

POLICY

SMOKE FREE PREMISES

Responsibility of: School Support Services
Effective Date: July 2016
Next Review Date: July 2018
Target Audience: All corporate and school staff

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1. POLICY

To promote the health and wellbeing of students and staff, smoking is not permitted in or on any Department of Education premises including school grounds. This is also a requirement of the [Tobacco Control Act](#) (the Act) and the [Tobacco Control Regulations](#) (the Regulations). For the purposes of this policy smoking includes electronic cigarettes.

1.1 School premises

An exemption option exists for schools through section 11(1) of the Act and section 10 of the Regulations. These provisions enable schools to have a designated smoking area, referred to as the exempt area, within the school grounds provided the conditions of the Act and Regulations are met.

Schools must hold a formal secret ballot of all staff at the commencement of each school year to determine if the majority of staff favour or do not favour having an exempt area within the school grounds.

Where the majority of school staff vote in favour of an exempt area, strict conditions must be applied to its location including:

- it must be a defined outdoor area
- it must be outside of school buildings and must not be a common access area
- it must not be visible or normally accessible to students
- it must be located at least two metres from doorways and three metres from air conditioning inlets.

The principal must be satisfied that the school has the ability to meet the exempt area criteria before approving its creation.

Smoking outside of exempted areas is against the law and may result in penalties for the smoker and the department/school.

In Term one each year, every school must report to School Operations the outcome of the ballot and whether the principal has declared that the school will have an exempt area.

Schools that are declared smoke-free with no exemptions may display signs to this effect although this is not a requirement under section 7 of the Regulations. Examples of [Smoke Free signage](#) are available on the Department of Health website.

Where a janitor/caretaker resides on the school grounds, the area occupied by the janitor constitutes “domestic premises” for the purposes of section 7(2)(a) of the Act and as such it is not required to be smoke free.

All community groups that use the school must comply with this policy.

1.2 Department offices

Department offices and premises, whether government owned or leased may have a designated smoking area. It is the building owner’s decision as to whether a designated smoking area is provided and if so that it complies with the Act and Regulations.

All department employees must also comply with the Act and the Regulations by only smoking within designated smoking areas or, in the absence of a designated smoking area, leaving the premises to smoke.

2. BUSINESS NEED

Adherence to this policy enables the department to meet the requirements of the Act and Regulations. Designed to reduce the exposure of the public to the harmful effects of tobacco smoke, the Act effectively bans smoking in restaurants, shopping centres and areas of public access including educational facilities. It allows for exemptions to enable smoking in designated outdoor areas provided certain conditions are met.

3. SCOPE

This policy applies to the use of all Northern Territory Government corporate premises, school premises and school grounds.

4. DEFINITIONS

Departmental premises: includes all department offices, school buildings and school grounds.

Electronic cigarettes: work by delivering nicotine and/or other chemicals to the user via an aerosol vapour. The devices are designed to simulate the act of smoking tobacco cigarettes but do not involve the burning of tobacco. Non-nicotine products are also available. A range of names are used to describe the products, including electronic nicotine delivery systems (or ‘ENDS’), e-shisha, e-cigars, e-pipes, e-Hookas, hookah-pens, vape-pipes and e-cigs.

School: includes preschool.

School grounds: includes the land area up to the boundaries.

5. ROLES AND RESPONSIBILITIES

Principals are responsible for ensuring that:

- this policy is enforced in their school
- community groups that use school premises are aware of and comply with this policy

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- a formal secret ballot of all staff is held at the commencement of the school year to determine if the majority of the staff are in favour of having a designated smoking area within the school grounds. Where the majority of staff have voted for a designated smoking area, the principal may decide to declare that an exempt area is provided which complies with all the requirements of the legislation
- in Term one, the result of the ballot and the principal's decision of whether to declare an exempt area, is reported to School Operations.

School Operations is responsible for

- maintaining a register that outlines the status of schools as being either smoke-free or having an exempt area
- updating the register at the beginning of each school year.

All staff are responsible for complying with this policy.

6. RELATED POLICY, LEGISLATION AND DOCUMENTS

[Tobacco Control Act](#) and [Tobacco Control Regulations](#)

People seeking assistance to quit smoking can be referred to the national Quitline telephone number of 137 848 or the [Quit Now website](#).

For further information on legislative requirements or quit smoking information use the Department of Health toll free telephone number 1800 888 564.