

	<p>From 1 August 2017, changes to the <i>Tobacco Act 1987</i> (Tobacco Act) mean that smoking will be banned in outdoor dining areas in Victoria. This includes outdoor dining areas:</p> <ul style="list-style-type: none"> • at cafes, restaurants • at food fairs eg Food and Wine Festival • within 10 metres of food stalls and food vendors at organised events (other than a food fair). <p>Under the Tobacco Act an outdoor area is either:</p> <ul style="list-style-type: none"> • An outdoor dining area: Smoking will be banned in these areas. • An outdoor drinking area: Smoking is not banned in these areas <p>Gaps in the new laws:</p> <p>Under the new laws venues can dedicate some or all of their outdoor areas to smoking and drinking by ceasing service of food (as defined within the Tobacco Act) to the area.</p> <p>Venues can change the status of their outdoor areas from smoking to non-smoking at different periods of the day and night.</p> <p>If smoking continues in outdoor drinking areas on Council footpaths this exposes staff, other patrons and the general public to harmful second hand smoke</p> <p>If smoking continues in outdoor drinking areas so too does the social connection between drinking and smoking. It does not provide a supportive environment for those trying to quit.</p> <p>Reasons for Policy:</p> <p>To make all outdoor dining and drinking areas on council land smoke free. This would include all council land where footpath trading occurs.</p> <p>Council is only able to make policies that relate to smoking on council land not private land.</p>
Definitions:	Refer to Policy
References:	<ul style="list-style-type: none"> • Website: Tobacco Control Section, Department of Health & Human Services: Tobacco Reform - smoke free areas https://www2.health.vic.gov.au/public-health/tobacco-reform/smoke-free-areas • D17-42372 - Letter and Information Sheet - smoking in outdoor drinking areas. Quit Victoria
Related Policies:	<p>Macedon Ranges Shire Council - General Purposes and Amenity Local Law No. 10</p> <p>Macedon Ranges Shire Council Community Consultation Framework</p> <p>Leisure/Community Facility Conditions Of Hire</p>

Related Legislation:	Public Health and Wellbeing Act 2008 Tobacco Act 1987. (Vic) The Local Government Act 1989 (Vic)
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Scope

This Smoke Free Outdoor Areas Policy is made under Council's current General Purposes and Amenity Local Law No. 10 which allows for Council to regulate this policy through the signage provisions and the conditions on the "permits for outdoor dining".

This policy applies to those areas that have been designated as smoke free outdoor areas. This includes:

- Council owned, operated and leased buildings,
- External perimeters of all playing fields, sporting grounds and sporting facilities and council owned sporting clubrooms/pavilions
- Outdoor dining areas on Council land to include drinking areas

Corporate Planning Framework:

Council Plan 2017–2027 - Priority Area - Promoting health and wellbeing - "We will contribute to positive health and wellbeing in our community by proactively supporting mental health, the prevention of violence against women, healthy lifestyles for all ages and abilities, social connection/inclusion, volunteers, community safety, and arts and culture."

Policy:

Smoking is banned in the following areas:

1. All outdoor dining and drinking areas on Council footpaths and roads adjacent to a food premises.
2. Within 5 meters from the entrance of any Council owned, operated and leased building.
3. Within 10 meters from the external perimeter of all playing fields, sporting grounds and sporting facilities and council owned sporting clubrooms/ pavilions.

Other considerations

Events and Festivals:

Smoke free initiatives will be considered in the scoring matrix of the Events and Festivals Grant Program. This program provides assistance to groups and organisations seeking funds and Council support for events that can demonstrate the delivery of successful, sustainable, safe, compliant and accessible events and festivals. Whilst food fairs must be smoke free under the legislation and any outdoor event which has food stalls as part of the event must have a 10m exclusion zone from the food stall, council is keen to encourage event organisers to make all outdoor events smoke free where practicable.

Non-council owned facilities:

We acknowledge that there are some facilities used by community and sporting groups that are not Council owned and therefore are not covered by this Policy. Committees and groups responsible for the management of these facilities are encouraged to develop their own Smoke Free Policies and council support is available to do this.

Definitions:

Outdoor dining areas on Council land require a permit to use this land. 'No smoking' in these areas is a requirement under the conditions of this permit. This includes where that use has a licence for the sale and consumption of alcohol under the Liquor Control Reform Act 1998.

Council owned, operated and leased buildings include the following service centres and libraries:

- Kyneton Administration Centre
- Gisborne Administration Centre
- Romsey Service Centre and Library
- Woodend Service Centre and Library
- Gisborne Library
- Kyneton Library

Playing fields, sporting grounds and sporting facilities include the following:

- Football, cricket and soccer fields
- Netball, basketball and tennis courts
- Athletics tracks
- Equestrian facilities
- Outdoor swimming pools
- Clubrooms, pavilions, change rooms and canteens
- Barbeques
- Toilets.

Enforcement of the policy

Enforcement of this policy has been supported by effective signage, persuasion and self-policing, rather than punitive enforcement by Council.

Notwithstanding this, Council's current General Local Law No.10 allows for Council to regulate this policy through the signage provisions and the conditions on the "permits for outdoor dining".

Signage

Signs are located in forty five playgrounds across the shire with the larger playgrounds requiring more than one sign. Signs are also located at twenty five buildings across the Shire including shire offices, libraries, leisure centres, pools, community hubs and visitor information centres.

Signage has been installed in prominent places at skate parks, playing fields, sporting grounds and sporting facilities and public outdoor events where smoking is banned.

The signs include the international 'No Smoking' symbol, the Macedon Ranges Shire Logo, the Council endorsed image for 'Smoke Free Zones' and the wording "within 10 meters of this skate park/ playing field/ change room/ sporting facilities/ pavilion.

Policy Review

This policy shall be reviewed every two years or as a result of further state legislation change. The results and recommendations of any review shall be presented to the Council.