



MAGISTRATES COURT OF TASMANIA

Circular

No 3 of 2021

Smoke-free Policy

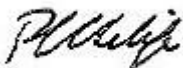
Members of the public, and other court users are advised of the Magistrates Court's Smoke-free Policy, attached below.

The policy comes into effect on Monday 26 April 2021.

Penelope Ikedife
Administrator of Courts
19 April 2021

MAGISTRATES COURT OF TASMANIA

I.0 Smoke-free Policy

STATEMENT OF PURPOSE	
<p>The Magistrates Court of Tasmania is committed to maintaining a healthy and supportive work environment which protects the health and wellbeing of all employees, court users, visitors and contractors as well as meeting our legislative requirements. The Magistrates Court of Tasmania will actively encourage smoking prevention and smoking cessation for its employees.</p> <p>The smoke free policy is designed to ensure the safety of our people in the workplace by avoiding the harmful effects of smoking and exposure to second hand smoke. Therefore, a no smoking policy is in effect in all Government owned and occupied buildings and facilities.</p>	
SCOPE	
<p>This policy applies to all people attending the Magistrates Court, including consultants, trainees, contractors, lawyers and police officers.</p>	
MANDATORY ACTIONS	
<p>All actions in this policy are mandatory, unless otherwise stated.</p>	
RESOURCE IMPLICATIONS	
<p>N/A</p>	
REFERENCES	
<p><i>Public Health Act 1997</i></p>	
FORMS/RECORD KEEPING	N/A
IMPLEMENTATION DATE	26 April 2021
DATE OF ISSUE	19 April 2021
ISSUE NUMBER	1.0
DATE OF FURTHER AMENDMENTS	
DATE OF REVIEW	26 April 2023
	
<p>(signed)</p>	

Penelope Ikedife

Administrator of Courts

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1. INTRODUCTION

Smoking has been identified as a major public health concern. Passive smoking or involuntary exposure to environmental tobacco smoke can harm human health, by increasing heart disease, cancer, a variety of respiratory ailments and other adverse medical conditions.

A no smoking policy is in effect in all Government owned and occupied buildings and facilities. It applies to all people including employees, contractors and visitors.

Smoke-free areas aim to:

- Protect people from exposure to second hand smoke
- De-normalise smoking behaviour in public places, particularly for young people
- Support people who have quit or are trying to quit smoking.

The Magistrates Court of Tasmania is committed to maintaining a healthy and supportive work and service environment which protects the health and wellbeing of all employees, court users, visitors and contractors as well as meeting our legislative requirements. The Magistrates Court of Tasmania will actively encourage smoking prevention and smoking cessation for its employees.

2. SCOPE

This policy applies to all people attending the Magistrates Court, including consultants, trainees, contractors, lawyers and police officers (“Court Users”).

3. DEFINITIONS

Court – means the Magistrates Court of Tasmania.

Court Users – means all people attending the Magistrates Court, including consultants, trainees, contractors, lawyers and police officers.

Department – means The Department of Justice.

Smoke-free workplace policy – pursuant to The Department of Justice’s *Smokefree workplace policy* available on the Department’s Intranet site, means “The Smokefree policy aims to build a healthy and supportive environment which protects the health and wellbeing of all employees, visitors and contractors as well as meeting our legislative requirements. The Agency will also actively encourage smoking prevention and smoking cessation.”

Smoke-free areas – means a smoke-free area as defined in section 67B of the *Public Health Act 1997* (Tas).

Smoke / Smoking – means:

(a) any smoke, fumes, vapour, mist or aerosol emitted from a smoking product, non-tobacco cigarette, non-tobacco cigar, non-tobacco pipe or other non-tobacco smoking device; and

(b) to inhale, puff, draw or vape any smoke, fumes, vapour, mist or aerosol whilst using a smoking product, non-tobacco cigarette, non-tobacco cigar, non-tobacco pipe or other non-tobacco smoking device; and

(c) to hold or otherwise have control over –

(i) a tobacco product while it is ignited; or

(ii) a non-tobacco cigarette, non-tobacco cigar, non-tobacco pipe or other non-tobacco smoking device while it is ignited; or

(iii) a personal vaporiser product while it is activated.

Visitor – includes personal and professional visitors, and contractors.

4. RESPONSIBILITIES

Employees and Contractors are responsible and accountable for:

- Complying with the Smoking Policy and Guidelines.
- All breaches of prohibition are to be reported to the Administrator or Deputy Administrator.
- Breaches of this policy in any area declared as a smoke-free area may incur a penalty as prescribed under the *Public Health Act 1997*.
- The onus is on the individual to be aware of any smoke-free areas as prescribed by Local Councils.

Court Users

Court Users are responsible for:

- Complying with the Smoke Free Policy and Guidelines contained herein.
- Reporting any non-compliance, at their discretion, to a Court officer or Court Security.

5. GENERAL PROVISIONS

5.1 AREAS WHERE SMOKING IS PROHIBITED

5.1.1 A no smoking policy is in effect in all Government owned and occupied buildings and facilities. It applies to all employees and visitors to those buildings and facilities.

5.1.2 A person must not smoke in a smoke-free area.

5.1.3 Smoking is not allowed in:

- the workplace;

- Government vehicles;
- major thoroughfares (any primary access way or walkway signed as "No Smoking"); within 3 metres of any building entrance or exit. Within 10 metres of any air intake for ventilation equipment on or in a multiple use building or a non-domestic building, ventilation duct or open window; and
- within designated smoke-free areas.

In Burnie this includes:

- The front of the court property along Alexander Street, and
- The carpark/basement area downstairs including within 3 metres of the roller door entry.

In Devonport this includes:

- The front of the court property along Griffiths Street; and
- The rear courtyard which backs onto the Fenton Way Car Park.

In Hobart this includes:

- The front of the court property along Liverpool Street; and
- On Campbell Street, all three doorways (including alcoves within 3 metres of the doorways) as well as the alleyway between the Magistrates Court and the Department of Education; and
- The carpark/basement area downstairs including within 3 metres of all door entries.

In Launceston this includes:

- The front of the court property along Charles Street; and
- The rear of the building which is the laneway between the door and the public toilets; and
- The carpark/basement area downstairs including within 3 metres of the roller door entry.

5.1.4 It is an offence under the *Public Health Act 1997* to smoke in a smoke-free area.

5.1.5 If an individual chooses to smoke, the onus is on the person to ensure they comply with any local council laws and regulations and accept the risk of being fined.

6. RELATED LEGISLATION AND DOCUMENTS

The following legislation and policy is relevant to this policy:

- *Public Health Act 1997*(TAS)

7. FURTHER INFORMATION

- Quitline is a free, confidential telephone based support service designed to help smokers quit smoking. Smokers can request a free information pack or receive advice about quitting from trained advisors – Contact the Quitline 137 848.
- Quit Tasmania – www.quittas.org.au
- Public Health Hotline on 1800 671 738.