



# Mosman Municipal Council

## POLICY REGISTER

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<b>Title:</b>	MANAGEMENT OF SMOKING IN PUBLIC PLACES
<b>MOSPLAN Reference:</b>	Program 06.04.05
<b>Date Adopted:</b>	1 November 2004 (CS/72)
<b>Date Reviewed:</b>	6 February 2007 (CS/8), 6 March 2007 (CS/14)

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### Policy Details:

This policy prohibits:

1. Smoking within 10 metres of all children's play areas under Council's care.
2. Smoking be prohibited on or around all properties where Council is owner, reserve trust manager or has care, control and management where such properties are playing fields, sporting grounds, bushland, parks and reserves, bus shelters, as well as Vista Street underground carpark, Bridgepoint car park, Mosman Square and the adjacent Village Green.
3. Smoking on all of Mosman's beaches.
4. Smoking within 10 metres of the entrances to Council owned or managed buildings including balconies or covered areas of those buildings.
5. Smoking by persons within alfresco dining areas on public land *where Council has conditioned such approvals to occupy the land.*
6. Smoking at all Council run events *on its beaches, reserves, parks, ovals and playing fields.*

Encourage sporting clubs using Council facilities to assist Council in promoting its policy in regards to prohibiting smoking around playing fields and sporting grounds by adopting the codes promoted.

In addition to the prohibitions identified above, Council will:

1. Encourage sporting clubs *using Council facilities* in Mosman to *assist Council in promoting its policy prohibiting smoking around playing fields and sporting grounds by adopting the codes promoted by NSW Health as part of the "Smoke Free NSW" program*, including:
  - banning smoking by under 18s at club activities;
  - banning coaches from smoking whilst coaching or training;
  - banning smoking by team players at training sessions;
  - requiring team meetings on the field or during breaks to be smoke free;
  - banning the sale of tobacco products at club facilities.
2. Facilitates an education campaign on this issue that specifically targets not just residents but our many visitors, and the effect of passive smoking on children in the home.



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3. Erect and maintain suitable signage to prohibit smoking at locations deemed necessary to educate and warn persons of the prohibition, to enforce the prohibition and to highlight both the adverse environmental and public health issues associated with smoking.
4. Condition upon request for a new or renewed agreement all its leased premises and premises which have approval under Section 125 of the Roads Act 1993 to occupy the footpath for outdoor dining or other estates that apply to Council owned and managed lands and properties, prohibiting smoking in outdoor dining areas and enforce such prohibitions and require such premises to display no smoking signs to patrons at all times.

### Principles:

The Policy recognises that:

- Passive smoking has identified and quantified health risks. The US Department of Health has classified second-hand smoke as a "Class A" or known human carcinogen, for which there is no safe level of exposure. (US Dept. of Health 2000)
- Second-hand or environmental tobacco smoke is a complex cocktail of over 4,000 chemicals in the form of particles and gases. It includes irritants and systemic toxicants such as hydrogen cyanide, sulphur dioxide, carbon monoxide, ammonia, and formaldehyde. It also contains carcinogens and mutagens such as arsenic, chromium and reproductive toxicants such as nicotine and cadmium. (Australian Government Dept. of Health & Ageing 2002)
- Side-stream smoke which drifts from the burning end of a cigarette contains these carcinogens and toxic particles, which are finer and more concentrated than mainstream filtered smoke, meaning they can be inhaled more deeply into the lungs. In some cases their concentration is 30 times higher than mainstream smoke. (Cancer Council)
- Children are most vulnerable to the effects of passive smoking on respiratory illness and asthma. (Cancer Council; NHMRC)
- Where Council provides assets and services intended to be a benefit to children and other members of the community, Council has an obligation to promote public health outcomes.
- The data for public health impacts of smoking in well ventilated open space areas is complex, and that some of these impacts are indirect and cumulative and not related to the inhalation of smoke. Indirect effects can result from children playing with discarded butts, and from the accumulation of cigarette derived particles on clothing and skin.
- Every citizen has the right to clean fresh air.



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- Tobacco use is the single greatest cause of preventable disease in Australia. Reducing its use is therefore a major and effective strategy for promoting public health.
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**Reference(s):**

**Responsible  
Department(s):**

Corporate Services

## LOCAL GOVERNMENT ACT 1993 - SECT 632

Acting contrary to notices erected by councils

### 632 Acting contrary to notices erected by councils

(1) A person who, in a public place within the area of a council, fails to comply with the terms of a notice erected by the council is guilty of an offence.

Maximum penalty: 10 penalty units.

(2) The terms of any such notice may relate to any one or more of the following:

- (a) the payment of a fee for entry to or the use of the place,
- (b) the taking of a vehicle into the place,
- (b1) the driving, parking or use of a vehicle in the place,
- (c) the taking of any animal or thing into the place,
- (d) the use of any animal or thing in the place,
- (e) the doing of any thing in the place,
- (f) the use of the place or any part of the place.

(2A) However, a notice:

- (a) must not prohibit the drinking of alcohol in any public place that is a public road (or part of a public road) or car park, and
- (b) must not prohibit or regulate the taking of a vehicle into, or the driving, parking or use of any vehicle in, any public place that is a road or road related area within the meaning of the [Road Transport \(General\) Act 2005](#).

**Note:** A council may establish an alcohol-free zone under Part 4 of this Chapter for a public place that is a public road (or part of a public road) or car park (or part of a car park).

(3) The terms of a notice referred to in this section may:

- (a) apply generally or be limited in their application by reference to specified exceptions or factors, or
- (b) apply differently according to different factors of a specified kind,

or may do any combination of those things.