



1.0 AUTHORITY

- *Tobacco Act 1987*
- *Public Health and Wellbeing Act 2008*
- *Council and Wellbeing Plan 2021-2025*

2.0 INTENT

The purpose of the Policy is to ensure the Mornington Peninsula Shire (Shire) upholds the principles of the *Tobacco Act 1987* (Tobacco Act), supports the Local Law and the Shire's commitments under the Frankston and Mornington Peninsula Smoke Free Charter (the Charter). 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.

3.0 SCOPE

This Policy applies to Shire owned or managed land that has been indicated as a smoke free area as prescribed by Council 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.

This Policy applies to any open or enclosed portable objects such as vehicles, tents, marquees and beach boxes that are in the smoke free area.

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.

4.0 GOVERNANCE PRINCIPLES

Under the *Local Government Act 2020*, Council must give effect to the following overarching governance principles:

- Council decisions are to be made and actions taken in accordance with the relevant law;
- priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- the municipal community is to be engaged in strategic planning and strategic decision making;
- innovation and continuous improvement is to be pursued;
- regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- the transparency of Council decisions, actions and information is to be ensured.



5.0 POLICY STATEMENT

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 Council 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 the first 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.

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.

5.1 Smoke Free Local Law

5.1.1 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.

5.1.2 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.

5.2 Identification of Smoke Free Areas and Prescribed Smoking Areas

5.2.1 Smoke free areas will be identified using a boundary to boundary approach and will be supported by a smoke free area map.

5.2.2 The process for designation of smoke free areas will be clear and transparent and will include consideration of:

- Localised evidence on the health and/or environmental impacts caused by cigarettes, such as census information or litter data;
- The number of people that use the area, including during peak periods;
- The level of community support;
- The process used for community consultation;
- Feedback from local community/environment groups and businesses; and
- Comments and recommendations from Shire authorised officers

5.2.3 Smoke free areas will be appropriately signed with an acceptable no smoking sign.

5.2.4 Enforcement of the Policy will be undertaken in accordance with the Policy and the Local Law.



5.2.5 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.

5.2.6 Comprehensive consultation will support implementation of this Policy, and the development of designated smoking areas, if required.

5.3 Provision of Education and Collaboration

5.3.1 The Shire will undertake to achieve the aims of the Policy by:

- Working closely with groups that have higher smoking rates such as youth and disadvantaged communities.
- Including smoke free requirements in agreements to use Shire owned or managed land, such as leases, licenses, hire agreements and footpath trading permits.
- Providing resources and education to implement this Policy using signage, information leaflets, compliance and enforcement.
- Actively encouraging and supporting community groups and businesses to implement smoking prevention strategies.
- 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.
- Providing support and education for Shire staff to raise awareness of the Policy and reduce smoking rates, for example using QUIT Victoria resources.
- 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.
- Working towards providing smoke free workspaces (indoors and outdoors) to protect employees from exposure to second-hand smoke and reduce tobacco related litter.
- 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.
- Supporting the community and Shire staff to access GP's or QUIT support services
- Providing incentives to private land owners to designate smoke free public areas such as awards, implementation support and promotion of work through case studies.

5.4 Procedure

5.4.1 Prescribing a smoke free area

- The Local Law allows for the Shire to prescribe Shire owned or managed land as smoke free.
- In order to prescribe an area as a smoke free area, the Council will undertake the following process:
 - Consult with relevant Shire teams, external stakeholders and community
 - Work collaboratively to reach agreement on the prescribed smoke free area, and any designated smoking area if required
 - Make relevant amendments to leases, licences, hire agreements, and permits

5.4.2 Implementing a smoke free area



- Once an area has been prescribed as a smoke free area, the Shire will:
 - Ensure relevant communications to effected stakeholders and the public;
 - Provide acceptable no smoking signs and clearly identifying the prescribed area on the smoke free areas map; and
 - Provide Quit Smoking support, information or resources.
- 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.

5.4.3 Enforcement

- Once a prescribed smoke free area is declared, the 12 months following will focus on educating and raising awareness of the newly prescribed area.
- 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.
- Following the expiration of 12 months, Council will enforce its Local Law.

6.0 HUMAN RIGHTS CHARTER COMPATIBILITY

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

7.0 ASSOCIATED DOCUMENTS

- Community Amenity Local Law

8.0 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.
Frankston and Mornington Peninsula Smoke Free 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.
Local Law	Community Amenity Local Law.



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 prescribed areas.
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.

9.0 POLICY SPONSOR

Manager – Community Partnerships is responsible for overseeing the application and review of the Smoke Free Environment Policy.

10.0 DOCUMENT CONTROLS

Council will review the policy every four years or earlier as required.

10.1 Document Version Table

Document Version Control				
Version	Section	Revision Description	Date Revised	Approved by

Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Shire department, the change to an existing policy or document referred to in this policy, and minor updates to legislation and the like which does not have a material impact. However, any change or update which materially alters the document must be by resolution of Council.