

*Considering smoke free outdoor
dining areas for Greater Shepparton*

Evaluation Report

February 2013



Purpose of consultation

The purpose of this consultation was to:

- Obtain community feedback to capture any anticipated business, community and health impact of establishing smoke free outdoor dining areas within Greater Shepparton
- Gather community opinion before considering various options of implementing smoke free environments within Greater Shepparton
- Provide the community with information considered in determining the need and effectiveness of establishing smoke free outdoor dining areas
- Inform Council of the community views gathered.



Background

At a Council meeting on 17 April 2012 a report was tabled detailing extensive research which collated evidence of smoking health risks and related diseases, including the impact on individuals of second hand smoke. This included results of an earlier survey in March 2012 inviting 42 businesses to participate who were currently licensed to offer outdoor dining on Council land. The survey requested costs for renovations to existing premises, whether the licence holder would support smoke free outdoor dining and if any impact would result. Unfortunately, only 9 businesses completed the survey. This data collection indicated that 67% of respondents would not support the introduction of a smoke free outdoor dining policy. Council requested that further community consultation should occur to gather the implications of establishing smoke free outdoor dining areas in Greater Shepparton before an informed decision could be considered.

The Victorian Tobacco Act 1987 provides regulation for enclosed outdoor dining areas only, including areas that have a roof and are more than 75% enclosed by walls. These enclosed workplaces where smoking is prohibited include restaurants, cafes, theatres, schools, cinemas, pubs and registered clubs. Smoking is also prohibited in all covered areas of train platforms, tram stops and bus shelters under regulation 24A of the *Transport (Conduct) Regulations 2005* (Vic).

The Heart Foundation and Quit Victoria are supporting Councils to demoralise smoking, reduce the environmental impact, make it less visible and reduce the impact of second hand smoke and have attended a Councillor briefing 13 March 2012 to offer their support and further inform Councillors.

Quit Victoria has released a *Strategic Plan 2012-2015* with a vision of ending the pain, suffering and costs caused by Tobacco. "The key goals are to:

- Reduce Victorian smoking rates in the shortest possible time to achieve adult daily smoking rate in Victoria of 12% by 2015.
- Work towards reducing smoking prevalence and behaviours in high smoking rate groups to reduce tobacco related health, social and economic disparities.
- Reduce exposure to tobacco smoking and smoking behaviours (demoralisation)."

In October 2011 Councillors approved the installation of smoke free zone signage to all playgrounds and play areas, commencing with the most prominent, with nearly 30% installed.

The Municipal Association of Victoria (MAV) have released a *Local Government Recommendations for a Victorian Outdoor Smoking Framework, September 2011* to advocate for the State Government to consider a state-wide framework, as there is currently no state-wide ban in Victoria. The variance between states was clearly demonstrated in the framework. The proposed changes would include a mix of laws, policies and programs.

Greater Shepparton City Council's Smoke-free Workplace Policy endorsed 7 April 2009 includes reference to smoking being prohibited in workplaces and vehicles only. A review of its content may be beneficial for Council to now consider Council events, car parks, catering and building entrances to further demonstrate Council's commitment to providing a safe and healthy environment for all.

Consultation Methods Used

During December 2012/ January 2013 a number of consultation methods were used to capture community opinion regarding the anticipated impact of smoke free outdoor dining areas:

Letters - A letter was distributed to 47 businesses that currently hold an outdoor dining licence permit with Greater Shepparton City Council, most include footpaths or spaces adjoining or adjacent to their business. The letter informed permit holders of the purpose of the consultation and community information sessions. It also invited them to participate in the survey and inform Council of any anticipated impact on business, health and community.



Media Release – A media release was provided to inform the community of the proposed consideration of the smoke free outdoor dining areas, together with relevant smoking and second hand smoke statistics. A request for feedback from residents, business operators or health professionals was included.

Newspaper – An article was published in a local newspaper to inform community of the consultation period and encourage community participation.

Radio Interview – Opportunities were available for radio interviews throughout the consultation period to inform community about the process and participation opportunities.



Social Media/Facebook/Webpage – A range of social media opportunities were provided, including Council's Facebook page and website, which encouraged community members to provide feedback and get involved.

Surveys – Surveys were available online, internally on Council's 'Insite', in Council foyer and staff kitchens to obtain opinions from those accessing, eating or enjoying the outdoor dining areas within the Greater Shepparton area.

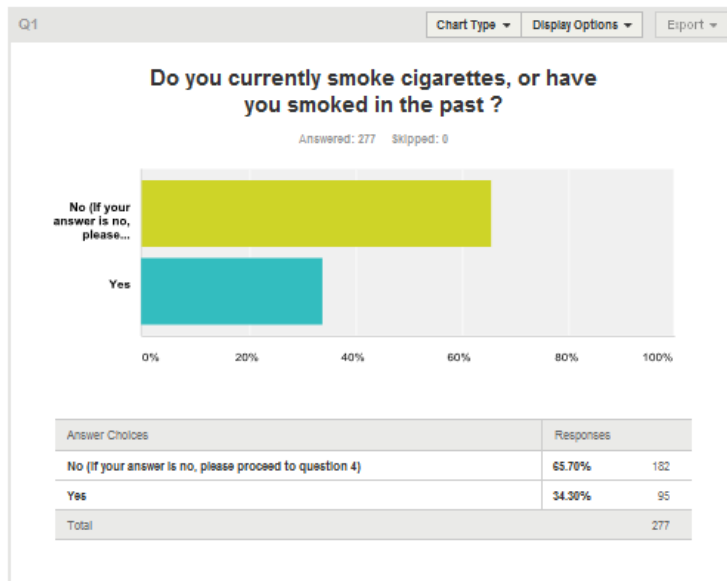
Vox pop surveys – Vox pop survey opportunities occurred throughout January 2013 to capture community responses in local shopping precincts. Vox pop originated from the Latin word vox populi meaning 'the voice of the people and encourages personally approaching people'.

Community Information Session – Two community information sessions were held on 17 January 2013 to provide a question and answer opportunity for community members and business operators. These sessions were advertised in the media release, included in the letters sent to business owners and advertised on Council website and Facebook pages.

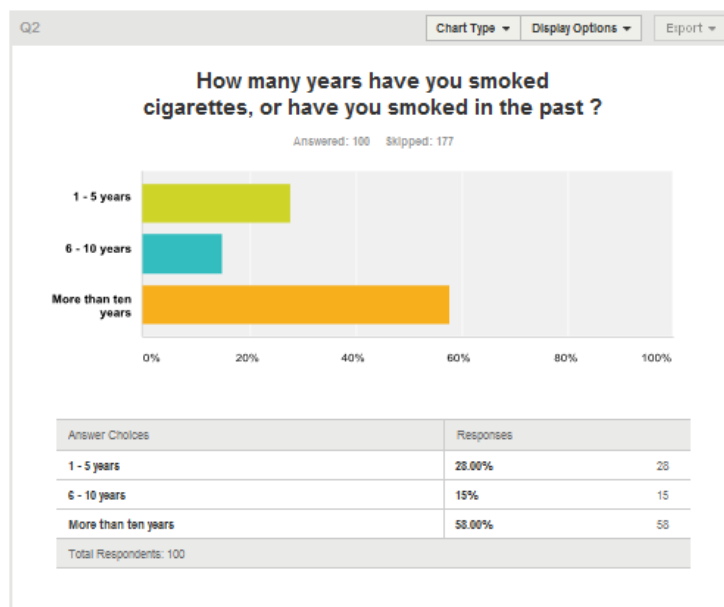
Consultation Statistics

Date	Item	Comment/survey quantity
Posted December 2012	Letters	There were 47 letters sent to businesses with current licences to operate outdoor dining permits to advice of the consultation period, invite them to participate and provide details of the coming information sessions.
12 December 2012	Media Release	<p>An initial media release was issued 12 December 2012 to promote the community consultation opportunity, offering online survey and email details.</p> <p>A second media release was developed to remind community to participate during January 2013 and to promote the two public information sessions.</p>
20 December 2012	Newspapers	An article to encourage community participation in the smoke free outdoor dining consultation was printed in SN Weekly.
December 2012/January 2013	Radio Interview	A brief reference was made to the smoke free outdoor dining consultation period.
December 2012/January 2013	Social media	Two postings on Council's facebook page were received during the period.
8 January 2013	Survey Online	277 survey responses were received by 31 January 2013.
9 January 2013 16 January 2013 30 January 2013	Survey Onsite	<p>9th – 9 surveys completed at local cafes/restaurants</p> <p>16th – 18 surveys completed at Riverside Plaza/Shepparton Mall</p> <p>30th - 15 surveys completed at local cafes.</p>
16 January 2013	Vox pop survey	Included in survey onsite visits.
17 January 2013	Community Information Session	Two community information sessions were held. Relevant statistics, clarification of the Tobacco Act and comparisons between Councils were provided for information.
March 2013	Evaluation Report	An evaluation report will be provided to Executive and Councillors.
March 2013	Inform community of results	To be completed.

Survey Responses

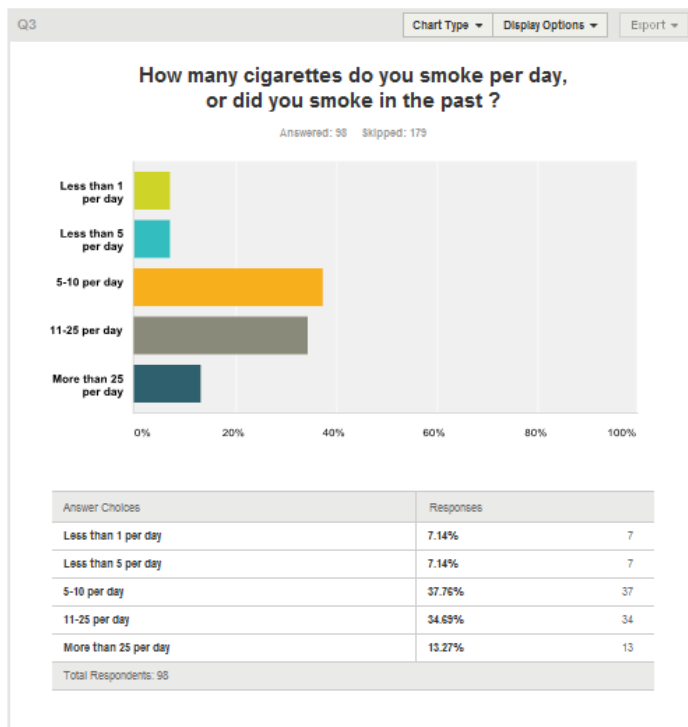


A total of 277 surveys were completed. All respondents answered this question. The majority of respondents completing the survey are not current smokers (34.3%) or have not smoked in the past (65.7%).

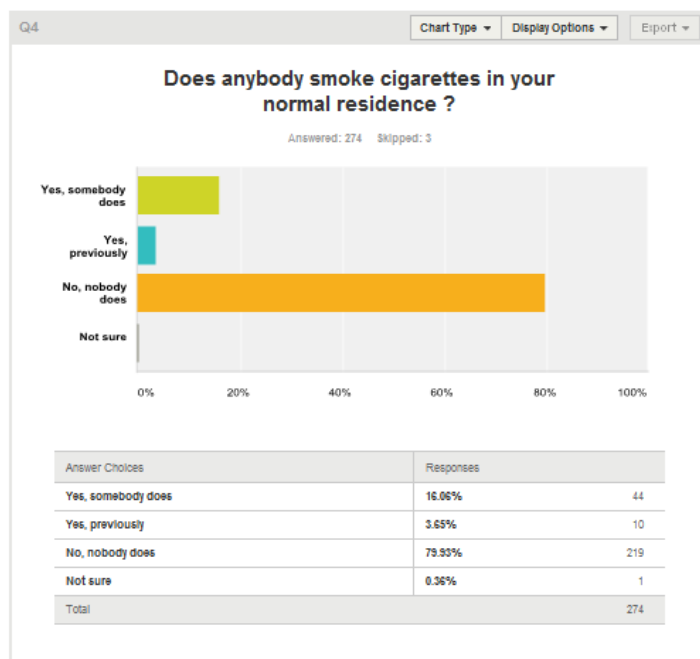


More than one fifth of the total survey respondents (20.9%) have indicated that they have smoked for a significant amount of time, more than ten years, with only 5.4% smoking between 6-10 years and the remaining 10% have smoked for less than ten years.

There were 100 responses in question two, however only 95 respondents indicated that they were smokers in question one, therefore an extra five respondents may have answered question one or two incorrectly.



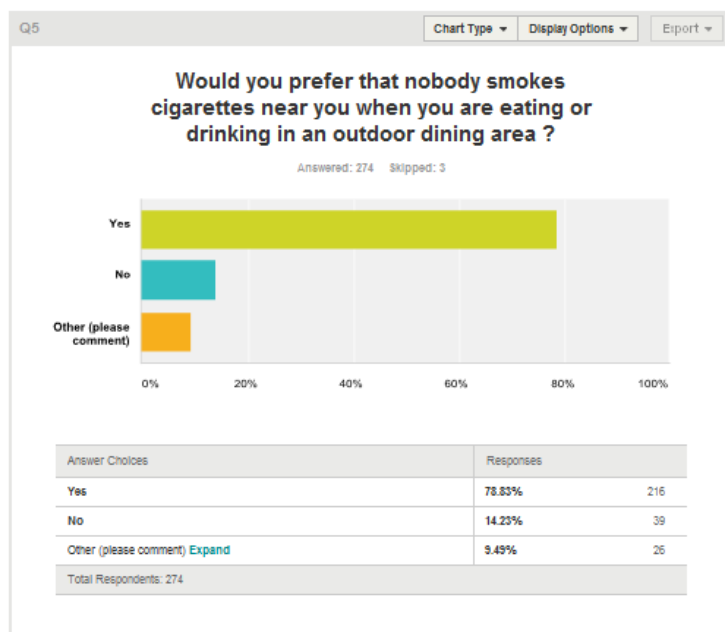
A total of 98 respondents answered this question, indicating 25.6% are moderate smokers, smoking between 5-25 cigarettes per day and 4.7% indicating they are *heavy smokers, smoking more than a packet of 25 cigarettes per day.



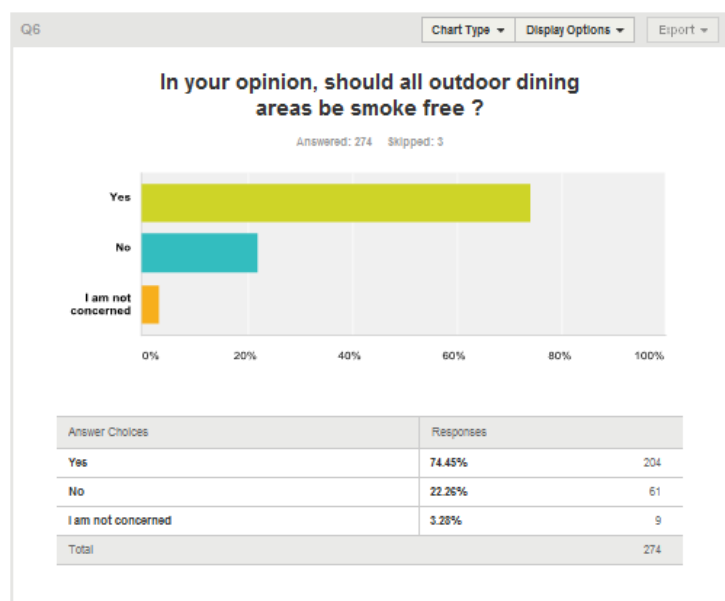
Nearly all respondents answered this question, with the majority of respondents (79%) indicating that nobody currently smokes in their normal residence.

* Heavy smokers are individuals that smoke more than 25 cigarettes per day, refer definitions demonstrated 'Are Heavy Smokers different from light smokers?', Stanford University & University of Texas

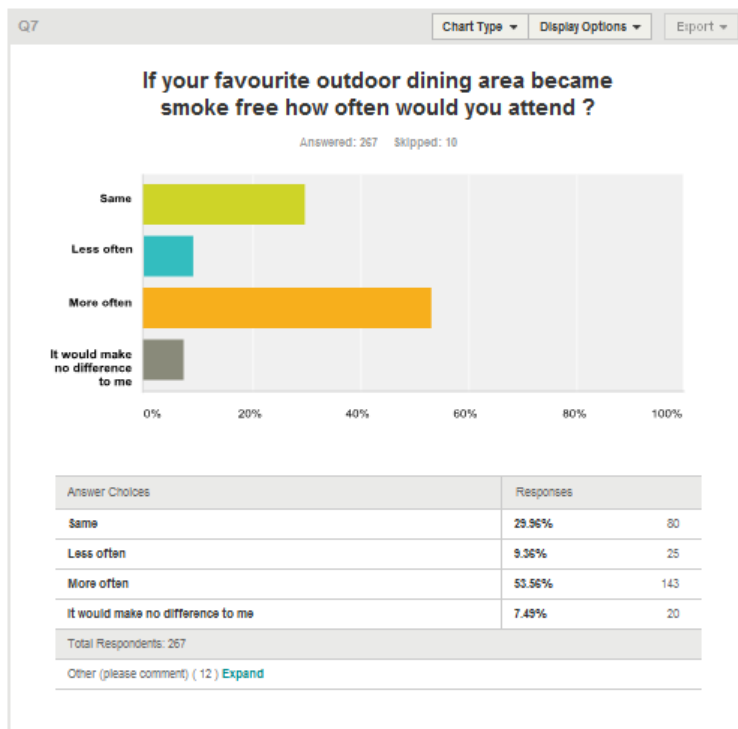
<http://www.uta.edu/management/Dr.Casper/Fall10/BSAD6314/BSAD%206314-Student%20Articles/Discriminant%20Analysis/A.%20Mehta%20JAMA%20Discriminant%20Analysis.pdf>



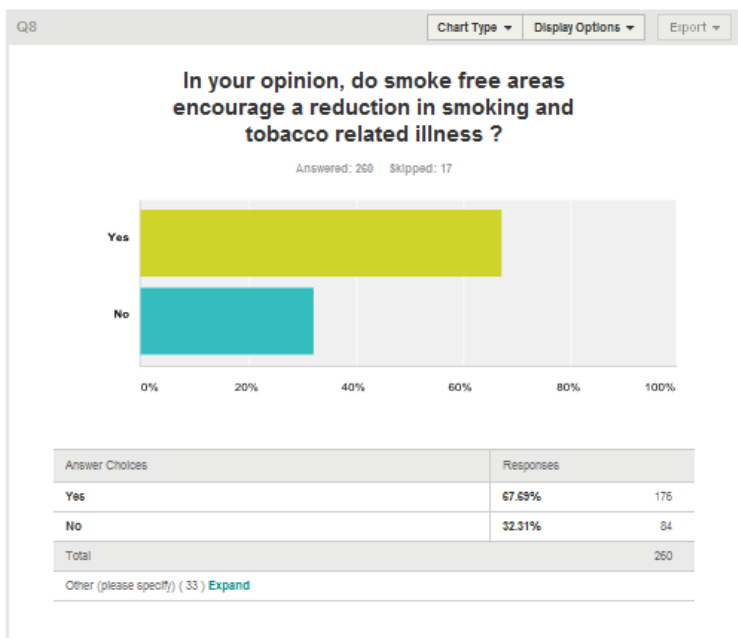
Most respondents answered this question with a significant amount (78.8%) stating that they prefer that nobody smokes cigarettes near them when they are eating or drinking, which included both smokers and non-smokers.



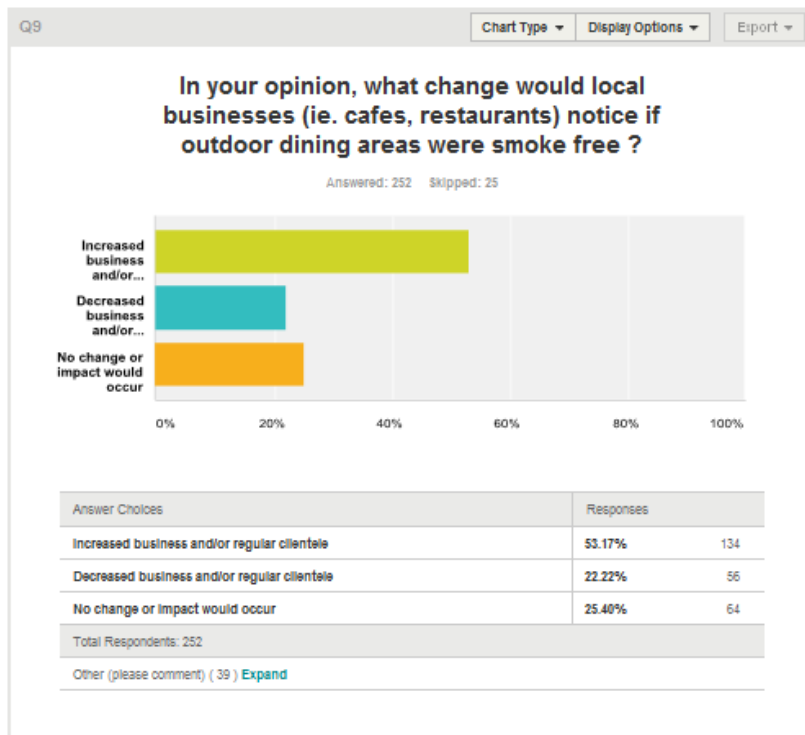
The majority of respondents have answered this question indicating that they believe all outdoor dining areas should be smoke free (73.6%).



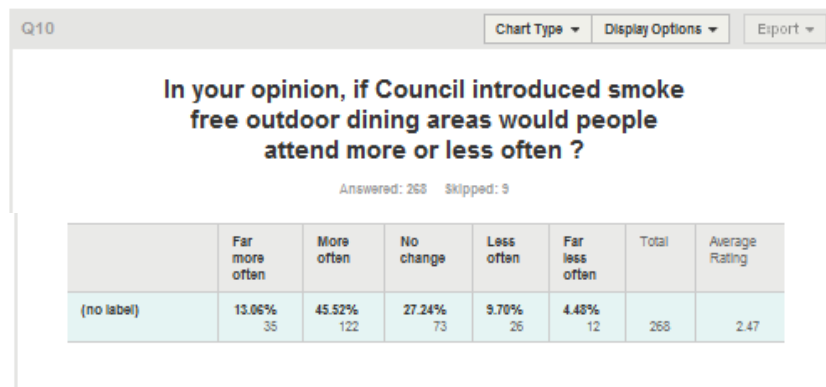
Responses have indicated that 53.5% of respondents would attend their favourite outdoor dining area more often if it was smoke free and 29.9% indicated that they would attend the same.



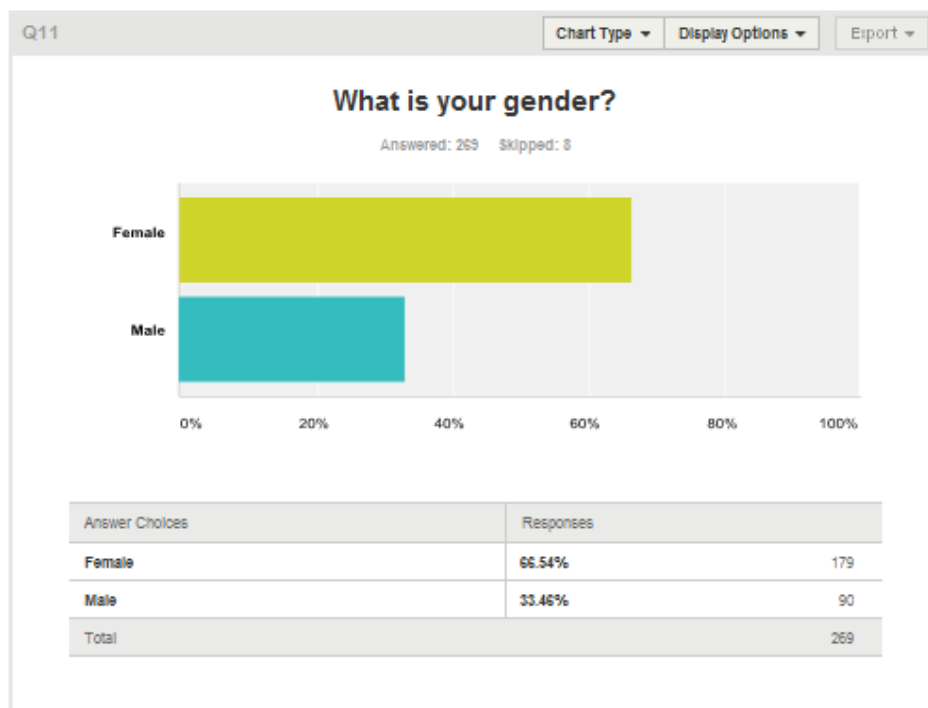
The majority of survey respondents (67.6%) indicated that smoke free areas would reduce smoking and tobacco related illness.



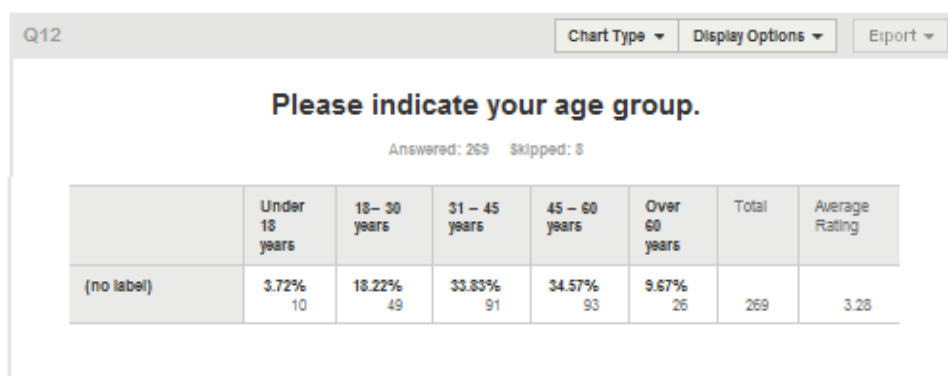
The majority of respondents answered this question (91%) which resulted with over half of the survey respondents (53.1%) indicating that businesses would experience an increase in business and/or regular clientele if outdoor dining areas were smoke free.



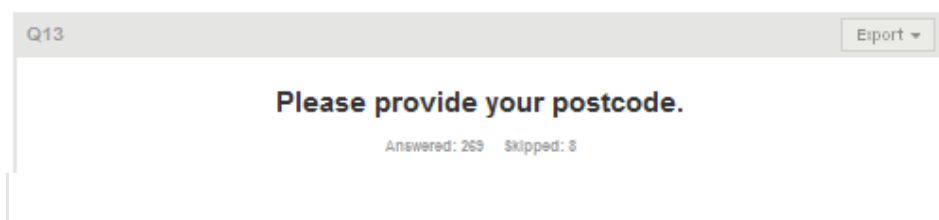
The majority of all respondents completed this question with 56.6% indicating that they believe people would attend outdoor dining areas more often or far more often if they were smoke free.



Nearly all respondents answered this question, with the majority of respondents (66.54%) female.



Nearly all respondents answered this question, with the majority of respondents (66.4%) aged between 31-60 years of age. Only 3.7% of respondents were under 18 years of age.



Most respondents answered this question, with the majority of respondents residing in Shepparton (3630).

Consultation Summary

Local Demographics

¹The Department of Health indicated that 1/4 or 25.4% of Greater Shepparton's population are smokers, which is considerably higher than the Victorian rate of 19.1% or 1/5 who smoke.

Survey Summary

With 277 survey respondents engaged in this survey a representation of 0.4 % of our total

²Greater Shepparton Area's population have participated.

Interestingly 65% of respondents were non-smokers and 34% were smokers that have completed the survey, with smokers indicating a considerable concern for smoke free environments.

A higher amount of respondents have stated that they prefer nobody should smoke near them when they are eating or drinking in an outdoor dining area, regardless of being smokers or not (78%).

The majority of respondents (73.6%) indicated that they believe all outdoor dining areas should be smoke free.

Most respondents (67%) indicated that they felt smoke free outdoor dining areas would reduce smoking rates and tobacco related illness.

Nearly 60% of respondents (59%) indicated that they would attend far more often (13%), or more often (46%), if Council established smoke free outdoor dining areas.

More women (66.54%) have completed the survey than men.

This consultation period gathered feedback from businesses, health professionals and the broader community.

The majority of respondents completed question ten with 56.6% indicating that they believe people would attend outdoor dining areas more often or far more often if they were smoke free.

When considering any option, it is important for Council to take economic, health and community opinions in to consideration.

Community have prompted a number of questions for discussion:

- Are smokers expected to go around bollards to find an open space to smoke?
- Can community really influence people's right to choose to smoke or not and is this similar to making choices to consume alcohol or gamble?
- Are there greater challenges for our community to focus on that can result with far greater change, inclusion and better community health and wellbeing outcomes?
- Is it fair to challenge people's lifestyle behaviours?

¹ Department of Health, November 2012

² Based on Estimated Resident Population of 61,747, ABS 2011

Comments...

During the consultation period a number of related issues were raised:

"Doesn't bother me either way, rather see smoking band for pedestrians walking around, banning smoking in o/d dining is a form of discrimination, How do you police it?"

"I would prefer nobody smokes near me when eating, but I realise that someone when dining out needs to go to somewhere to smoke as they can't inside. At least outside the smoke is blown away. Most people are now pretty polite about where they light up anyway and tend to move away from people with food."

"The health risks of passive smoking is too great to inflict on non-smokers."

"Can increase smoking and push it underground."

"I wouldn't give an opinion on a question like this without longitudinal and myriad health-sector research results to refer to."

"Many people smoke 'socially', so if you remove the ability to smoke while out enjoying a meal with friends, then I do believe that these social smokers would be less inclined to smoke, therefore reduce their related illnesses."

"Cleaner, ie less butts and ash around."

"If their food is good, the people will still come."

"Needs two areas smoking & non-smoking."

"The staff wouldn't have to be exposed to dirty ash trays or patron's smoke."

*"Unless it was heavily publicised with a partnering '**dine in, smoke out**' type campaign I doubt it would have little impact."*

"A fenced playground has recently been completed at the Riverside Market complex. This playground borders an outdoor dining area. Is there any chance this playground could be signposted as a smoke free zone?"

Community interest has been evident from the number of responses received and the welcoming attitude of residents when vox pop and on-site surveys were being conducted:

A vox pop surveyor spoke to a resident who had already made Facebook comments. The resident completely framed their opinion using racial terminology and references...

Staff at a local Café/ Restaurant advised that their outdoor dining area is already a designated smoke free area and staff do ask patrons to move outside of the area when smoking. There are also small notices to display this preference on their tables.

"Outdoor areas are for smokers!"

"It will kill nearly every business"

"Restaurants YES Cafes NO"

"Everyone should have the right to breathe clean air"

"I note that outdoor dining areas in many areas were created for smokers so feel that if you don't like smokers move inside"



Recommendations

After careful consideration of the survey responses and consultation with Council Officers the following options or a combination may be considered:

Option 1- Status Quo

Council may choose to do nothing and wait for the establishment of a statewide ban due to the sensitive nature of the issue and considering smoking is not illegal.

Option 2 – Conduct a Trial

Introduce a 12 month trial period of smoke free outdoor dining areas within the Greater Shepparton Council Area (effecting businesses with current outdoor dining licence permits on Council land only) to evaluate the effectiveness and/or impact to the community.

Initial meetings with Sustainable Development have indicated that a trial would impede on current resources available in the Local Laws team, including the consideration of enforcement out of normal office hours in up to 47 business locations.

Additional signage costing approximately \$10,000 may need to be provided due to the feedback of local businesses experiencing quieter economic times and hardship. This may also create a consistent approach and a third party responsibility for businesses to encourage the changed environment for regular clientele.

Option 3 – Establish a Local Law

Council may choose to proceed to establish a local law which involves a long term approach, far more consultation and possibly a trial period.

Consideration of how local laws may cause confusion for visitors and residents from neighbouring Councils also needs to be considered and possibly a large marketing/promotion campaign simultaneously introduced.

A local law may need to be enforced by Council's authorised officers: such as local law officers undertaking parking officer duties or Environmental Health Officers regularly visiting the businesses.

Further resources may be required for the lengthy process in developing or amending a local law: possibly a consultant or legal expert. Other Councils have completed this task in house, utilising the skills and expertise of their Governance branch.

Option 4 – Support a Statewide Ban

Council may choose to advocate for the introduction of a Statewide ban.

There is evidence of support demonstrated through a wide range of media issues relating to smoke free areas occurring. A Statewide ban would also need to be enforced by Council's local law's officers, but could include local police as authorised officers to enforce such changes.

A statewide ban would provide a consistent and equitable approach with a far greater impact on community health. This would impact not only on the 47 businesses with licensed outdoor dining permits in Greater Shepparton: but on all other pubs, clubs, cafes and restaurants with outdoor dining areas, including those located on private land.

Examples of activities undertaken by local governments in Victoria as reported in September 2011:

- Many councils have smoke-free policies for their workplaces, and some councils have local laws for designated outdoor areas
- Many councils include reducing the incidence of smoking in the community as an priority in their Municipal Public Health and Wellbeing Plans
- Monash, Moonee Valley and Moreland City Councils ban smoking in children's playgrounds
- Monash City Council is developing laws to ban smoking at all council owned swimming pools, adjacent to designated buildings at sporting and recreation reserves, on designated council owned or managed land, buildings and facilities, in areas adjacent to the entrance of council owned buildings and at council-run or sponsored events
- Frankston City Council has banned smoking in an outdoor shopping mall
- Surf Coast Shire Council and Port Phillip City Council have local laws banning smoking on foreshores
- Yarra City Council is considering bans similar to those being considered by Monash City Council.
- Hobsons Bay City Council will have smoke-free playgrounds and beaches later this year
- Baw Baw Shire Council will undertake a 12 month trial of smoke-free outdoor areas commencing on 1 August 2011. This will include bans in pedestrian areas in central activity districts, playgrounds, council events, within 10 metres of council buildings, alfresco dining areas, near bus stops/taxi ranks, within 10 metres of entrances to club rooms and canteens at sporting facilities and playing fields.

Other Councils

Councils can learn from other Councils, particularly Baw Baw, who have taken the step to trial their decision before the establishment of a local law to evaluate how effective such changes could be and test how the changes could be managed. To involve their community in the whole process, they have empowered them to create a more acceptable environment in partnership. The evidence indicated that little or no impact on business was experienced. Although this trial is not conclusive as each Council area has different demographic profiles to be considered: including income levels, education standards and rates of current smokers or businesses with regular clientele.

Baw Baw Shire Council were the first Victorian Council to establish a local law during 2012 following a twelve month trial.

- Considerations of available resources indicated an impediment on current resources available in the Local Laws team, including the consideration enforcement out of normal office hours of local businesses. The responsibility of enforcing the local law remains with Council Officers: such as local law officers undertaking parking officer duties or Environmental Health Officers regularly visiting the businesses. It was recognised that only a state-wide ban may include local police as authorised officers.

Further resources were required for the lengthy process in developing the local law: including engagement of a legal expert. Baw Baw Shire chose to complete this task in house, utilising the skills and expertise of their Governance branch

Baw Baw Shire provided signage to all businesses to be displayed during the trial process at a cost of approximately \$9,400. A considerable amount was also spent for advertising and promotion costs to encourage the change, community acceptance and continuous feedback opportunities.

It is recognised in MAV's 'Local Government Recommendations for a Victorian Outdoor Smoking Framework' September 2011 that Councils in Victoria will continue to play a role in reducing the incidence of smoking through local initiatives and municipal public health and wellbeing planning, or initiating policies and local laws where these are desired by local communities.

The recommended framework will enable the State Government to achieve its goals set out in the Victorian Health Priority Framework 2012-22 – Metropolitan Health Plan (May 2011) which identifies the need to improve every Victorian's health status and health experience, recognising that lifestyle choices contribute to avoidable chronic health conditions, which in turn burden all health services.

Business



³Since 1 July 2007, smoking is permitted in outdoor dining or drinking areas unless the area has a roof in place and walls that cover more than 75% of the total notional wall area. Outdoor dining or drinking areas include the following places if predominantly used for the consumption of food and/or drinks:

- a balcony or veranda;
- a courtyard;
- a rooftop;
- a marquee;
- a street or footpath; and
- any similar outdoor area.
- This applies to any outdoor dining or drinking area, such as those attached to restaurants, cafes, licensed premises and other workplaces.

⁴According to the Centres for Disease Control (CDC), smoking costs the nation \$167 billion a year in healthcare costs and lost worker productivity. The CDC estimates each employee that smokes costs your company \$3,391 per year -- including \$1,760 in lost productivity and \$1,623 in excess medical expenses.

Local Businesses

No response has been received from the Chamber of Commerce on behalf of local businesses.

From reported renovations and modifications made by Local Businesses and reported in the preliminary survey an extensive impact may be felt by due to the considerable contributions made to accommodate existing patrons and usage, during renovations to their premises, particularly those Businesses already experiencing hardship or reduced patronage.

There is potential for controversial media reaction from local Businesses and Community members which may welcome evidence of positive health impacts.

³ Tobacco Reforms, Department of Health

⁴ Tobacco in Australia, Cancer Council Victoria

Health

Local governments and health organisations play an important role in running programs to raise awareness of the dangers of smoking and how it can lead to preventable death and/or serious illness, providing information and support to assist people to give up smoking.

Local statistics indicate that current smokers are defined as those who smoke daily or occasionally. Smoking patterns between Victoria and Greater Shepparton residents indicated the percentage of both male and female smokers were significantly higher than the Victorian percentage, as shown below:

	LGA measure	Rank among LGAs	Victoria measure
Percentage of persons 18+ who are current smokers	25.4%	5	19.1%
Percentage of females 18+ who are current smokers	21.2%	22	16.9%
Percentage of males 18+ who are current smokers	28.8%	8	21.4%

*Department of Health Modelling, GIS and Planning Products Unit, released 2011.
Ranking among LGAs considers total of 79.*

⁵Compared with adults, children are particularly susceptible to the effects of secondhand smoke due to their higher breathing rates per body weight, their greater lung surface area relative to adults, and the comparative immaturity of their lungs. Infants and children are also generally unable to control their environment and therefore cannot take steps to avoid exposure to secondhand smoke. Children are most likely to be exposed to secondhand smoke in the home, and because exposure can be so widespread, even comparatively small increases in disease risk may translate into a substantial burden of disease in infancy and childhood. There are several possible routes by which the effects of tobacco smoke may compromise infant health. Following birth, infants may be exposed to parental secondhand smoke in the home, to third hand smoke in household dust and indoor surfaces, and to an increased bacterial load carried by a parent or carer who smokes. Both prenatal and postnatal exposure has been found to contribute to several health conditions.

Maternal smoking also has negative effects on the quality and quantity of breast milk. Various tobacco smoke constituents are found in the breast milk of smoking mothers, which are ingested by their child. While not ideal, breastfeeding by mothers who smoke has a significant protective effect for their child, particularly against respiratory and ear infections associated with secondhand smoke exposure.

It is now well established that secondhand smoke causes coronary heart disease and lung cancer in non-smoking adults and induces and exacerbates a range of mild to severe respiratory effects in infants, children and adults. It is a cause of sudden infant death syndrome and a range of other serious health outcomes in young children. At particular risk are the young, who lack control over their environment and the socially disadvantaged.

There is no level of exposure to secondhand smoke that is free of risk. Since Australians spend up to 90% of their time indoors, indoor air quality is an important public health issue. Secondhand smoke has been restricted on the grounds of occupational health and safety in entertainment venues including hotels, casinos, restaurants and nightclubs, as well as in vehicles. In some parts of Australia there are now restrictions on smoking in certain outdoor areas as well, such as al fresco dining areas, hospital grounds, sporting and other entertainment venues and beaches.

⁵Tobacco in Australia

Community

The Victorian Government was seen as leading the way when it banned smoking in restaurants and indoor eating establishments in 2000. Although controversial at the time, eleven years on, this reform is well accepted and endorsed by the community.

In July 2007 smoking was banned in licensed premises and outdoor dining or drinking areas with a roof in place and the total area of the wall surfaces exceeded 75% of the total notional wall area. This reform has also been embraced by the community, however from a compliance perspective it has proved complicated to enforce. It has required continued education and enforcement activity to be undertaken with proprietors by Council Officers.

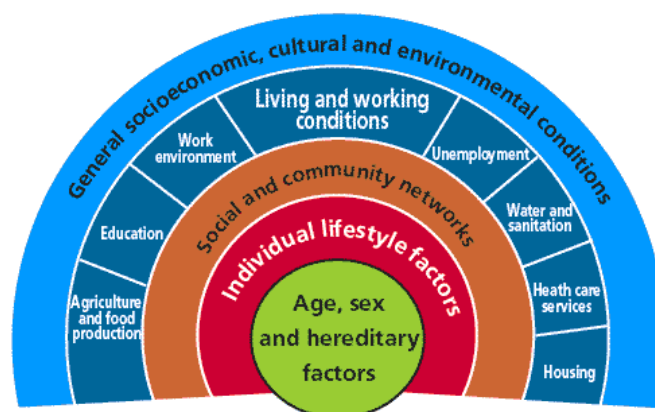
Since January 2010, smoking has also been banned in cars carrying children under 18 years. There have also recently been various laws passed with respect to the display and sale of tobacco products.

In recent years Victoria has fallen behind the breadth of tobacco laws introduced in other states. Queensland, Western Australia and South Australia in particular have already, or will be, introducing state-wide smoking bans for alfresco dining, children's playgrounds and beaches. *Attachment Four summarises state laws and policies relating to smoke-free outdoor areas.*

Currently there are no Victorian laws banning smoking in outdoor areas (apart from areas designated as enclosed outdoor dining which can be enforced under the Tobacco Act 1987). The absence of federal and state laws has provided an opportunity for Councils to develop their own local laws and/or policies for designated public spaces most suitable for their local area.

A Bill to ban smoking at outdoor dining and drinking venues was introduced to Parliament by the Greens on 28 November 2012. The current status of the bill is in Council – 2nd reading. If passed, the legislation would ban smoking in outdoor dining and drinking areas, within ten metres of playgrounds, within four metres of public transport stops, and at sports events would commence in December 2013.

A local Council approach when considering changes in the local community has been proven to be far more effective in creating change. Community acceptance and attitude is reflected with 73.6%, including both smokers and non-smokers, supporting the introduction of smoke free outdoor dining areas. Lifestyle changes have continued to occur and smoking rates have decreased considerably since smoking bans were first introduced also confirming public acceptance of the changes introduced so far.



Dahlgren G, Whitehead M, 1992

Attachments

Attachment 1 – Report to Councillors – Consideration of Banning Smoking in Outdoor Dining Areas, Trim M12/14119

Attachment 2 – Outdoor Dining Smoke Free Zone Policy – Survey results - March 2012 Trim M12/12412

Attachment 3 – 2012 Victorian Council Survey Report – Summary of achievements made by 79 Councils – Trim 2013/710

Appendix One – Media Release

Have your say on smoking in outdoor dining areas



News article released on Wednesday 12 December 2012

Greater Shepparton City Council (GSCC) is seeking community feedback from residents and business owners regarding smoke free areas in outdoor dining areas.

Greater Shepparton Mayor Jenny Houlihan said GSCC is seeking input from all areas of our community.

"We need to hear from the community and business owners to gauge the opinion of our community. We need to understand possible effects smoke free areas may have on business and the community before a trial or permanent decision is made on this issue," Cr Houlihan said

"Considering smoke free areas in outdoor dining areas raises many issues, including community perception, the impact on business and of course health concerns for the public.

"There is significant evidence that confirm the health impacts of smoking on individuals and of particular concern is the impact of second-hand smoke to others, including children, infants or those with medical conditions, asthma and related illnesses.

"A twelve month trial was recently conducted by Baw Baw Shire Council, resulting with the Council proceeding to amend their local law and establish smoke free areas in all outdoor dining areas. However, this is not conclusive evidence for Greater Shepparton to act, as each council is unique. It is merely proof that positive impacts were felt by businesses and community supported the concept in their municipality, with their business scope and within their demographics.

"I encourage all members of the community to have their say on this issue, as it does affect everyone in some way."

To have your say a survey is available on Council's website. Interested members of the community are also invited to attend our public information sessions on Thursday January 17 2013 at the Council's Welsford Street Office. Two sessions are available at 2.00pm and 6.00pm

Feedback on the project will be received until January 31, 2012. Once feedback has been collected a report and recommendation will be prepared for Council.

To have your say, please fill in our quick survey ([link below](#)).

Related Links



Survey - Smoking in outdoor dining areas

<http://greater-shepparton.com.au/smokefree>

Contact: Rosemary Pellegrino on (03) 5832 9879 for more information.



Print



Email to a Friend



Feedback

Appendix One - Insite page

Title	Smoke free outdoor dining
Body	Please take a moment to complete a two minute survey to express your opinion on whether outdoor dining areas should be smoke free: http://greaterShepparton.com.au/smokefree All submissions will be accepted until 31 January 2013 and collated for Council consideration, including the anticipated impact on business, health and community. For any further clarification please call Rosie Pellegrino extn 879. <i>This decision is primarily focussed on Council owned land (public land) where over 40 Business owners currently hold an outdoor dining permit to offer outdoor dining facilities adjacent to or adjoining their Cafe, Restaurant or Take-away outlet.</i>
Expires	31/01/2013
Important	No
Approval Status	Approved Item automatically approved.

Version: 1.0
Created at 2/01/2013 9:56 AM by Rosemary Pellegrino
Last modified at 2/01/2013 9:56 AM by Rick Canobie

Close

Newspaper article

SN Weekly, 20 December 2012

Have your say on smoking plan

Residents and business owners are urged to provide feedback on a Greater Shepparton City Council proposal for smoke-free areas in outdoor dining areas.

Greater Shepparton Mayor Jenny Houlihan said council was seeking input from all areas of the community.

"We need to understand possible effects smoke-free areas may have on business and the community before a trial or permanent decision is made on this issue," Cr Houlihan said "Considering smoke free areas in outdoor dining areas raises many issues, including community percep-

tion, the impact on business and of course health concerns for the public."

To have your say a survey is available on council's website at www.shepparton.com.au

Interested members of the community are also invited to attend public information sessions on Thursday, January 17

at council's Welsford St office.

Sessions will be held at 2 pm and 6 pm.

Feedback on the project will be received until January 31.

Once feedback has been collected a report and recommendation will be prepared for council.

Appendix One - External Website page

 City of Greater Shepparton
URL:
<http://www.greatershepparton.com.au/council/communityconsultation/consultation/smokingoutdoorining/>
[Home](#) » [Your Council](#) » [Community Consultation](#) » [Current Consultation](#)

Have your say on smoking in outdoor dining areas

Greater Shepparton City Council (GSCC) is seeking community feedback from residents and business owners regarding smoke free areas in outdoor dining areas.



[Read the media release on this issue here.](#)

To have your say a survey is available on Council's website. Interested members of the community are also invited to attend our public information sessions on Thursday January 17 2013 at the Council's Walsford Street Office. Two sessions are available at 2.00pm and 6.00pm

Feedback on the project will be received until January 31, 2012. Once feedback has been collected a report and recommendation will be prepared for Council.

To have your say, please fill in our quick survey ([link below](#)).

Related Links

[Survey - Smoking in outdoor dining areas](#)
<http://greatershepparton.com.au/smokefree>

Let us know your thoughts...

Use the form below to let us know your feedback on this document. We appreciate hearing from you.

Fields marked with an asterisk (*) are required.

Document

Smoke Free Outdoor Dining

Your Comments

Or, upload a letter

[Browse...](#)

You can upload a Microsoft Word document or PDF document here if you wish.

Name *

Appendix Two – Letter to businesses

14 December 2012

«Business»
«Street_Address»

To the Manager/Business Owner

SMOKE FREE OUTDOOR DINING AREAS

You are invited to participate in a community survey to inform Council of any anticipated impact which may occur if smoke free outdoor dining areas are implemented in Greater Shepparton.

At a Council meeting on 17 April 2012 a decision was made to *'conduct further community consultation in order to enable Council to make an appropriate decision and that this work is completed and collated in the form of a report for consideration at a future Council meeting'*. The Greater Shepparton City Council would like to consider the appropriateness of introducing smoke free outdoor dining areas in this municipality and seeks your valuable input. This decision is primarily focussed on Council owned land licensed to adjacent business owners for the provision of outdoor dining, which may include a footpath.

Your participation in this process will be appreciated as an expert with a working knowledge of the environmental factors associated with smoking in outdoor dining areas, which would provide valuable insight into the possible impact on business, community or health.

Your contribution could include:

- Completion of an online survey www.greatershepparton.com.au/smokefree
- Display of Council's flyer to advertise the survey opportunity until 31 January 2013
- Attendance at our public information session at Council offices, 90 Welsford Street, Shepparton on Thursday, 17 January 2013 at 2.00pm for Business Owners or 6.00pm for Community members
- Encourage Council employees to attend your outdoor dining premises to conduct surveys.

Prohibiting smoking in public spaces, including outdoor dining areas, has been considered throughout Australia's States and Territories, with most relevant governments now implementing responsive legislation. Our Council is committed to creating an environment which supports the health of our local community members and encourages individuals to achieve better health. Council is encouraging community participation to identify any anticipated impact on business, community and health in our local area for consideration during this process.

I look forward to receiving your completed survey. For any further clarification please contact a representative from our Community Strengthening Team by telephone (03) 5832 9700 or email smokefree@shepparton.vic.gov.au.

I would like to thank you for your contribution to this important public health policy issue.

Yours sincerely

Cr Jenny Houlihan
MAYOR
M12/65888

Greater Shepparton City Council
Locked Bag 1000, Shepparton 3632
90 Welsford Street, Shepparton 3630
Ph: (03) 5832 9847 Fax: (03) 5831 1987 Email: council@shepparton.vic.gov.au
ABN 59 835 329 843

Appendix Two – Flyer for display



Smoke free outdoor dining areas ?

COMMUNITY SURVEY OPEN UNTIL 31 JANUARY 2013

You are invited to participate in a community survey to inform Councillors of any anticipated impact on business, community or health which may occur if smoke free outdoor dining areas are implemented in Greater Shepparton.

- **How would this change how often you eat or drink in an outdoor dining area ?**
- **How could this impact on you ?**

Your participation in our online survey would be greatly appreciated. Please access the survey on Council's website:

www.greatershepparton.com.au/smokefree

Contact details for further clarification or acceptance of any correspondence may be made direct to a representative from our Community Strengthening Team:

telephone (03) 5832 9700

or email smokefree@greatershepparton.vic.gov.au



Appendix Three - Survey

Should we have smoke free outdoor dining areas ?

The Greater Shepparton City Council seek opinions, suggestions and feedback from the community to build a greater awareness and understanding of any anticipated impact on local business, our community or individual's health which may result if smoke free outdoor dining areas were introduced.

This survey will focus on Council owned land; which includes footpaths and land adjacent to existing Cafes, Restaurants and Take-Away outlets licensed for the purpose of outdoor dining. These areas are regulated by Council's local law provisions.

Other outdoor dining areas on private land may only be effected if statewide bans in Victoria were introduced, ie. outdoor dining areas or beer gardens of local pubs, clubs and dining outlets.

If you would prefer a survey to be posted to you for completion please contact our Council Office by telephone (03) 5832 8700 and speak with a representative from our Community Development Team.

Your participation in this survey is greatly appreciated.

Should we have smoke free outdoor dining areas ?

*1. Do you currently smoke cigarettes, or have you smoked in the past ?

- ☐ No (If your answer is no, please proceed to question 4)
- ☐ Yes

2. How many years have you smoked cigarettes, or have you smoked in the past ?

- ☐ 1 - 5 years
- ☐ 6 - 10 years
- ☐ More than ten years

3. How many cigarettes do you smoke per day, or did you smoke in the past ?

- ☐ Less than 1 per day
- ☐ Less than 5 per day
- ☐ 5-10 per day
- ☐ 11-25 per day
- ☐ More than 25 per day

4. Does anybody smoke cigarettes in your normal residence ?

- ☐ Yes, somebody does
- ☐ Yes, previously
- ☐ No, nobody does
- ☐ Not sure

Should we have smoke free outdoor dining areas ?

5. Would you prefer that nobody smokes cigarettes near you when you are eating or drinking in an outdoor dining area ?

☐ Yes

☐ No

☐ Other (please comment)

***6. In your opinion, should all outdoor dining areas be smoke free ?**

☐ Yes

☐ No

☐ I am not concerned

7. If your favourite outdoor dining area became smoke free how often would you attend ?

☐ Same

☐ Less often

☐ More often

☐ It would make no difference to me

Other (please comment)

8. In your opinion, if we continue to introduce smoke free areas within our Municipality, where possible, will it encourage a reduction in smoking and tobacco related illness ?

☐ Yes

☐ No

Other (please specify)

Should we have smoke free outdoor dining areas ?

9. In your opinion, what change would local businesses (ie. cafes, restaurants) notice if outdoor dining areas were smoke free ?

- ☐ Increased business and/or regular clientele
- ☐ Decreased business and/or regular clientele
- ☐ No change or impact would occur

Other (please comment)

10. In your opinion, if Council introduced smoke free outdoor dining areas would people attend more or less often ?

Far more often

☐

More often

☐

No change

☐

Less often

☐

Far less often

☐

***11. What is your gender?**

- ☐ Female
- ☐ Male

***12. Please indicate your age group.**

Under 18 years

☐

18 - 30 years

☐

31 - 45 years

☐

46 - 60 years

☐

Over 60 years

☐

13. Please provide your postcode.

Your post code:

Additional comments - raw data

The following statements were included in survey responses:

5. Would you prefer that nobody smokes cigarettes near you when you are eating or drinking in an outdoor dining area ?
depends how far away
doesn't bother me either way, rather see smoking ban for pedestrians walking around, banning smoking in o/d dining is a form of discrimination, How do you police it ?
don't mind
Have no objection providing it is outdoors & appropriate air flow
I actually don't mind if someone smokes, but not around my kids
I don't like smoking around me when I am eating. Drinking is fine and is the main time I smoke.
I don't mind if they do
I note that outdoor dining areas in many areas were created for smokers so feel that if you don't like smokers move inside
I should be able to breathe clean air whenever on a foot path. Coming out of a store or building to a cloud of smoke is offensive to me and not good for my asthma. It should be illegal to smoke within 5 metres of a child.
I will not walk down the street in Mooroopna any more because I am forced to walk past smokers in an outdoor cafe. Mooroopna IGA and the dress stores have lost by business because of disgusting cigarette smoke that would affect my health if I breathed it. I have bad lungs.
I would prefer if nobody sat immediately next to me and blew smoke on me when I am eating, yes. However, I am not bothered by people smoking near to me, particularly in an open outdoors area.
I would prefer it, but I think everyone has a right to smoke if they wish so I do not mind if they do.
I would prefer nobody smokes near me when eating, but I realise that someone when dining out needs to go to somewhere to smoke as they can't inside. At least outside the smoke is blown away. Most people are now pretty polite about where they light up anyway and tend to move away from people with food.
If it's an area for eating and drinking then I'd prefer no smoking during eating times. If it's an area for drinking only then smoking is totally fine.
It is nicer when eating not to have a smoker nearby but at the same time it is unfair to exclude/discriminate against smokers to the extent of not allowing them in the same area - either have separate areas, or otherwise continue to allow smokers in outdoor areas.
My answer is yes however smoking is legal & should be allowed, Restaurants may choose to be smoke free & patrons choose to frequent smokey venues. I don't believe smoking & non-smoking areas are successful beside each other.
Not at the moment because I am pregnant
Outdoor areas are for smokers !
People need somewhere to smoke but not inside
Restaurants YES Cafes NO
Substitute - no cigarettes at all
The health risks of passive smoking are too great to inflict on non smokers. I have seen the ill effects from smoking. My mother is dying from lung disease after 50 years of smoking. I was exposed to passive smoke as a child and it has affected my health and wellbeing. I choose not to frequent cafes that encourage (offer) outdoor smoking at their tables. People should engage in their smoking habit away from where others are eating. In addition to this I believe the streetscape of Shepparton has a huge litter problem from cigarettes, for example Maude St Mall (including outdoor cafe areas), Wyndham Mall, bus shelter areas in Wyndham Street and Maude Street are always littered with cigarette butts. It tarnishes our city's streetscape.
There is nothing worse than eating a meal and someone decides to light a cigarette next to you and smoke especially if you are a non-smoker, there should be a designated area for people who like to smoke after a meal
While eating, yes. However, if I go somewhere for a drink or coffee with friends that smoke, I don't expect them not to
7. If your favourite outdoor dining area became smoke free how often would you attend?
I would be more inclined to choose places to attend that had smoke free environments.
If my kids are coming with me it'll be nice to be smoke free
People smoking doesn't stop me attending so it wouldn't change numbers, it's just much more pleasant when there is not somebody's second hand smoke wafting around you
As a smoker, who enjoys an after-meal or with-coffee cigarette, I would probably not visit a smoke-free dining establishment much at all, primarily because the outdoor dining area is usually the only place at the venue that a smoker can smoke (most CBD eateries, only

have footpath outdoor dining and no separate section where smokers could go). Further, I imagine it could be embarrassing for smokers who might think they are smoking in an approved area (e.g., just outside an outdoor dining area) only to find out they are within a designated non-smoking area. I have concerns that the signage for such a ban may not be comprehensive and as a smoker I feel we are ostracized for smoking in public areas more than enough already, given that smoking is still a legal activity. SHOULD smoke-free outdoor dining areas become mandatory I would think a designated smoking area should be created at each venue. However, I imagine this will be cost and space prohibitive and would not eventuate at all.
Would not have a coffee that is like going to a bar and not having a drink
Yes, as totally Allergenic & intolerant to smoke so don't eat out especially outdoors
8. In your opinion, do smoke free areas encourage a reduction in smoking and tobacco related illness?
Although it does encourage people to smoke less if they can't smoke anywhere remotely public - or they just don't go out.
It will kill nearly every business
Are just much more pleasant for all the non-smoking members of the public
Can increase smoking and push it underground
Double edge sword - some smokers seem to be very defensive about being discriminated against, however one would hope they will have less cigarettes a day if there are limits on opportunities for a puff
Evidence suggests this
Hard to say but make it less convenient to have the wretched habit!
I don't know if it helps the smokers - but I definitely think it helps the non-smokers that were previously exposed to second hand smoke
I have quit smoking but I don't think outdoor dining smoking should be banned. From a health perspective, I believe that the emissions from passing vehicles are as toxic - maybe more for our health.
I wouldn't give an opinion on a question like this without longitudinal and myriad health-sector research results to refer to.
If people want to smoke they will find other places to smoke, I know I did. There were smoke free outdoor dining areas in Melbourne when I worked there 10 years ago and we always ate there. If we wanted a smoke we had it walking along the street back to work.
Indirectly it does because to have a smoke, they have to leave the venue to smoke.
It doesn't, but it does ensure non-smokers don't have to suffer the choices of others.
Making it harder to smoke has to help reduce smoking and tobacco related illnesses
Many people smoke "socially", so if you remove the ability to smoke while out enjoying a meal with friends, then I do believe that these social smokers would be less inclined to smoke, therefore reduce their related illnesses
No, they encourage people to leave the gathering to smoke out the front or somewhere where smoking is allowed therefore interrupting the social gathering quite substantially.
Not sure, but at least people can enjoy those areas more, without worrying about second-hand smoke.
Only by persecuting smokers into submission
People are still going to smoke
People will smoke "Somewhere"
People will smoke anyway
Perhaps in the longer term they may
Reduce illness for the people who smoke and who breathe in the smoke. May encourage people who smoke to reduce or quit smoking.
slightly, people will still smoke regardless - just makes it more difficult to
The more socially inconvenient or unacceptable it is - the less people will do it
They will just go somewhere else to smoke - it doesn't deter them at all!
Unsure but most likely not....just changes when they smoke
9. In your opinion, what change would local businesses (i.e. cafes, restaurants) notice if outdoor dining areas were smoke free?
A bit of both, some ardent smokers would refuse to attend; non-smokers would now be attracted to dine outside and not leave if busy in side. If these areas are not enforced on busy Friday and Saturday nights and Sunday morning/lunch times there is no point in introducing a ban, will not work as a self-regulatory option.
As long as there were designated smokers areas, I don't believe business would decrease.
Because the majority of people don't smoke

Cleaner, i.e. less butts and ash around
Clients might live longer
Customers would still attend but have to smoke in a designated area
Depends on how many of their customers were smokers/against smoking to start with
Depends on the style and clientele of business
Difficult to say if it would reduce customers that smoke or not as a non-smoker. I think non-smokers would still attend the same as they do, we have learnt to be tolerant, generally anyway!
Experience of other places probably the best gauge of this. Smokers feel like they are an endangered species I think, but it is just the next step in better community health in my opinion. Probably need to allow for some sort of transition before making a final judgement on this.
Hard to say. Non-smokers have generally had to "put up with" smokers in eating areas, but you'd probably get more families dining out with kids if there were no smokers. I think there might be a drop in the number of patrons that DO smoke (as opposed to them just not lighting up during dinner). I'm not sure if non-smokers would actively dine out more often just because the smokers are gone. I can say that I hate being around smokers when I am eating (or any other time for that matter), and I don't like them being around my child when we are dining out
I think a lot more pregnant women, mothers with children and people attempting to quit smoking would attend non-smoking areas
I think the smokers may stop going, but the non-smokers would come instead (overall no impact) BUT from my observations smokers tend to drink more - so the overall \$ intake may decrease
I think there would be a decrease in the smoking population, but an increase from non-smokers
I would no longer attend my regular (almost daily) morning tea/coffee/breakfast locations (almost \$1,300.00 in coffee per year plus \$2,080 in food)
If their food is good, the people will still come
In this economic climate closing the business of any customer whether they are a smoker or not is not good for business in Shepparton especially considering the amount of businesses that are already closing down in this town - any idiot can recognise that
Increase in clientele who don't like smoking and a decrease in clientele who do smoke
It may change initially however the community will get used to it and it won't change people's dining habits. Also, the cleanliness of their establishment may increase
It may depend on the facility. E.g. a cafe that mainly serves coffee and cakes might see a decrease in business because some people like to perform their filthy habit while they have a coffee. Restaurants on the other hand may see an increase in business as most people don't like smoking near them while they're trying to enjoy their meal
It's a shame that the most pleasant place to eat is outside and yet it can be the most unpleasant if there is a smoker nearby
More non-smokers may dine outdoors. I sit inside if there are people puffing away outside
My issue would be that businesses would suffer if no smoking was implemented
Needs two areas smoking & non smoking
Over a space of time - people will need time to adapt
People might stay longer as it is a more comfortable place to be, therefore they may order another drink, stay for desert etc.
Perhaps less smokers would attend but this may be negated by more non-smokers attending
Possible increase based on the smoke free environment
Presumably local business would remain similar in terms of clientele, as while businesses may gain more regular non-smoking clientele for the outdoor areas, they would like lose at least some smoking clientele for the same reason. This answer also goes for Question 10 (below)
The smell of tobacco is putrid. It wafts...
The staff wouldn't have to be exposed to dirty ash trays or patron's smoke
They may see a change in clientele with non-smokers coming back. As there are more non-smokers than smokers this has the potential to increase their business
. I would suggest it's only non-smokers who have an interest in smoke-free dining areas
What they may lose initially with a ban on smoking they would gain from attracting non-smokers like myself and friends who stay away because of the smell and appearance of these areas. Smokers should be able to abstain from their habit for the period of time it takes to consume a meal for the wellbeing of others around them

Website feedback – raw data

The following website contact has been received during the consultation period:

Email responses

A fenced playground has recently been completed at the Riverside Market complex. This playground borders an outdoor dining area. Is there any chance this playground could be signposted as a smoke free zone? (2013/917)

SPCA banned smoking approx. 10 years ago and it caused large amounts of people to stand outside gates and cause traffic concerns and massive amounts of litter. They have recently amended their policy under management changes and once again established a designated and controlled area with shade and seating and proper butt bins. The area is now much safer and cleaner. You can't stop people unless you want to hire extra staff to walk around fining them on a full time basis. Or have people confronting others and ending up in an argument. Allow certain areas with shade and protection from bad weather and most will respect the designated areas and use them. If it has good signage non-smokers can avoid that area. Compromise usually works better in these situations. There is no real area on the edge of the CBD with cover for heat or rain for smokers to go to out the dining areas. Perhaps if there was, they wouldn't want to go to dining areas to be under cover. (2013/1115)

How will that survey help? I think it was hopeless in garnering feedback. I may be unique, but maybe not... I avoid whole streets where people are congregating outside businesses smoking - e.g. pubs/cafes/taxi stands/bus shelters. It's not just the dining venues that I avoid - but the shops on each side. Why didn't the survey ask questions about that? Maybe the neighbouring shops could impact on the outdoor dining areas by asking for compensation for lost business. I CANNOT stand walking in to the hospital (Goulburn Valley Hospital) through the pall of smoke from "patients" who are unable to abstain from smoking while they visit or wait for care and who have the filthy arrogance to leave their discarded butts and ash around. Check out the emergency entrance for yourself - disgusting! (2013/1832)

Smoke free anywhere food is. No guarantee of weather i.e. winds Not a good environment for children therefore you would be only able to be seated inside. (2013/2708)

Hi I am a smoker and I am not about to give it up it should also be my choice no other good doings telling me. It also is legal to smoke. I am a smoker who does think about non-smokers I obey all the rules. I sit outside in the cold and rain, wind and it is not my felt on a nice day that the non-smokers want to come outside they want everything their own way. I know if you bring in no smoking I will not be going to my coffee shop for a coffee why would I... A lot of coffee shops will go broke. Australia was a free choice country but now they want to wrap everyone up in cotton wool don't do this don't do that you will live longer; longer is not always a good thing... Stop the drinking and drugs sometimes I think people who are addicted to drugs get treated better... that's just my opinion... please really think about it. (2013/2986)

Perhaps the Council needs to identify research undertaken in outdoor areas, that indicates that there is a significant health danger from secondary inhalation of smoking when outdoors - rather than assume that research involving contained areas indoors and secondary smoke inhalation apply to outdoors.(2013/3260)

Smoking around outdoor dining areas is unfair to non-smokers....we can't choose to dine in a different outdoor area but smokers can wait until they are done and go elsewhere to smoke. It's a bit of a joke that we even need to discuss this

issue.....why do the rights of the minority (smokers) override the rights of the majority? Currently, my friends and I are all forced to eat indoors, even on the nicest of days, so we can actually enjoy our meal while the smokers sit outside and enjoy the fresh air!?! (2013/3334)

I do get affected by second hand smoke, when shopping, just walking from shop to shop, smokers leave a trail of smoke behind them, which causes my eyes to get red and sore. I do avoid outdoor areas, where smoking is allowed because of the impact on my health. I feel it is unfair that we as non-smokers cannot enjoy having a coffee or meal outdoors. (2013/3763)

Everyone should have the right to breathe clean air.
It should be illegal to smoke within at least 5 metres of a child.
There is a huge amount of the health budget treating children with bronchiolitis and asthma whose parents are smokers. There is a huge amount of the health budget treating adults with smoking related illnesses. Nicotine is a product when used as intended is known to cause cancer. (2013/3860)

Q4 I have never smoked but worked in rooms where all smoked at their desks. I was told by doctors at hospitals that smoke caused my debilitating and stressful condition and the smell distresses me

Q5 the smell of smoke alters the taste of food

Q6 Certainly no question! Not just dining areas but bus stops and built up shopping areas

Q8 I don't think it will reduce smoking. Smokers will wait until after eating and left the area. Smokers would need their own commitment to stop smoking.

Other: Smoking should be banned in shopping areas as well. i.e. Cole's bus stop where young people sit in the ground near the wall smoking. Also at the taxi rank, some stand, some sit. Smoking should be banned along these footpaths. Recently at Riverside Plaza I noticed two smokers in the middle open area and one outside the shops - if they are not allowed to smoke there that is policing the areas. Another place that concerns me is the Marketplace. At both ends of the complex are two seats and there is always people smoking on the seats. (2013/6246)

Facebook responses

7 January 2013

I have noticed a huge drop in people going out the last few times I have been out in Shepparton, it's spookily quiet.

If smokers can't smoke when they go out, they keep their money and stay home where they can have a drink and smoke if their friends wish to.

Time for businesses to look at this.

Last week I went out with friends - everywhere we went was majorly short on crowds - many places even closing before 12. (2013/7740)

7 January 2013

Yep. Let's just cottonwool everyone and be done with it. (2013/7740)

**Please note that only names, addresses and personal comments that identify the respondent have been removed to protect the individual's privacy.*

Appendix Four – Other States

⁶A Heart Foundation map of smoke free bans around Australia captures the different stages in each State:



⁶ Heart Foundation Victoria

⁷State Government laws/actions for smoke-free outdoor areas

State/ Territory	Outdoor dining areas	Children's playgrounds	Beaches	Sporting grounds	Other actions
NSW	No state legislation. 30 councils have by-laws	No state legislation but 86 councils have policies and/or by-laws for playgrounds	No state-wide restrictions 15 councils have local laws	No state laws. 68 councils have laws for sports fields and grounds facilities	<p>Discussion paper proposes smoking bans in commercial outdoor eating areas, in public playgrounds and within 10m of children's play equipment, in and around public swimming pools and public recreation centres, public sporting stadia, public sports grounds, enclosed or covered bus stops and taxi ranks, and within 4m of the entrance to a public building.</p> <p>2013 Progress - The Tobacco Legislation Amendment Act 2012 was passed by the NSW Parliament on 15 August 2012. The Act amends the Smoke-free Environment Act 2000 to make the following public outdoor places smoke-free areas from 7 January 2013:</p> <ul style="list-style-type: none"> • Within 10 metres of children's play equipment •Swimming pool complexes •Spectator areas of sports grounds or other recreational areas while organised sporting events are being held •Railway platforms, light rail stations and ferry wharves •Bus stops, light rail stops and taxi ranks •Within 4 metres of a pedestrian access point to a public building <p>And from 2015 in Commercial outdoor dining areas being:</p> <ul style="list-style-type: none"> ◦ a seated dining area, or ◦ within 4 metres of a seated dining area on premises that are licensed premises under the Liquor Act 2007 or the premises of a restaurant defined in that Act, or ◦within 10 metres of a place at a food fair where food is sold or supplied for consumption at the event, with a food fair being an organised event at which the principal activities are the sale or supply of food for consumption at the event and the consumption of that food
QLD	Banned in alfresco dining areas. Licensed premises may allow max 50% of outdoor	No smoking within 10m of any children's playground equipment	Bans at patrolled & artificial beaches	Banned at major sports stadia	Also bans at building entrances

⁷ Municipal Association of Victoria, *Local Government Recommendations for a Victorian Outdoor Smoking Framework*, September 2011.

State/ Territory	Outdoor dining areas	Children's playgrounds	Beaches	Sporting grounds	Other actions
	Unserviced areas for drinking & smoking only				
SA	Proposal to have completely smoke- free dining & drinking by 2016	Proposal to ban within 10m	No restrictions	No restrictions	Proposals include: bans in covered public transport and taxi waiting areas. Councils and other bodies will be able to apply to have their outdoor area or event declared smoke-free. Point of sale displays banned by January 2012, with an extension to 2015 for specialist tobacconists
TAS	Proposed ban in alfresco dining areas with a designated outdoor smoking area permitted in licensed premises	Proposed ban	No restrictions	Bans in outdoor sporting or cultural venues with reserved seating Proposal for bans in public swimming pools & sporting venues	Bans within 3 metres of an entrance/exit from a building, within 10 metres of any ventilation equipment in a building, Proposals for smoking banned within 20m of the competition and seating area of all outdoor sporting venues, in pedestrian malls, bus malls and covered bus shelters. Also proposal to restrict use of "traditional" vending machines and confiscating tobacco products from children
VIC	Banned when outdoor area becomes 'enclosed' with a roof & 75% walls	No state-wide restrictions Some councils have local laws	No state-wide restrictions Some councils have local laws	No state-wide restrictions Some councils considering local laws	<p>Target of reducing smoking among adults from 17.3% to 13.8% by 2013. In the State Election Leaders' Debate on 5 November 2010, then Opposition Leader Ted Baillieu said he would be supportive of considering bans on smoking in public places if this was a recommendation from VicHealth</p> <p>2013 progress - The Victorian government made the following recent decisions:</p> <ol style="list-style-type: none"> 1. From 1 December 2012 smoking is banned at all of Victoria's patrolled beaches in the area between the red-and-yellow lifesaving flags and within a 50 metre radius of a red-and-yellow flag. 2. Smoking will be banned at children's playgrounds, public swimming pools and sea baths, children's sporting grounds and other recreational areas such as skate parks by 2014. <p>http://www.premier.vic.gov.au/media-centre/media-releases/5986-next-steps-in-tobacco-reforms-protect-our-children-.html.</p>

State/ Territory	Outdoor dining areas	Children's playgrounds	Beaches	Sporting grounds	Other actions
WA	Banned	No smoking within 10 metres of equipment	Banned between the flags	No restrictions	
NT	Outdoor dining and drinking areas. Licensed premises may allow a max 50% of outdoor area for smoking only	No restrictions	No restrictions	No restrictions	The owner/operator of a public venue may declare any public outdoor area to be smoke-free. Also Bans at shared accommodation, educational facilities, an entrance area and air-conditioning inlet area
ACT	Banned in alfresco dining and drinking areas, but pubs & clubs may have 50% of outdoor, unserviced areas designated for smoking	No restrictions	No restrictions	No restrictions	

**It is also noted that the most recent changes were added to VIC and NSW, as advised by Heart Foundation, March 2013.*

References

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Business impact analysis

<http://www.smallbusinessbewell.com/tobacco>

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