

POLICY – COUNCIL

No Smoking and Vaping Policy

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1. Document control

Author – name and position	Jordan Littlefair, Manager People & Culture
Stakeholders	All staff
Reviewed by – name and position	Director's Group
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2. Preamble

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.

3. Policy purpose

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.

4. Scope

This policy applies to all persons at or around a place which section 46 of the *Tobacco and E-Cigarette Products Act 1997* applies.

5. Definitions

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
Tabacco product	defined under the Tobacco and E-Cigarette Products Act 1997 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 Tobacco and E-cigarette Products Act 1997 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 Tobacco and E-Cigarette Products Act 1997

6. Policy

6.1 RESPONSIBILITIES

All persons must comply with this policy while they are at or around a place which section 46 of the *Tobacco and E-Cigarette Products Act 1997*.

Signage indicating that smoking and vaping are not permitted will be displayed in accordance with the *Tobacco and E-Cigarette Products Act 1997*.

6.2 PROHIBITION

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
- Enclosed public places, workplaces and shared areas
- A motor vehicle if a child is present
- Certain public transport areas
- Near 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)

6.3 NO SMOKING IN COUNCIL CONTROLLED PLACES

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 (10) metres of any entrance/exit of a Council building
- Within ten (10) metres from the intake area for building air conditioning systems
- All Council vehicles at all times
- The northern side of the Noarlunga office building near the main customer and staff entrance
- 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

6.4 ENVIRONMENTAL CARE

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.

7. Relevant legislation and references

7.1 LEGISLATION

Tobacco Products Regulation Act 1997

Tobacco and E-Cigarette Products (Smoking Bans) Amendment Regulations 2023

Work, Health and Safety Act 2012 (SA)

Work, Health and Safety Regulations 2012 (SA)

8. Further information

<https://www.sahealth.sa.gov.au/>