

8.6 Smoke Free Outdoor Area Legislation

SAMPLE MOTION

STATEWIDE SMOKE-FREE OUTDOOR AREA LEGISLATION

Recommendation

MOTION

- 1) That Council lobbies the NSW Government to introduce and enforce legislation that uniformly prohibits smoking:
 - a. Within 10 metres of children's playgrounds
 - b. Within 10 metres of sporting fields
 - c. In all outdoor dining areas where food is provided as part of a business
 - d. In covered bus shelters and taxi ranks
 - e. In reserves

- 2) That Council demonstrates its call on the NSW Government to introduce and enforce smoke-free outdoor area legislation by:
 - a. Writing to the local MP, Minister for Local Government, the Minister for Health and the Premier, alerting them to Council's desire for legislation and requesting they take steps to progress it.
 - b. Publicising the resolution to the community through Council's website and relevant communication channels. Promote the Cancer Council campaign website www.canceraction.com.au.
 - c. Tabling the issue for discussion at a ROC meeting to encourage other Councils to give their support.
 - d. Advising Cancer Council NSW of Council's actions.

Background notes:

Cancer Council NSW has requested Council to endorse and support their current campaign called 'Clear the air: Why wouldn't you?' that is calling on the NSW Government to bring in smoke-free legislation covering particular public outdoor areas, including children's playgrounds and outdoor dining areas. Council is asked to demonstrate its support for this legislation by the end of March 2012. Other organisations that have formally endorsed the campaign for legislation include: National Heart Foundation of Australia, Australian Medical Association (NSW), Action on Smoking and Health, Asthma Foundation NSW, and SIDS and Kids NSW.

The Local Government & Shires Associations of NSW has confirmed that it supports the call for uniform smoke-free outdoor area legislation. As a further demonstration of the widespread support from Local Government for such legislation, Cancer Council encourages individual councils across the State to formally resolve that their own council calls on the NSW Government to enact the much needed legislation, for the benefit of their community.

There is increasingly strong community support for some form of ban to be implemented in outdoor areas, particularly in playgrounds and outdoor dining areas. There is substantial evidence linking the exposure to second-hand cigarette smoke with a wide range of serious and life threatening health impacts such as heart disease, cancer, asthma and other respiratory problems. There is also emerging evidence on how smoking negatively affects air quality in busy outdoor locations.

Under the Local Government Act 1993, councils have the power to legislate controls in their own jurisdictions to protect their communities from the effects of second-hand smoke. Over 60% of NSW councils have a smoke-free outdoor policy covering a range of areas, most commonly children's playgrounds, but only 20% include outdoor dining areas. This has created a patchwork effect across the State with policies varying from LGA to LGA. This can cause confusion to both communities and businesses. Also, smoke-free outdoor dining areas, if adopted by a council, do not apply to every café or restaurant in an LGA because smoking bans only cover council controlled land.

State-wide legislation offers a simpler, more consistent approach for everyone, including councils. It is an effective way to give equal access to the health benefits of smoke-free outdoor areas, particularly in children's playgrounds and alfresco dining.