employees, volunteers, contractors and visitors who access Shire premises and vehicles, and prohibits smoking in Shire vehicles, buildings and within 10 metres of building entrances. This Policy seeks to further that impact by extending its reach to Shire managed land and facilities.

Shire staff and Peninsula Health’s Health Promotion team have developed a comprehensive Background Paper to assist with developing this Policy, which outlines the environmental, health and economic benefits of a Shire wide smoke free environments policy. This Background Paper is attached as Appendix 2.

2 Purpose and Objective

The purpose of the Policy is to ensure that the Shire upholds the principles of the Tobacco Act, supports the Local Law and its commitments under the Frankston and Mornington Peninsula Smoke Free Charter (“the Charter”). The Shire is a signatory to the Charter which commits the Shire to reduce the prevalence of smoking, protect people from the damaging effects of second-hand smoke and support the community to access Quit support services, while extending smoke free areas beyond current requirements to further support positive health and environmental benefits.

The main Policy aims are to reduce the health and environmental impacts of smoking by:

- Reducing smoking rates
- Reducing tobacco related litter
- Creating smoke free public areas on relevant Shire owned or managed land and in public spaces that support healthy, safe and environmentally friendly places for all to enjoy.
- Meeting the Shire’s obligations under the Charter, the Tobacco Act and State Government protocols and guidelines.
- Outline the Shire’s requirements for smoke free signage on relevant Shire land

3 Owner

The Shire’s Social Planning & Community Development Team and Environment Protection Units have developed this Policy, in conjunction with other Shire Teams, agencies and the community.

Peninsula Health’s Health Promotion Team have partnered with the Shire in the development of this Policy and will assist with the implementation.

The Shire’s Environment Protection Unit will coordinate the implementation and enforcement of this Policy, in conjunction with other Shire teams and external agencies.

The Shire’s Social Planning & Community Development Team will coordinate the regular review of this Policy, with assistance from Peninsula Health’s Health Promotion Team and internal Shire teams.

4 Scope

- 4.1 This Policy applies to Shire owned or managed land that has been indicated as a smoke free area as listed in Table 1 and supported by the smoke free area map. The application of the Policy will be undertaken in a phased approach to eventually include all Shire owned or managed land.
- 4.2 This Policy also applies to any open or enclosed portable objects such as vehicles, tents, marquees and beach boxes that are in the smoke free area.
- 4.3 This Policy applies to all Shire staff, volunteers and contractors, Shire residents, visitor and community groups and business where they are operating in a smoke free area or Shire owned or managed land.

5 Definitions

Acceptable no smoking sign – has the meaning given in the Tobacco Act.

Boundary to boundary – all the land within the whole land precinct boundary, from one point of the land boundary around all other point of the boundaries, which may include car parks, open land spaces, driveways, general outdoor areas.

Designated smoking area – An area in which smoking is allowed

e-Cigarette – has the meaning given in the Tobacco Act.

Event – an activity where people are attending for craft, food, or other reasons, whereby organisers must submit an application to the Shire.

Local Law – the General Purposes Local Law Amendment adopted by Council on 26th November 2019

Prescribed Smoke free area – an area deemed smoke free by the Shire.

Public place – has the meaning given in the Tobacco Act.

Second-hand smoke – smoke inhaled involuntarily from tobacco being smoked by others

Shire owned or managed land – any land area or facility that the Shire owns or manages.

Smoke - has the meaning given in the Tobacco Act.

Smoke free area map - a map provide by the Shire that identifies the areas listed in Table 1.

Smoking – the behaviour of a person consuming any tobacco product, inclusive of e-cigarette

Tobacco Product - has the meaning given in the Tobacco Act.

Tobacco related litter – cigarette butts, cellophane wrapping, foil inserts and packaging

6 Policy

The implementation of this Policy will be supported through three key arms: the adoption of a smoke free Local Law, the identification of smoke free locations to which the Policy and Local Law will apply and education and collaboration with the community.

6.1 Smoke Free Local Law

- 6.1.1 The Shire has resolved its intention to adopt a smoke free local law. The Local Law will stop second hand smoke exposure, encourage families to use public land and local food retailers, and greatly reduce the amount of butt litter.
- 6.1.2 It is the intention that enforcement of the Local Law will only commence 12 months after an area has been designated as a smoke free area.

6.2 Identification of Smoke Free Areas and Prescribed Smoking Areas

- 6.2.1 Smoke free areas will be identified using a boundary to boundary approach and will be supported by a smoke free area map.
- 6.2.2 The process for designation of smoke free areas will be clear and transparent and will include consideration of:
 - a. Localised evidence on the health and/or environmental impacts caused by cigarettes, such as census information or litter data;
 - b. The number of people that use the area, including during peak periods;
 - c. The level of community support;
 - d. The process used for community consultation;
 - e. Feedback from local community/environment groups and businesses; and
 - f. Comments and recommendations from Shire authorised officers
- 6.2.3 Smoke free areas will be appropriately signed with an acceptable no smoking sign.
- 6.2.4 Enforcement of the Policy will be undertaken in accordance with the Policy and the Local Law.
- 6.2.5 While best practice research indicates 100% smoke free environments are most effective, the Shire acknowledges that in some cases a designated smoking area may be required. Designated smoking areas will be clearly indicated on the smoke free areas map. These areas will be strategically located to ensure risk of any exposure to second hand smoke is significantly reduced, in addition to not further contributing to and preventing tobacco related litter.
- 6.2.6 Comprehensive consultation will support implementation of this Policy, and the development of designated smoking areas, if required.

6.3 Provision of Education and Collaboration

- 6.3.1 The Shire will undertake to achieve the aims of the Policy by:
 - a. Working closely with groups that have higher smoking rates such as youth and disadvantaged communities.
 - b. Including smoke free requirements in agreements to use Shire owned or managed land, such as leases, licenses, hire agreements and footpath trading permits.
 - c. Providing resources and education to implement this Policy using signage, information leaflets, compliance and enforcement.
 - d. Actively encouraging and supporting community groups and businesses to implement smoking prevention strategies.
 - e. Providing smoke free consultation, education and implementation support for businesses and organisations such as sporting clubs, food and retail outlets, leisure centres, foreshore groups/users and the general public. Relevant programs will be used to support where appropriate such as Best Bites, Good Sports, and the Achievement Program.
 - f. Providing support and education for Shire staff to raise awareness of the Policy and reduce smoking rates, for example using QUIT Victoria resources.
 - g. Participating in the Municipal Association of Victoria and the Department of Health and Human Services funding programs for Tobacco Act compliance. This involves continued test purchasing for tobacco sales to minors.
 - h. Working towards providing smoke free workspaces (indoors and outdoors) to protect employees from exposure to second-hand smoke and reduce tobacco related litter.
 - i. Supporting actions to minimise exposure to smoking, in turn leading to reduced exposure to second hand smoke, reduced tobacco related litter and role modelling of positive health behaviour (not smoking), particularly to children.
 - j. Supporting the community and Shire staff to access GP's or QUIT support services
 - k. Providing incentives to private land owners to designate smoke free public areas such as awards, implementation support and promotion of work through case studies.

7 Procedure

7.1 Prescribing a smoke free area

7.1.1 The Local Law allows for the Shire to prescribe Shire owned or managed land as smoke free.

7.1.2 In order to prescribe an area as a smoke free area, the Council will undertake the following process:

- a. Consult with relevant Shire teams, external stakeholders and community
- b. Work collaboratively to reach agreement on the prescribed smoke free area, and any designated smoking area if required
- c. Make relevant amendments to leases, licences, hire agreements, and permits

7.2 Implementing a smoke free area

7.2.1 Once an area has been prescribed as a smoke free area, the Shire will:

- a. Ensure relevant communications to affected stakeholders and the public;
- b. Provide acceptable no smoking signs and clearly identifying the prescribed area on the smoke free areas map; and
- c. Provide Quit Smoking support, information or resources.

7.2.2 For businesses or organisations using a prescribed smoke free area, it is the expectation of the Shire that they comply with the Local Law and this Policy.

7.3 Enforcement

7.3.1 Once a prescribed smoke free area is declared, the 12 months following will focus on educating and raising awareness of the newly prescribed area.

7.3.2 The Local Law will allow the Shire to issue infringement notices to people smoking in the prescribed smoke free areas. Infringement notices relating to the smoke free areas will only be issued after the first 12 months of the prescribed area being in place.

7.3.3 Following the expiration of 12 months, Council will enforce its Local Law.

8 Roles and Responsibilities

Roles	Responsibilities
Executive, Managers, Coordinators, Team Leaders and Supervisors	<ul style="list-style-type: none"> • Ensure all employees are made aware of this policy • Maintain a workplace culture that protects, improves and promotes health and wellbeing • Oversee the implementation and review of the policy and seek feedback from employees
Departments	<ul style="list-style-type: none"> • Infrastructure Services (installation of signage, butt bins) • Environmental Protection (education and enforcement) • Communications and Media (promotion of key messages, promotion materials) • Social Planning (review of policy) • Youth Services (support implementation and communication with youth) • Sport and Recreation (support implementation and communication with leisure centres and sports clubs) • Events (support implementation and communication at relevant Shire events) • Customer Service (support implementation and communication with the community) • Foreshore (support implementation and communication with campers and visitors) • Property (support implementation and communication with relevant tenants/lease holders)
Employees	<ul style="list-style-type: none"> • Read and understand the Policy

- Maintain a workplace culture that protects, improves and promotes health and wellbeing
- Observe the Policy while on work related duties
- Provide contractors, volunteers and users of relevant Shire owned or managed land with a copy of the Policy

Users of relevant Shire owned or managed land	<ul style="list-style-type: none"> • Ensure all committee members, land/facility users are made aware of the policy
--	--

9 Communication

The Shire’s Communications Unit will regularly publicise the Policy among Shire employees via Around Our Shire and other available communication tools. The Communications team will publish the Policy on the Shire’s website.

A detailed Communication Plan has been developed

10 Approved/Adopted

This policy was adopted by Council on 26th November 2019.

11 Review

In the first year of the Policy, the Policy will be reviewed after 6 months. Thereafter, the Policy will be reviewed annually.

Table 1: Prescribed Smoke Free Areas and Designated Smoking Areas

Shire Owned or Managed Land	Prescribed Smoke free area	Designated smoking areas	Compliance and Education
Offices, Libraries, Galleries	Boundary to boundary	No	Signage/Education Employee Code of Conduct
Public Swimming Pools	Boundary to boundary	No	Signage/education Condition of Entry
Leisure Centres	Boundary to boundary	No	Signage/Education
Halls	Within 20 metres of entrances	Subject to consultation	Hall hire agreements Signage
Beaches (DELWP and Shire owned))	Boundary to boundary Subject to consultation with Committees of Management and DELWP	Subject to consultation	Signage/education