

# SMOKE FREE FACT SHEET

Kempsey Shire Council is committed to encouraging a healthy lifestyle that contributes to the life and vitality of residents and visitors.

Council has adopted a procedure which outlines expected behaviours of smokers in public places, details are provided below.

Smoking is prohibited:

- Within four (4) metres of all Kempsey Shire Council designated children's playgrounds , fixed outdoor exercise equipment and designated walking trails and paths
- Within four (4) metres of all Kempsey Shire Council owned or managed buildings (including balconies, covered areas, public halls, toilets, sports centres, depots, airport terminals, council wharves and jetties or the like)
- Within four (4) metres of all leased or licensed Council land and all Council owned and managed lands and properties, including community gardens
- At all outdoor events organised by Council or held on land under Council control
- On beaches that are monitored as part of Council's Beach watch Program. These include Crescent Head main beach, Hat Head main beach, Grassy Heads main beach, South West Rocks main beach and Horseshoe Bay
- On all playing fields, recreation areas, sporting grounds and sporting facilities (i.e. swimming pools, outdoor sports centres) and the like.
- In all covered bus shelters, bus stops and taxi ranks, and
- In all parks and reserves
- Included are all alfresco dining license agreements with the Kempsey Shire Council.

## Enforcement of this Procedure

Community support for a healthy environment should ensure that the bans are self-policed, provide the community benefit which Kempsey Shire Council aims to achieve. Enforcement of the Policy will be via education and self-policing, rather than punitive enforcement. If community support does not achieve the objectives of the policy however, financial enforcement options may occur.

## Authorised Persons

The following Kempsey Shire Council staff are "authorised persons" for the purposes of enforcement of the procedure:

- Council Rangers

## Penalties

For failing to comply with the policy after the issue of a verbal warning is served, by means of an authorised person, a penalty notice (Penalty: \$110.00) upon any person who fails to comply with the terms of any such notice (see, s.679 of the Act );.

## Related Legislation

Under the NSW Local Government Act 1993 Council has the power to:

- Erect suitably worded and strategically placed notices in "public places";
- Otherwise prohibit smoking in any place within the local government area of Kempsey Shire, in respect of which Council is the owner or occupier, as a condition of entry to that place;

**PLEASE CONSIDER OTHERS**

**We are working towards a healthier community**

**Thank you for your support**

