

## 10.5. Vaping in North Sydney LGA - Response to Council Resolution

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<b>ATTACHMENTS</b>	Nil
<b>CSP LINK</b>	1. Our Living Environment 1.1 Protected, enhanced and biodiverse natural environment 1.3 Clean and green places  2. Our Built Infrastructure 2.2 Vibrant public domains and villages  4. Our Social Vitality 4.1 North Sydney is connected, inclusive, healthy and safe

### PURPOSE:

The purpose of this report is to respond to a Council resolution regarding harm minimisation relating to vaping.

### EXECUTIVE SUMMARY:

- At its meeting on 22 May 2023, Council resolved to write to Environmental Health NSW for advice on the best practice for minimising harm from vaping. Council has now received a response.
- Council has a policy regarding smoking in public places. This report recommends that, for abundance of clarity, vaping be included in the policy and treated in the same way as smoking.

### RECOMMENDATION:

- 1. THAT** Council enhance its current *Smoke-Free Environment - Declared Public Areas Policy* to ensure that references to smoking also include e-cigarette smoking to reflect the provisions of the *Smoke Free Environment Act 2000* and the *Smoke-free Environment Regulation 2016*.
- 2. THAT** given that no policy change is proposed, the amendment to the Policy not be exhibited for public comment.

## Report

At its meeting on 22 May 2023, Council resolved:

*THAT Council write to Environmental Health NSW for advice on the best practice for minimising harm from vaping.*

Council staff sent a letter to Environmental Health NSW on 25 May 2023. The letter appears to have been misdirected at Health and follow-up was required by Council staff to identify the status of the response.

Council subsequently received a response from the Department of Health on 8 August 2023. The email response states:

*We appreciate North Sydney Council's advocacy on this matter, and the steps you are taking to ensure smoke-free environments are also free from e-cigarette aerosol.*

*In NSW, the use of e-cigarettes is banned in all locations where smoking is banned under the Smoke-free Environment Act 2000 and the Smoke-free Environment Regulation 2016. This includes in all enclosed public areas and certain outdoor public areas like commercial outdoor dining areas and public transport stops and platforms.*

*In locations where a 'no smoking' sign is mandatory under the Smoke-free Environment Act 2000, the design of the 'no smoking' sign must comply with the specifications set out in the Smoke-free Environment Regulation 2016. However, councils can put up signage in addition to the mandated signs to make it clear to the public where vaping cannot occur.*

*NSW Health is working with stakeholders to develop resources to communicate to the public that no smoking also means no vaping. Recently, NSW Health has developed 'No Smoking means No Vaping' posters to support smoke free and vape free areas. These posters can be downloaded from the NSW Health website or hardcopies can be ordered for free at:*

*[www.health.nsw.gov.au/tobacco/Pages/smoke-free-resources.aspx](http://www.health.nsw.gov.au/tobacco/Pages/smoke-free-resources.aspx).*

*Your Council may also be interested in the resources contained in the Vaping Toolkit which can be found at <https://www.health.nsw.gov.au/vaping>. The Vaping Toolkit aims to provide young people, parents, and school staff with the facts about vaping and includes resources such as fact sheets and posters.*

Council's smoke-free policy was initially adopted in July 2019 and readopted in September 2022. Given the Department of Health's advice above, the provisions of the *Smoke Free Environment Act 2000*, and the *Smoke-free Environment Regulation 2016*, the policy should be updated so that all areas which ban cigarette smoking should also include the prohibition of vaping. Many of Council's signs already reflect the prohibition of vaping but for abundance

of clarity, Council should reflect this in its Smoke-Free Environment - Declared Public Areas Policy. Given that this merely reflects the Act and Regulation as outlined above, this would not be required to be exhibited for comment.

Council initially decided to adopt a smoke-free environment in the North Sydney CBD as this was the most intensely utilised smoking environment with its various forms of associated pollution. Enforcement of these spaces tends to work best on a community basis, rather than relying on formal Council enforcement. Anecdotally, this is how the smoke-free environment in the North Sydney CBD has worked since the policy came into force in 2019. Over time, Council's rangers have generally not reported instances of resistance or reluctance to comply when requests for compliance have been applied but it has taken time to reach a level of success.

A Local Government-wide approach to this policy was not applied in the first instance for these enforcement-related reasons. It was considered best to incrementally increase coverage over time, beginning with major town centres once regular workers/visitors to the North Sydney CBD were well-accustomed to the smoking/vaping restrictions and a concerted education campaign could then be applied to the next targeted location.

In terms of education, Council's Environmental Health and Compliance Team have been allocated responsibility for education programs associated with smoking under Council policy D3-08. Staff can consider the resources that have been referenced in the Department of Health advice above, and supplement existing programs as required.

### **Consultation requirements**

Community engagement is not required.

### **Financial/Resource Implications**

Amending the Council's policy is a relatively straightforward exercise with minimal financial/resource implications.

### **Legislation**

The provisions of the Smoke Free Environment Act 2000 and the Smoke-free Environment Regulation 2016 guide Council's policy response on this matter.