

Table 1 below is a comparison between the contents on Policy 401 and the other Management practices, Policies and legislations.

Policy 401- Smoking restriction- Town Property	ToVP Fleet Management Practice	ToVP OSH Smoke Free Workplace	Tobacco Products Control Act 2006 and Tobacco Products Control Regs 2006	Local Government Property Local Law 2000 Town of Victoria Park
<p>POLICY OBJECTIVE:</p> <p>To provide for all Town property to be smoke free.</p>		<p>1.0 PURPOSE</p> <p>To protect all workers and visitors at the Town of Victoria Park by eliminating the risks associated with exposure to ETS, so far as is reasonably practicable, in accordance with the Occupational Safety and Health Act 1984 and Tobacco Products Control Act 2006.</p>		
<p>POLICY SCOPE:</p> <p>This policy applies across all Town property.</p>		<p>PROCEDURE</p> <p>Smoking (including e-cigarettes and other vaping devices) is not permitted at the Town of Victoria Park within 20 metres of work buildings, in any council owned vehicles, in areas where ETS may drift back to the workplace and office buildings which are regularly occupied by employees, including:</p> <ul style="list-style-type: none"> • Fire escapes, lifts and stairs • Foyers and passageways 	<p>107B. No smoking in outdoor eating areas</p> <p>(1) A person must not smoke in an outdoor eating area unless the place in which the person is smoking is a smoking zone.</p> <p>Penalty: a fine of \$2 000.</p> <p>107C. No smoking near playground equipment</p> <p>A person must not smoke within 10 m of children’s playground equipment that —</p>	

Commented [DD1]: @Steve Kipkurgat consider this as an attachment

		<ul style="list-style-type: none"> • Lunchrooms, kitchens and common rooms • Toilets • Meeting rooms <p>Smoking is prohibited in those areas or workplaces which are signposted with prohibitive signs and where there is high fire risk.</p> <p>There will be no designated smoking areas within 20 metres of council work buildings.</p> <p>Staff who smoke will be respectful and mindful of where they smoke, so far as reasonably practicable, in accordance to the 20 metres from work buildings.</p> <p>Supervisors will discuss entitled breaks with their staff, both smokers and non-smokers. Together they will develop effective solutions that do not interfere with the productivity of the staff.</p> <p>This policy applies to management, workers, volunteers, contractors, service</p>	<p>(a) is in a public place or a part of a public place; and</p> <p>(b) is not in an enclosed public place.</p> <p>Penalty: a fine of \$1 000.</p> <p>(2) A person must not smoke in or on a vehicle if</p> <p>(a) the vehicle is on a road; and</p> <p>(b) any other person in or on the vehicle is a child.</p> <p>Penalty: a fine of \$1 000.</p> <p>107E. Local government legislative power not affected. Nothing in section 107A, 107B or 107C is intended to limit the power conferred on a local government by the Local Government Act 1995 or any other Act to make local laws about matters mentioned in those sections.</p> <p>125.Regulations about smoking in public places</p> <p>(1)The Governor may make regulations for the regulation or prohibition</p>	
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		<p>staff, visitors and clients while on company premises.</p>	<p>of smoking in public places.</p> <p>(2) Without limiting subsection (1), the regulations may —</p> <p>(a) require occupiers of public places to display signs about smoking, and may prescribe the location, content, dimensions, colour and positioning of, and materials constituting, those signs; and</p> <p>(b) confer powers on police officers, investigators and authorised officers in relation to persons who are smoking in public places where smoking is prohibited.</p> <p>(3) Nothing in the regulations is to be construed as creating or preserving a right of a person to smoke in a public place.</p>	
<p>POLICY STATEMENT:</p> <p>1. Smoking is not permitted within Town owned or controlled buildings.</p> <p>2. Smoking is not permitted in Town owned motor vehicles whilst being used for commuting or work purposes.</p> <p>3. Where smoking is permitted in open areas of Town facilities it shall be as</p>	<p>Reimbursing the Town for the costs of repairing any damage, or eradicating any odours, arising from smoking, drug or alcohol use, or transporting animals, in a Town vehicle;</p>		<p>Regs</p> <p>10. Prohibition on smoking in enclosed public places</p> <p>(1) A person must not smoke in an enclosed public place.</p> <p>Penalty for this subregulation: a fine of \$2 000.</p> <p>13A. Prohibitions on smoking near enclosed public places</p>	<p>2.8 Activities which may be prohibited on specified local government property</p> <p>(1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property—</p> <p>(a) smoking on premises;</p>

<p>prescribed in the following policy.</p> <p>4. Environmental Health Officers shall enforce compliance with the <i>Tobacco Products Control Act 2006</i>, which from 31 July 2006 prohibits smoking in all enclosed public places except the International Rooms of Burswood Entertainment Complex.</p> <p>5. Environmental Health Officers will provide advice and educational material on smoking to staff and community members, as required.</p> <p>6. No smoking is permitted within a Town owned or controlled buildings.</p> <p>7. Town employees are responsible for controlling and discouraging smoking in all Town controlled properties, including:</p> <ul style="list-style-type: none"> a. Sporting and recreation facilities; b. Public swimming pool centres; c. Halls; d. Library; and e. Public toilets. 			<p>(1)A person must not smoke outside an enclosed public place within 5 m of a public entrance to the enclosed public place.</p> <p>Penalty for this subregulation: a fine of \$1 000.</p> <p>(2) A person must not smoke outside an enclosed public place within 10 m of an air intake for air conditioning equipment that is in or on the</p> <p>Division 3 — Investigators</p> <p>14. Investigators to notify occupiers before taking action under Part 3</p> <p>(1)An investigator must take reasonable steps to notify the occupier of an enclosed public place of the investigator’s presence before the investigator takes any action for purposes connected with the operation of this Part.</p> <p>enclosed public place.</p> <p>Penalty for this subregulation: a fine of \$1 000.</p> <p>15.Directions by investigators</p> <p>(1) If an investigator has reason to believe that a person is committing an offence under regulation 10(1) the investigator may direct</p>	
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<p>8. Smoking is prohibited within 5 metres outside of the entrance to all Town buildings. Where outdoor smoking areas are permitted they shall be established beyond 5 metres from entrances and signposted as such. Bins for the disposal of cigarette butts shall be provided in these designated areas.</p> <p>9. Smoking is prohibited in the indoors area of the Aqualife Centre pool centre and on the brick-paved concourse of the 50-metre outdoor pool. All other outdoor areas are to comply with the general provisions of the Tobacco Control Act 2006.</p> <p>10. Smoke-free zones are to be identified by the display of appropriate signage, where possible.</p> <p>11. Town Officers are to encourage sporting and community groups to implement no-smoking strategies into their own policies associated with:</p>			<p>the person to stop smoking in the enclosed public place.</p> <p>(1A) If an investigator has reason to believe that a person is committing an offence under regulation 13A(1) or (2) the investigator may direct the person to stop smoking within the prohibited distance.</p> <p>(1B) In subregulation (1A) within the prohibited distance means —</p> <p>(a) for an offence under regulation 13A(1) — within 5 m of a public entrance to an enclosed public place; or</p> <p>(b) for an offence under regulation 13A(2) — within 10 m of an air intake for air conditioning equipment that is in or on an enclosed public place.</p> <p>(2) A direction under subregulation (1) or (1A) may be given orally or in writing and if given orally must be reduced to writing as soon as is practicable.</p> <p>(3) A person must comply with a direction given to the person under subregulation (1) or (1A).</p> <p>Penalty for this subregulation: a fine of \$2 000.</p>	
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<p>a. Banning smoking by minors;</p> <p>b. Banning smoking at events, except in a designated smoking area;</p> <p>c. Banning smoking at club activities, except in a designated smoking area;</p> <p>d. Banning the sale of tobacco products at club facilities and events.</p> <p>12. Town owned vehicles are to remain smoke free during such times as they are being used for commuting or work purposes</p>			<p>(4) In proceedings for an offence under subregulation (3) a document purporting to have been signed or certified by the CEO, an investigator or a police officer —</p> <p>(a) to which is attached a copy of a direction given under subregulation (1) or (1A); and</p> <p>(b) stating that the direction —</p> <p>(i) was given by the person referred to in the document; and</p> <p>(ii) was in force at the time specified in the document, is, in the absence of evidence to the contrary, evidence of the direction and of the facts stated in the document.</p>	
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