

Smoke-Free Environment Policy

Section 1 - Purpose and Context

(1) The purpose of this policy is to provide and maintain a healthy work and study environment at Western Sydney University and the University's controlled entities for employees, students and visitors by communicating that all University premises, activities and events are established as Smoke-Free environments.

Section 2 - Definitions

(2) The following definitions apply for the purpose of this policy:

- a. Smoke/Smoking – The action or fact of emitting smoke, giving off steam or vapor from a tobacco product or personal vaporiser. This Policy includes all forms of smoke-generating (whether by burning or not) products or devices including tobacco and non-tobacco products such as cigarettes, cigars, e-cigarettes, aerosol, personal vaporisers (vapes) and water pipes.
- b. Second-Hand Smoke – Smoke from burning tobacco products, such as cigarettes, cigars, or pipes as well as smoke that has been exhaled, or breathed out, by the person smoking.
- c. Involuntary Passive Smoking – When non-smokers are exposed to second-hand smoke.
- d. Tobacco Products – Includes all tobacco, cigarette, cigar, water-pipe, or any other product containing tobacco designed for human consumption or use.
- e. Personal Vaporiser – Is a device – for example, electronic cigarettes or ‘e-cigarettes’ – that is capable of being used to deliver a substance into an individual’s body when the individual inhales through the device, and has one or more of the following parts, a battery, a cartridge or container to store a liquid, vapor or gas and electric heating element.
- f. University Premises – All land, property and any location/site whether on or off campus that may be under the control of the University or in use by the University for commercial, academic and/or research purposes, irrespective of whether the University is the owner, commercial occupier or simply a temporary user of the land, property or location/site.
- g. University Vehicles – All vehicles owned or leased by the University, including University private use vehicles, pool cars, buses, vans, tractors, aircrafts and boats.
- h. Words or terms used in this policy and not defined in Section 2 have the meaning attributed to them in (as the case may be) the [Smoke-Free Environment Act 2000 \(NSW\)](#) or the [Public Health \(Tobacco\) Act 2008 \(NSW\)](#).

Section 3 - Policy Statement

(3) This Policy applies to all University and the University's controlled entities employees, students, contractors, visitors, tenants, and vendors whilst on University property, in University vehicles and participating in University approved events and activities. The University also has an obligation to comply with the [Smoke-Free Environment Act 2000 \(NSW\)](#), the [Work Health and Safety Act 2011 \(NSW\)](#) and [Work Health and Safety Regulation 2017](#).

(4) The University is obliged to protect people from the health, social, environmental and economic effects of

tobacco under Australia's ratification of the [World Health Organisation \(WHO\) Framework Convention on Tobacco Control](#).

(5) The University has a responsibility to minimise adverse environmental effects as committed to in its [Environmental Sustainability Policy](#) to reduce pollution and waste.

(6) Smoking is prohibited on University premises and within four metres of a pedestrian access point, including entrances to a University building or University premises.

(7) The University is committed to ensuring the health, safety and welfare of its employees whilst at work and its students and visitors while on campus. The University has adopted the following principles:

- a. All persons on University premises are entitled to a smoke-free environment;
- b. Smoking is prohibited, at all times, in University vehicles;
- c. Smoking is prohibited, at all times, on any approved University fieldwork activity where other persons may be exposed to ETS.

(8) Sale of all tobacco or non-tobacco products and electronic nicotine delivery systems, e-cigarettes, vaporisers is prohibited on University premises.

Section 4 - Procedures

Part A - Responsibilities

(9) Managers and supervisors, staff and students under their responsibility, must:

- a. Ensure staff and students are aware of this policy;
- b. Understand their responsibility to ensure the policy is enforced;
- c. Ensure complaints with regard to alleged breaches of the policy are dealt with quickly and effectively;
- d. Establish whether a breach has taken place before dealing with non-compliance.

(10) All persons on University premises:

- a. Must not smoke anywhere on University premises;
- b. Must cooperate with the University in the implementation of this policy;
- c. May request people who are smoking to cease smoking if they feel comfortable in doing so otherwise report the matter to the University's Campus Safety and Security staff.
- d. Should report instances of people smoking on campus in accordance with the [Accident, Injury, Incident, Hazard Reporting and Investigation Policy](#).

(11) Work Health, Safety and Wellbeing Unit will:

- a. Monitor the effectiveness of this policy through process of annual review;
- b. Liaise with local area management with regards to promotion of this policy.

(12) Division of Infrastructure and Commercial will:

- a. Update signage, as part of the normal update cycle, to reflect that the University is a smoke-free educational institution and workplace.

(13) External inspectors;

- a. Under the [Smoke-Free Environment Act 2000 \(NSW\)](#) external inspectors are appointed by the Director General (Ministry of Health) and have the authority to enter premises and collect information on breaches of the Act and Regulations. They can require any person smoking in a smoke-free area to stop smoking. Under the Act monetary penalties are enforceable by the external inspectors for:
 - i. Occupiers who fail to prevent the spread of smoke from a smoking to a smoke-free area.
 - ii. Failure to display adequate signage;
 - iii. Occupiers who allow a person to smoke in a smoke-free area;
 - iv. Individuals smoking in a smoke-free area;
- b. External inspectors, appointed by the Director General have the authority under the [Smoke-Free Environment Act 2000 \(NSW\)](#) to enter the University and prosecute individuals and occupiers who breach the Act.

Part B - Managing Compliance

(14) Staff, students, contractors and visitors are required to comply with relevant laws and University policies and procedures. Any breaches of the law or this Policy will be managed in accordance with established procedures including but not limited to the [Code of Conduct](#).

(15) All persons are encouraged to educate and raise awareness of the requirements of this Policy.

(16) Individuals who smoke on University campuses or other premises will be asked politely to stop smoking and advised of the requirement to comply with this policy.

(17) Where a person has been asked to discontinue smoking on University property this request is to be actioned immediately by the smoker in a polite and respectful manner.

(18) Under the [Smoke-Free Environment Act 2000 \(NSW\)](#), fines can be issued by external inspectors for breaches of the Act. The amount of the fine is as applicable under the act at the time of the offence and will be in excess of \$550 per breach.

(19) Instances of non-adherence to this Policy are to be reported via the University's Work Health, Safety and Wellbeing Unit via [Accident/Injury/Incident/Hazard Notification Form](#) on [WesternNow](#).

(20) Visitors to the University (including volunteers) who continue to breach this policy may be asked to leave the University. Contractors who continue to breach this policy will also be asked to leave the University and may have their services terminated for breach of contract.

(21) Staff and students who continue to breach this policy may be subject to disciplinary action under relevant University rules, policies and codes.

Part C - Assistance for Smokers

(22) The University recognises that some staff and students may require assistance to quit smoking. Employees may wish to access the University's Employee Assistance Program which offers a range of tools and counselling services.

(23) Students can contact the University's Student Welfare Service for advice and assistance.

(24) Further assistance to help employees and students who wish to stop smoking, is available through Quitline by calling 137 848 or by visiting [iCanQuit](#).

(25) In addition, to encourage and support those staff wanting to quit smoking, the University will allow staff to access

up to eight hours' special leave for the purpose of attending a recognised "quit smoking" program. This leave is subject to the same approval process as any other special leave. Staff are responsible for paying fees and other costs associated with their participation in a "quit smoking" program.

Part D - Policy Dissemination

(26) It is important that all persons on University premises are aware of this policy. This will be facilitated as much as possible via the following means:

- a. All current staff and students will be advised of the policy through the normal University policy dissemination protocols and will be reminded of the policy from time to time;
- b. All new vacant positions will be advertised with an advice about the University's Smoke-Free Environment Policy; such advice will also be sent with letters of offer to successful candidates for vacancies;
- c. Contracts issued for work at the University will refer to the University's Smoke-Free Environment Policy;
- d. Prospective students will be advised of the policy at the time of the University making them an offer to study.

Section 5 - Guidelines

(27) Relevant Legislation:

- a. [Public Health \(Tobacco\) Act 2008 \(NSW\)](#)
- b. [Smoke-Free Environment Act 2000 \(NSW\)](#)
- c. [Smoke-free Environment Regulation 2007](#)
- d. [Smoke-free Environment Amendment Regulation 2013](#)
- e. [Work Health and Safety Act 2011 \(NSW\)](#)
- f. [Work Health and Safety Regulation 2017](#)
- g. [Waste Avoidance and Resource Recovery Act 2001 \(NSW\)](#)
- h. [World Health Organisation \(WHO\) Framework Convention on Tobacco Control](#)

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