

POLICY

SMOKE FREE PREMISES

Responsibility of: Quality School Systems and Support
Effective Date: July 2019
Next Review Date: July 2021
Target Audience: All corporate and school staff

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1. POLICY

The department is committed to a smoke free environment and supports employees seeking assistance to stop smoking. Further information and assistance to stop smoking is provided by the national Quitline on 13 78 48 or at the [Quit Now website](#).

To promote the health and wellbeing of students and staff, smoking is not permitted in, or on, any departmental premises or within 10 metres from an entry point to, or boundary of, a school.

For the purposes of this policy smoking includes electronic cigarettes.

Any person or group hiring or using school facilities must also comply with this policy.

1.1 School premises - exemption

An exemption option under section 11(1) of the [Tobacco Control Act 2002](#) (the Act) and section 10 of the [Tobacco Control Regulations 2002](#) (the Regulations) enables schools to designate a smoking area, referred to as the exempt area, within the school grounds provided conditions 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 establishing 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. The location of the exempt area **must** be:

- a defined outdoor area
- outside of school buildings, but not a common access area
- at least two metres from doorways and three metres from air conditioning inlets.

The location **must not** be:

- on, or within the vicinity of, the premises of an approved education and care service
- visible or normally accessible to students.

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

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

By week 5, Term 1 each year, every school must report to Quality School Systems and Support the outcome of the ballot and whether the principal has declared that the school will establish an exempt area. Schools that elect to establish an exempt area will be actively encouraged to support staff to stop smoking through various free-of-charge resources and programs found at the [Quit Now website](#) and the [Department of Health website](#).

School grounds are required to have clear signage advising of smoke free areas in accordance with the Act and Regulations.

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.

1.2 Approved education and care services

Under the *Education and Care Services (National Uniform Legislation) Act 2011* education and care services operated on school grounds, including preschool, outside of school hours care and long day care, must provide an environment that is free from the use of tobacco, illicit drugs and alcohol at all times. An exemption (as described at 1.1 above) under the Act and Regulations is not available in regard to the premises from which these services are approved to operate.

1.3 Departmental offices

Departmental offices and premises, whether government owned or leased, may designate a smoking area. It is the building owner’s decision to designate a smoking area and responsibility to comply with the Act and Regulations.

All departmental employees must 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

This policy is consistent with the requirements under the Act and Regulations and the *Education and Care Services (National Uniform Legislation) Act 2011* and Education and Care Services National Regulations that apply to preschools.

Adherence to this policy enables the department to meet the requirements of the Act and Regulations. This policy aims to reduce harm to people’s health by: discouraging people from smoking; reducing people’s exposure to the harmful effects of tobacco smoke; and by supporting people to stop smoking.

3. SCOPE

This policy applies to all Northern Territory Government corporate premises and school premises including school grounds.

4. DEFINITIONS

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

Entry and boundary area means:

- an area within 10 metres of the gate or similar entry point to the place; and
- if there is a boundary to the place, or a boundary is indicated by signage (including “No Smoking” signs), an area within 10 metres of the boundary.

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.

5. ROLES AND RESPONSIBILITIES

Principals are responsible for ensuring that:

- “No Smoking” signs, as determined by the Act and Regulations, are clearly displayed at the entry point/s and/or boundary to school grounds
- upon becoming aware that a person is illegally smoking on school premises, they, or a member of school staff, ask the person to stop smoking or move to an area in which smoking is allowed (see section 10(2)(c) of the Act). NOTE: should a person refuse to comply with such a request, schools are encouraged to consider processes outlined in [Trespass on school premises](#)
- individuals or groups that use school premises are aware of, and comply with, this policy and, that the above expectation about talking to a person smoking illegally is also enforced by any member of school staff in authority after hours
- a formal secret ballot of all staff is held at the commencement of each school year to determine if the majority of the staff are in favour of a designated smoking area within the school grounds
- informing Quality School Systems and Support by Week 5, Term 1, of the outcome of the ballot.

Quality School Systems and Support is responsible for:

- communicating with principals regarding the annual ballot
- maintaining a register that outlines the status of schools as being either smoke-free or having an exempt area.

6. RELATED POLICY, LEGISLATION AND DOCUMENTS

[Community Use of School Facilities policy and guidelines](#)