

Smoke Free Areas – Education and Enforcement Policy

Legislation / local law requirements	Part 5, Division 6 of the <i>Local Government Property Amendment Local Law 2022</i> .
Relevant delegations	Clause 3.1.1 – Council to CEO – all Local Laws Clause 3.1.5 – Delegation be CEO to other employees – Local Government Property Local Law
Related policies, procedures and supporting documentation	City of Vincent Public Health Plan 2020-2025 – D20/90003 WA Director of Public Prosecutions: Statement of Prosecution Policy and Guidelines.

PRELIMINARY

INTRODUCTION

This policy is designed to support the implementation of the City of Vincent Public Health Plan 2020-2025, including the target to have smoke free Town Centres by 2025.

PURPOSE

The purpose of this policy is to outline principles to guide the implementation, education and enforcement of smoke free areas to reduce community exposure to harmful second-hand smoke.

OBJECTIVE

To:

- normalise smoke free environments;
- reduce smoking exposure among the community;
- deliver clear smoke free messages to the community and businesses;
- define the intended implementation approach of smoke free areas to primarily focus on education and awareness;
- provide guidance for officers authorised to enforce the *Local Government Property Amendment Local Law 2022*; and
- identify principles that should be considered when making decisions relating to smoke free areas.

SCOPE

The policy applies to smoke free areas which have been determined in accordance with Part 5, Division 6 of the *Local Government Property Amendment Local Law 2022*.

Smoke Free Areas – Education and Enforcement Policy

POLICY PROVISIONS

DEFINITIONS

The City of Vincent *Local Government Property Amendment Local Law 2022* contains the following definitions:

Smoke and/or smoking means to smoke, hold or otherwise have control over an ignited tobacco product; light a tobacco product; or use an e-cigarette.

E-cigarette means a portable device that is designed to generate or release an aerosol or vapour for personal use.

Authorised person means a person authorised by the local government under section 9.10 of the *Local Government Act 1995* to perform any of the functions of an authorised person under the local law.

Smoke free area means an area prescribed by Council under the *Local Government Property Amendment Local Law 2022* as an area where smoking is prohibited. See Attachment 1.

POLICY

1. Implementation of smoke free areas – education and awareness

- 1.1 Smoke free areas are determined in accordance with Part 5, Division 6 of the *Local Government Property Amendment Local Law 2022*. The smoke free areas are designed to provide clear boundaries so the community can understand where smoke free areas exist;
- 1.2 The implementation of smoke free areas is to focus on education and awareness to the community and businesses, recognising there is no safe level of exposure to second-hand tobacco smoke.

2. Community safety in smoke free areas

- 2.1 Designated smoking areas would not be determined within or near to the smoke free area, as the intent of smoke free areas is not to encourage smoking;
- 2.2 Alternative spaces to smoke are available and would be well lit, visible to other people and away from residential premises; and
- 2.3 The City can provide information to community members and businesses on these alternative spaces, however the main focus is to discourage the practice of smoking;

3. Enforcement of smoke free areas

- 3.1 Enforcement of smoke free areas is included in the *Local Government Property Amendment Local Law 2022* as an option for observed non-compliance;

Smoke Free Areas – Education and Enforcement Policy

- 3.2 For the first six months of a smoke free area being prescribed by Council, there would be a transition phase when the focus would be solely on education and awareness (detailed in clause 1.2), with enforcement to commence after this period;
- 3.3 The following principles would be considered by an authorised person when making enforcement decisions relating to observed non-compliance in smoke free areas:
- The number of times an offence has been observed, graduating to enforcement if a person is unresponsive to education;
 - The safety and vulnerability of the person; and
 - The public interest to pursue enforcement described in the WA Director of Public Prosecutions: Statement of Prosecution Policy and Guidelines.

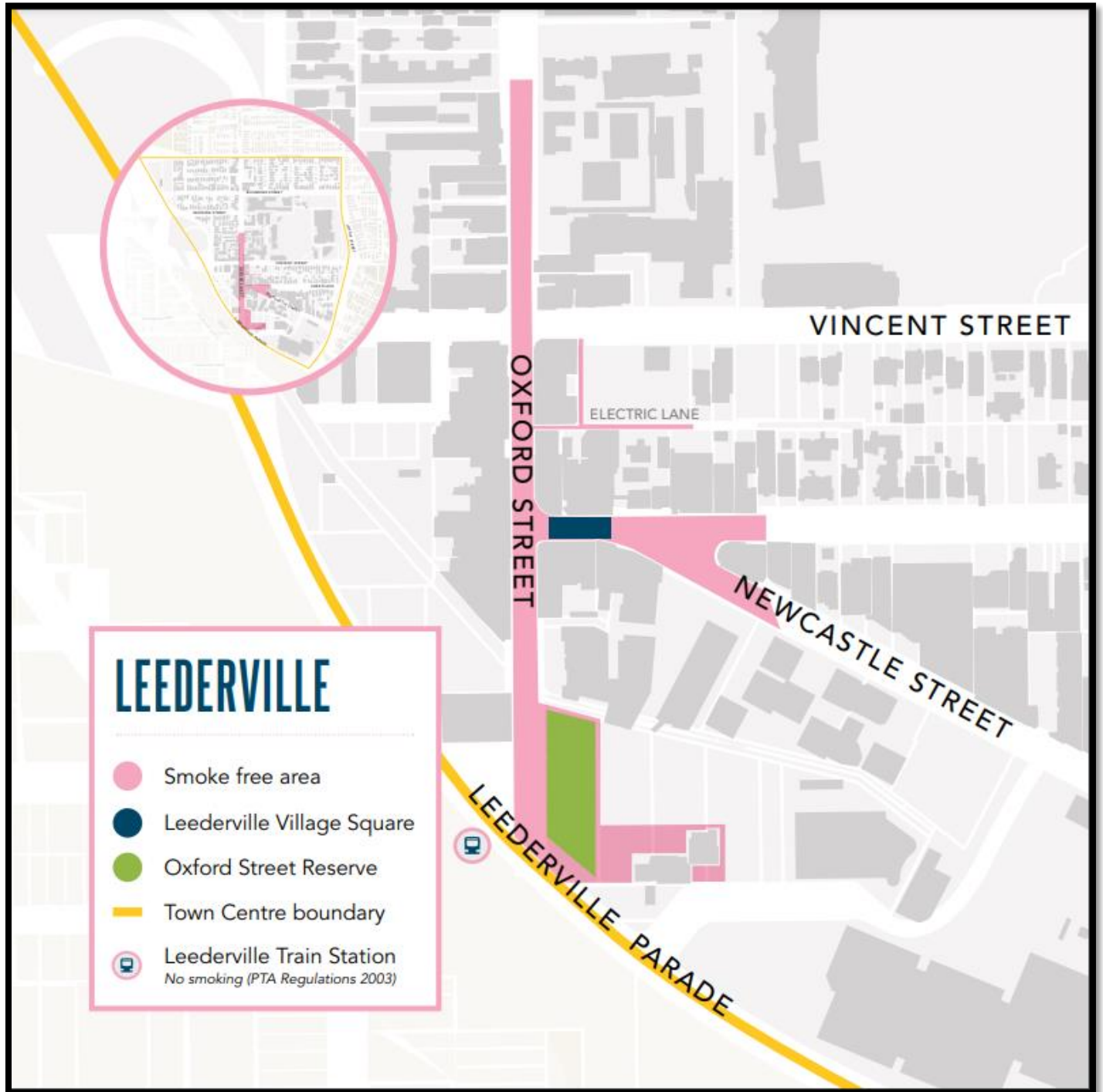
4. Smoke free signage

- 4.1 Signage would be used to inform the community of smoke free areas;
- 4.2 Signage would be installed in prominent places in smoke free areas and include permanent and temporary signage.

OFFICE USE ONLY	
Responsible Officer	Manager Built Environment and Wellbeing
Initial Council Adoption	26 JULY 2022
Previous Title	N/A
Reviewed / Amended	
Next Review Date	JULY 2026

Smoke Free Areas – Education and Enforcement Policy

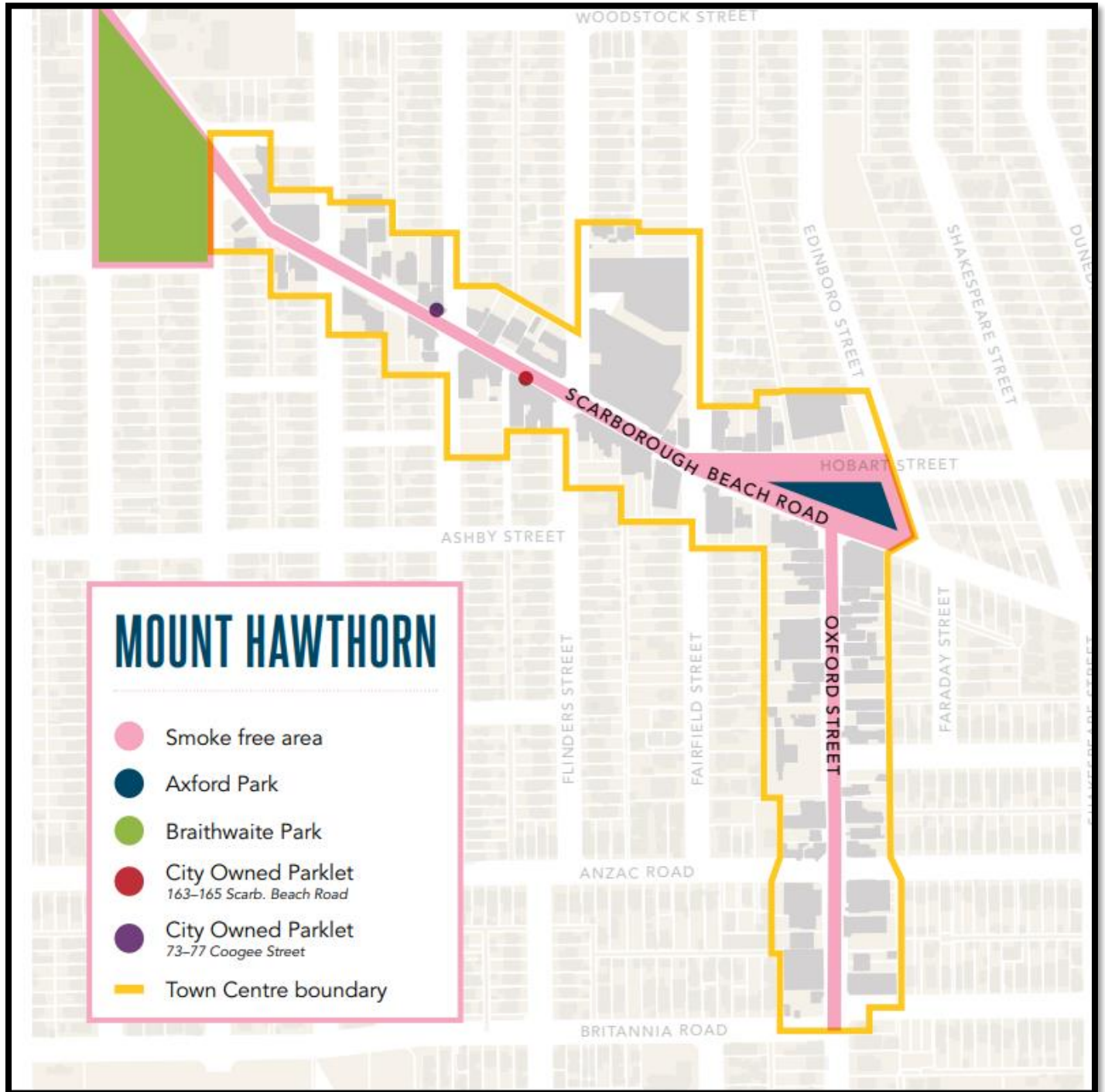
Attachment 1 – Smoke Free Areas



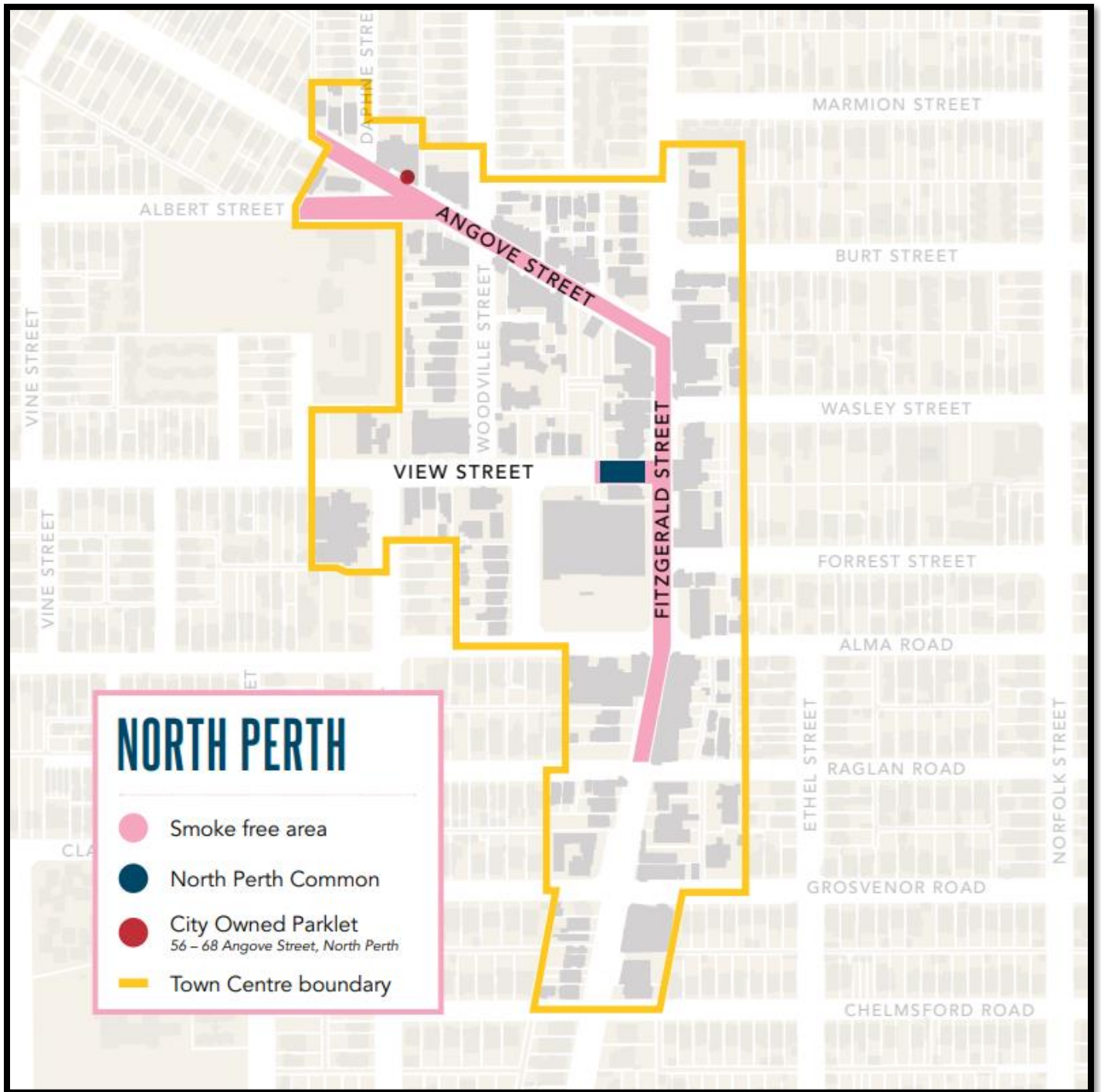
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