

2. COMPREHENSIVE SMOKEFREE POLICY FOR CHRISTCHURCH

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The purpose of this report is to examine the proposals put forward by two health promoters from Crown Public Health as to the suitability of these being adopted by the Council.

INTRODUCTION

A deputation of Ms Kate Matthews and Ms Keri Nalder of the Smokefree/Alcohol team from Crown Public Health made representations at the meeting of the Parks and Recreation Committee on 12 July 2000. The Committee resolved that this submission be referred to the Environmental Policy and Planning Manager for a report to the appropriate standing committee.

The steps they suggested the Council should undertake were as follows.

- *actively promoting the Council's current policy of smokefree indoor environments within Council-owned properties;*
- *implementing and enforcing a policy of no smoking in outdoor areas at Council-owned stadia such as QEII and Denton Park;*
- *offering support and endorsing the adoption of smokefree indoor and outdoor environments at other public venues such as Jade Stadium. Adoption of smokefree environments at these venues would provide a consistent message to the public;*
- *implementing and enforcing a further policy of no smoking or designated smoking areas at Council-organised events such as "Christmas in the Park".*

DISCUSSION

Under the provisions of the Smoke-Free Environments Act 1990 this Council has adopted a policy applying to all of its buildings as follows:

"Smoking will be strictly prohibited in Council owned or leased buildings, including offices, hallways, waiting rooms, restrooms, lunch rooms including work site caravans, vehicles, elevators, meeting rooms and all community areas. This policy applies to all employees, clients, contractors and visitors."

It should be noted that the Act itself applies to **indoor** environments and, at present, has a number of exclusions from total compliance, for example, some areas of restaurants or licensed premises are permitted to be available for smokers, as are parts of prisons and hospitals.

In the Council's case, as stated above, all indoor areas are included in the policy. To this extent the Council is actively promoting the provisions of the Act. The policy is clearly stated on all information regarding employment at the Council. In addition the Council has policies regarding the advertising of tobacco products on bus shelters and, since 1981, in Council buildings, such as stadia, under its control. They had also determined that companies involved in the tobacco industry would be excluded from naming rights for Council stadia.

One of the purposes of the Act is, "*To reduce the exposure of people who do not themselves smoke to any detrimental effect on their health caused by smoking by others;*" and this is done by placing the restrictions on indoor environments. It is presumed that the matter of dispersion of tobacco smoke, and therefore the dose experienced by non-smokers was taken into account, in setting the allowance for half of the space being smoke-free in restaurants and cafeterias and the "two metres" rule for workplaces.

In regard to outdoor spaces it certainly is not clear that exposure to environmental tobacco smoke (ETS) would have any significant effects on the health of people exposed, and certainly the levels of contaminants released are generally well below those experienced from the inhalation of mainstream smoke (MS).¹

A survey undertaken for the Ministry of Health on attitudes toward environmental tobacco smoke showed that there was majority support for permitting smoking in open sports stadiums, and this was across all age groups.²

The National Drug Policy of the Ministry of Health,³ which covers tobacco use, states a number of principles underpinning the policy. These include cost-effectiveness, equity, and the upholding of individual rights where these do not unreasonably impinge on the rights of others. In regard to tobacco use it states.

Individuals are free to use tobacco and alcohol. This policy is designed to ensure that the effects of that use do not directly impinge on the rights of others, for example through smoking in enclosed public spaces, ...

¹ *Passive Smoking – How Dangerous!*, Clean Air Volume 32 No.2, May 1998

² *Attitudes Toward Environmental Tobacco Smoke*, Public Attitude Research Report, Ministry of Health, July 1999

³ **National Drug Policy 1998-2003**, Ministry of Health, Wellington, 1998

The Smoke-Free Environments Act 1990 does indicate that local authorities are able to make bylaws under section 684(8) of the Local Government Act 1974 providing greater protection from tobacco smoke than is provided by the Part I of the Act. Part I of the Smoke-Free Environments Act clearly states that it applies *inside any workplace or in certain public enclosed areas*. It is unlikely that it would be able, therefore, to be used to control smoking in outside areas. If that had been the intention of Parliament they would have clearly stated this in the legislation.

CONCLUSION

The fact that the Christchurch City Council has a smoke-free policy relating to its buildings could be perhaps given more promotion, but it is unclear just how this would be done, nor what effect it would have on those persons in the public who continue to smoke. The Ministry of Health has the responsibility under the Smoke-Free Environments Act 1990 for dealing with Part 1 of the Act, and it is understood provide funding for health promotion for the purpose of smoking cessation programmes.

In regard to the implementation of smoke-free areas outside at Council-owned public places there appears to be no legislation that would enable the Council to do this, even if good evidence existed that environmental tobacco smoke was a significant health risk in open air circumstances. Therefore, it is clear that no practicable enforcement of any such prohibition could be undertaken. It should be noted that even the Smoke-Free Environments Act does not make it an offence for the individual smoker to fail to comply with its provisions. It is unclear why the proposal mentions only two of the Council-owned and operated stadia, but it is clear that if the Council considered implementing such a proposal it would need to look at all such premises or public places under its control. For example, would it be sensible to apply it to other venues where public events occur, such as Cathedral Square or City Mall? If this is a major problem, and there is no evidence that it is, should it apply to every area to which the public has access?

Privately operated stadia, such as Jade Stadium, and privately organised events, such as “Christmas in the Park”, are not under the direct control of the Council and it is suggested these organisations would need to be directly approached by the Crown Public Health team.

In summary:

- It is not certain that there is any significant health effects from ETS when experienced in open spaces, but if there are it is considered that the Government should consider amending the Smoke-Free Environments Act 1990 to cover such situations.
- This Council appears to have little, if any, legislation that would enable it to introduce and **enforce** any restriction on smoking in open spaces under its control, including stadia, but also other public spaces which could include pedestrian areas.
- The Council has adopted a smoke-free policy for buildings and other enclosed spaces covering all indoor spaces and has promoted this to the extent considered sensible.
- The matter of promotion of the smoke-free programme is currently funded by central government, as are the recently introduced smoking cessation programmes. It may be that, should central government provide funding to this Council, it could consider further promotion of the smoke-free message through its activities.

Recommendation: That the appropriate persons in Crown Public Health be advised of the matters contained in the report and that at this time no provision exists for implementing their proposals.