

No Smoking and Vaping Policy

Council Policy

1. Purpose

- 1.1 This policy aims to ensure compliance with the *Tobacco and E-Cigarette Products Act 1997* and to increase the comfort and enjoyment for all persons at Council workplaces, premises and public areas.

2. Scope

- 2.1 This policy applies to all persons at or around a place which section 46 of the *Tobacco and E-cigarette Products Act 1997* applies (smoking is banned in enclosed public places, enclosed workplaces and enclosed shared areas).
- 2.2 Council has also sought previous approval from State Parliament to declare Moseley Square as designated smoke free precincts, making it illegal to smoke in this location (regulation and policing of the exclusion zone to be enforced by State Government Authorised Officers (Department of Health and South Australian Police)).

3. Roles and Responsibilities

All persons, employees of Council and Alwyndor	All persons must comply with this policy while they are at or around a place which section of the <i>Tobacco and E-Cigarette Products Act 1997</i> . Signage indicating that smoking and vaping are not permitted will be displayed in accordance with the <i>Tobacco and E-Cigarette Products Act 1997</i> .
Authorised Officers	Officers appointed by the Minister for Health and Wellbeing as Authorised Officers pursuant to section 63 of the <i>Tobacco and E-Cigarette Products Act 1997</i> (and includes all members of SAPOL) are responsible for enforcement in areas declared or designated as smoke-free zones under that Act or related Regulations.
Council Authorised Officers	If the Council decides to prohibit smoking on certain Council-owned land not already covered by the Act or Resolutions in accordance with the Local Government Land By-law, then the Council's Authorised Officers will be empowered under section 260 of the LG Act to enforce this prohibition in these areas. This includes the authority to issue fines for offences under the By-law or to require individuals to stop prohibited conduct immediately, as per section 262 of the LG Act.

4. Policy Statement

South Australia's Tobacco and E-Cigarette Products (Smoking Bans) Amendment Regulations 2023 (under section 52(2) of the *Tobacco and E-Cigarette Products Act 1997*) bans smoking and vaping in all enclosed workplaces, premises and in a variety of public outdoor areas in South Australia. In addition, Council has a primary duty of care under the *Work, Health and Safety Act 2012* (SA) to provide and maintain a work environment without risks to health and safety. This policy provides the framework for Council's management of its legislative obligations.

Prohibition

- 4.1 Under the Tobacco and E-Cigarette Products (Smoking Bans) Amendment Regulations 2023 smoking and vaping is banned in all enclosed public places, workplaces (including work vehicles) or shared areas and in a variety of public outdoor areas in South Australia:
- Outdoor dining areas, including areas set aside for dining on the footpath
 - Enclosed public places, workplaces and shared areas
 - A motor vehicle if a child is present
 - Certain public transport areas
 - At and within 10 metres of playground equipment in a public area
 - Within early childhood services premises, and education and children's services facilities (including schools) and within 10 metres of their boundaries
 - At and within 10 metres of non-residential building entrances, such as entrances to shopping centres, government and commercial buildings
 - Within public hospitals, public health facilities, private hospitals and residential aged care facilities, and within 10 metres of their boundaries
 - At outdoor swimming facilities
 - Within major event venues declared under the *Major Events Act 2013*
 - At and within 10 metres of a sporting venue during an organised underage sporting event or training or practice session in preparation for an organised underage sporting event
 - At certain public areas – short or longer-term bans
 - On beaches between, and within 50 metres of red and yellow patrol flags, and at and within five meters of any part of jetties (including under jetties).

In addition,

- Council does not support selling or providing wterpipe products, including but not limited to shisha and hookahs, within public places due to the negative public health outcomes.

No Smoking in Council Controlled Places

- 4.2 In addition to the above requirements, all persons are required to abide by these restrictions while they are at or around a council building or workplace. Smoking is prohibited in:
- All Council buildings at all times and within ten metres of any entrance/exit of a Council building
 - Within ten metres from the intake area for building air conditioning systems
 - All Council vehicles at all times
 - Any "on site" meeting/inspection/worksite outdoors where council staff are present
 - In any type of evacuation area following any type of evacuation of any building, whether in a real emergency or as part of a drill or exercise.

Environmental Care

- 4.3 Persons who choose to smoke are required to dispose of their cigarette butts in an appropriate manner, using ash trays or disposal containers appropriately, ensuring that they fully extinguish their cigarette butts prior to disposal to avoid the risk of inadvertently starting a fire.

Enforcement

- 4.4 Subject to the *Tobacco and E-Cigarette Products Act 1997* and related Regulations, where Local Government land is declared, by way of Council resolution, to be 'smoke-free' pursuant to the Council's Local Government Land By-law, then the Council can enforce the prohibition under the By-law.
- 4.5 If Local Government land and/or Council owned facilities have, previously or subsequent to this Policy, been declared or designated as smoke-free zones under the *Tobacco and E-Cigarette Products Act 1997* or related Regulations, then enforcement action can only be undertaken by Authorised Officers, as appointed by the Minister for Health and Wellbeing under section 65 of the *Tobacco and E-Cigarette Products Act 1997*, and SAPOL officers.

5. Definitions

Key term or acronym	Definition
Enclosed	An area is considered enclosed if it is fully or partially covered by a ceiling and has walls such that the total area of the ceiling and wall surfaces exceeds 70 per cent of the total notional ceiling and wall area. Shade cloth and umbrellas are included when calculating ceiling or wall space of an area as they impede air flow.
Workplace	A place where work is carried out for a business or undertaking and includes any place where an employee goes, or is likely to be, while at work.
Smoking/Vaping	To smoke, hold, or otherwise have control over an ignited tobacco product that includes cigarettes, pipes, cigars, e-cigarettes, vapes or any other device that may be used or is designed to be used to inhale a substance into the lungs.
Ceiling	Includes any structure or device (whether fixed or movable) that prevents or impedes upward airflow.
Wall	Includes any structure or device (whether fixed or movable) that prevents or impedes lateral airflow.
Tobacco product	Defined under the <i>Tobacco and E-Cigarette Products Act 1997</i> as any of the following: a cigarette, a cigar, cigarette or pipe tobacco, shisha tobacco, tobacco prepared for chewing or sucking, snuff, any other product that is comprised of, or contains tobacco, any product (other than an e-cigarette) that does not contain tobacco but is designed for smoking and includes any packet, carton, shipper or other device in which any of the above is contained.
E-cigarette	Defined under the <i>Tobacco and E-cigarette Products Act 1997</i> as a device that is designed to generate or release an aerosol or vapour by its user in a manner similar to the inhalation of smoke from an ignited tobacco product.

Public Outdoor Area	An outdoor area or place that the public, or a section of the public, is entitled to use or that is open to, or used by the public or a section of the public under the <i>Tobacco and E-Cigarette Products Act 1997</i> .
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6. Administration Use Only

Reference Number:	Document Set ID 5303566
Strategic Alignment:	Creating a welcoming and healthy place for all in line with Our Holdfast 2050 Strategic Plan objectives.
Strategic Risk:	
Responsible Officer(s):	Manager Community Safety
First Issued / Approved:	28/07/2020
Last Reviewed, Minutes Date and Council Resolution Number:	14/10/2025, C141025/9182
Next Review Date:	14/10/2028
Applicable Legislation:	- <i>Tobacco and E-Cigarette Products Act 1997</i> - Tobacco and E-Cigarette Products (Smoking Bans) Amendment Regulations 2023 - <i>Work, Health and Safety Act 2012 (SA)</i> - Work, Health and Safety Regulations 2012 (SA) - By-law No. 3 - Local Government Land By-law (By-law No.3).
Related Policies:	Enforcement Policy
Other Reference Documents:	<u>SA Health Information:</u> - Smoking, the rules and regulations SA Health