

Sydney Opera House Policy

Title:	Smoke-free Environment Policy
Policy Number:	SOH141
Effective Date:	01 January 2022
Authorisation:	Chief Executive Officer
Authorisation Date:	09 November 2022
Superseded Policy:	SOH141
Accountable Director:	Executive Director, Building, Safety & Security
Responsible Officer:	Head of Safety

1. CORE PROPOSITION

- 1.1. The Sydney Opera House (SOH) seeks to promote the health and wellbeing of the SOH community by reducing the health risks associated with Smoking and exposure to second-hand smoke, and aims to protect the environment from the negative impact of Smoking.
- 1.2. The Smoke-free Environment Policy (this Policy) outlines SOH's commitment to provide a smoke-free environment to SOH's Workers, Users and visitors.

2. SCOPE

- 2.1. This Policy applies to Workers, Users and visitors while:
 - At the SOH precinct, or
 - At any other SOH-owned or -operated sites, or
 - In SOH-owned or -operated vehicles.
- 2.2. This Policy is an integral part of SOH's workplace health and safety strategy and should be read together with:
 - The *Sydney Opera House Trust By-law 2021 (the By-law)* which commenced on 1 September 2021.
 - Relevant SOH policies and procedures including the *Work, Health and Safety Policy, Code of Conduct, Delegations of Authority Manual, Alcohol and Other Drugs Policy and Environmental Sustainability Policy*.
 - Relevant SOH plans and strategies including the *Work, Health and Safety Action Plan (2020-22)* and *Environmental Action Plan (2020-23)*.
- 2.3. This Policy aligns with relevant legislation including the *Smoke-Free Environment Act 2000 (NSW)* and the *Work, Health and Safety Act 2011 (NSW)*.

3. DEFINITIONS

- 3.1. **E-cigarette (or electronic cigarette)*** – means:
 - E-cigarette liquid, or
 - A device that is designed to generate or release an aerosol or vapour (whether or not containing nicotine) by electronic means for inhalation by its user in a manner that replicates, or produces an experience similar to, the inhalation of smoke from an ignited Tobacco product or ignited non-tobacco smoking product, or
 - Any other device that is designed to be used by its user in a way that replicates, or produces an experience similar to, the use of a Tobacco product or non-tobacco smoking product.
- 3.2. **Employees** – means SOH ongoing, temporary and casual employees.
- 3.3. **Non-tobacco smoking product*** – means any product (other than a Tobacco product) that is intended to be smoked, and includes any product known or described as herbal cigarettes.
- 3.4. **Smoke/Smoking** – means the use, consumption, holding or otherwise having control over a Tobacco product, Non-tobacco smoking product or E-cigarette that is generating (whether or not by

burning) smoke or an aerosol or vapour (taken from the definition of 'smoke' in the *Smoke-free Environment Act 2000 (NSW)*).

- 3.5. **SOH precinct** – means SOH Trust's premises at Bennelong Point, being the area indicated on the map at Attachment 1, and includes all indoor and outdoor areas and all licensed and leased areas.
- 3.6. **Tobacco product*** – means tobacco, or a cigarette or cigar, or any other product containing tobacco and designed for human consumption or use.
- 3.7. **Users** – means users of the SOH precinct and includes artists, resident companies, presenting companies, venue hirers and onsite commercial operators.
- 3.8. **Workers** – has the meaning provided in the *Work Health and Safety Act 2011 (NSW)* and includes all Employees, and any other person engaged to undertake work in any capacity on behalf of SOH, including suppliers, contractors, subcontractors and their employees.

* As defined in the *Public Health (Tobacco) Act 2008*.

4. SMOKE-FREE ENVIRONMENT

- 4.1. Smoking is prohibited at SOH-owned or operated sites. This recognises that Smoking remains the leading cause of preventable disease and death in Australia. Therefore, in line with SOH's duty of care to protect the health, wellbeing and safety of its Workers, Users and visitors.
- 4.2. In line with SOH's *Environmental Sustainability Policy* and SOH's commitment to the United Nations Sustainable Development Goals, SOH seeks to reduce the harmful impact of Smoking on the environment, which includes litter and pollution of the marine environment.
- 4.3. Smoking-associated products must not be sold or distributed in any way on or in SOH-owned or -operated sites and vehicles.
- 4.4. In addition to any signage required by the *Smoke-Free Environment Act 2000 (NSW)*, SOH will install signage around the SOH precinct and other SOH-owned or -operated sites, to advise that Smoking is prohibited. Signage around the SOH precinct will comply with SOH's *Conservation Management Plan* and will be done in consultation with SOH's Heritage team.
- 4.5. SOH's Marketing and Communications teams will use appropriate techniques and channels to communicate to Workers, Users, visitors and the broader community on SOH being a smoke-free zone.
- 4.6. SOH will ensure that relevant Security Officers and Authorised Officers (as relevant) are trained on how to manage people who Smoke in the SOH precinct.

5. EXEMPTIONS

- 5.1. SOH's Executive Team members can make exemptions to this Policy at their discretion.
- 5.2. Anyone seeking an exemption must apply to the relevant Executive Team member for permission as soon as practical and before the smoking takes place. SOH's decision will depend on the particular circumstances proposed in the application. For example, whether other people are likely to be exposed to second-hand smoke and the impact on fire and property damage risks.
- 5.3. It is not an offence under the *Smoke-Free Environment Act 2000 (NSW)* to smoke in a smoke-free area (being an enclosed public place or one of the specified outdoor public places) if a person who performs in a theatre or other performance space provided, smokes during the performance and the smoking is a necessary part of the performance (s7(2)). Smoking as part of a performance is permitted subject to the assessment of associated risks and the application of any required conditions.
- 5.4. SOH encourages production and presenting companies and performers to use theatrical smoking props that are free from tobacco, nicotine, herbal or any other harmful or potentially harmful substances.
- 5.5. The approval of an exemption request will be in line with relevant legislation and terms and conditions may apply.

6. QUIT SMOKING PROGRAMS AND SUPPORT

- 6.1. SOH supports quit smoking programs and will provide relevant information to Workers and program support to Employees through the SOH Health Centre.
- 6.2. Workers can seek information and support directly through:
- Cancer Council NSW website (<https://www.cancercouncil.com.au/cancer-prevention/smoking/quitting-smoking/>): A comprehensive outline of quit support services in NSW.
 - NSW Quitline: 13 7848 (13 QUIT): A free and confidential telephone service providing customised assistance to help individuals with their quit smoking attempt.
 - Aboriginal Quitline: 13 7848 (13 QUIT): A culturally-sensitive, free and confidential telephone service provided by Aboriginal Advisors.
 - [iCanQuit website \(https://www.icanquit.com.au/\)](https://www.icanquit.com.au/): Online support and resources designed to motivate people to quit smoking.
 - QuitCoach (<http://www.thequitcoach.org.au/>): One-on-one online support run by Quit Victoria.
 - My Quitbuddy app (<https://www.health.gov.au/resources/apps-and-tools/my-quitbuddy-app>): Online quit support services run by the Australian Government.
- 6.3. Employees can access the Employee Assistance Program (EAP) on 1800 818 728 and further support is available, where required, after consultation with one of SOH's nurses.

7. COMPLIANCE

- 7.1. For Employees, compliance with this Policy is a condition of employment. Any breach of this Policy will be addressed appropriately and may lead to disciplinary action.
- 7.2. Any Employee who has a grievance relating to this Policy can raise it in line with SOH's Resolving Workplace Grievances Policy and Grievance Resolution Procedure.
- 7.3. Workers (who are not Employees) and Users who breach this Policy will be dealt with in accordance with their arrangements with SOH and the particular circumstances.
- 7.4. Visitors to the SOH Precinct who breach this Policy will be asked by SOH Security Officers to refrain from Smoking. If Smoking continues, visitors may be directed to leave the SOH precinct on the basis of this Policy and the By-law.

8. RESPONSIBILITIES

- 8.1. **Everyone** (including Workers, Users and visitors) is responsible for:
- Complying with this Policy and maintaining a healthy and safe environment for themselves and others.
 - Seeking advice if they do not understand any aspect of this Policy.
- 8.2. **Managers and supervisors** are responsible for:
- Providing Workers with information on this Policy.
 - Ensuring that this Policy is included in induction training for new starters.
 - Ensuring that Employees under their supervision understand and comply with this Policy.
 - Directing Workers to quit support services if required or requested.
- 8.3. **Security Officers and Authorised Officers (as relevant)** are responsible for directing Workers, Users and visitors to comply with this Policy while at the SOH precinct and at any other SOH-owned or operated sites.

As defined in the By-law, "authorised officer" means each of the following:

- A police officer.
- The CEO.
- A person employed in the public service who is assigned to an authorised officer role by the CEO generally or in relation to a particular by-law.

- A person authorised by the CEO or SOH Trust to exercise the functions of an authorised officer generally or in relation to a particular by-law.

8.4. **Head of Safety** is responsible for:

- Implementing, reviewing and monitoring this Policy.
- Consulting with the Work Health & Safety Representatives on the implementation of this Policy as required.
- Working with Human Resources and other stakeholders to develop and implement education and awareness programs for Workers and Users.

8.5. **Executive Team members** are responsible for approving exemptions to this Policy.

9. RELEVANT LEGISLATION

- Smoke-free Environment Act 2000 (NSW)
- Smoke-free Environment Regulation 2016 (NSW)
- Work Health and Safety Act 2011 (NSW)
- Work Health and Safety Regulation 2017 (NSW)

10. SOH SUPPORTING DOCUMENTS

- Alcohol and Other Drugs Policy
- Code of Conduct
- Conservation Management Plan
- Delegations of Authority Manual
- Environmental Sustainability Policy
- Environmental Action Plan (2020-23)
- Trust By-law 2021
- Work, Health and Safety Action Plan (2020-22)
- Work, Health and Safety Policy (2020-23)

APPROVED

Chief Executive Officer



Date: 09/11/2021

Version History

Version	Approved by	Approval date	Effective date	Sections modified
1.0	Chief Executive Officer	09/11/2021	01/01/2022	New policy

APPENDIX A – SOH PRECINCT



NO SMOKING
ON THE SYDNEY OPERA HOUSE PRECINCT