

# Smoking at the Museum policy

POL-G-070

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## 1. Title

Smoking at the Museum policy

## 2. Introduction

The National Museum of Australia (the Museum) is a major cultural institution charged with researching, collecting, preserving and exhibiting historical material of the Australian nation. The Museum is established under the *National Museum of Australia Act 1980*, which along with the *National Museum of Australia Regulations 2019*, defines the Museum's role, functions and powers.

## 3. Scope

This policy demonstrates the commitment and shared obligations of the Museum and its workers to minimise the effects of all forms of smoking on the health of workers and visitors. The policy also outlines the dedicated outdoor smoking areas for all Museum buildings as the only places where a person is permitted to smoke or extinguish their smoking products.

### 3.1 Rationale

Tobacco smoking is one of the largest causes of preventable illness and death in Australia. Research estimates that two in three lifetime smokers will die from a disease caused by their smoking. Smoking is estimated to kill almost 20,500 Australians a year (13% of all deaths) and was responsible for 8.6% of the total burden of disease in Australia in 2018<sup>1</sup>. This includes deaths from active smoking and from exposure to second-hand smoke.

The effects of the use of electronic cigarettes are not yet fully known. The National Health and Medical Research Council (NHMRC) recommends that health authorities act to minimise harm to the community until evidence of safety, quality and efficacy of electronic cigarettes can be produced. On this basis the Museum will treat the use of electronic cigarettes as it does all other forms of smoking.

Under the *Work Health and Safety Act 2011* (Cth) (WHS Act), the Museum has a primary duty to manage risks to health and safety by eliminating them as much as is reasonably practicable. This responsibility also extends to Museum workers who must take reasonable care for their own health and safety and to ensure that their actions do not adversely affect the health and safety of their colleagues and visitors.

The Australian Capital Territory (ACT) has introduced the *Smoke-Free Public Places Act 2003* (ACT) that prohibits smoking in any enclosed space, at venues where food and drink is served and consumed, at underage functions, within 10 metres of play equipment at ACT Government managed play spaces, and at declared smoke-free places and events. Although the Museum as a Commonwealth body is not required to comply with this legislation, the Museum regards the approach taken in the ACT as best practice and has adopted key features of the ACT legislation in the *National Museum of Australia Regulations 2019* and this policy.

## 4. Definition of terms

**E-cigarette** includes any 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. Examples are e-cigars, e-hookah pens, e-pens, e-pipes or vape pens.

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<sup>1</sup> <https://www.abs.gov.au/articles/pandemic-insights-australian-smokers> – 2020-21

**Non-tobacco smoking product**

- (a) any product (other than a tobacco product) that is intended to be smoked
- (b) any product known or described as herbal cigarettes.

**Smokes**

A person **smokes** if they use, consume, hold or otherwise have control over a tobacco product, non-tobacco smoking product or e-cigarette that is generating (whether or not by burning) smoke, an aerosol or vapour.

**Tobacco product** means tobacco, or a cigarette or cigar, or any other product containing tobacco and designed for human consumption or use.

**5. Principles or guidelines**

Section 27 of the National Museum of Australia Regulations 2019 ('the Regulations') provides that a person commits an offence if the person smokes on Museum premises. The definition of smokes includes the use of e-cigarettes. The penalty is 5 penalty units.

In order to safeguard the health of its workers and visitors, the Museum prohibits smoking inside all Museum buildings and vehicles and on Museum premises. To eliminate the health risk to others, anyone wishing to smoke must do so in the designated outdoor smoking areas only. Persons who wish to smoke should be mindful of the second-hand smoke they produce and consider its effects on others, particularly any environmental conditions that may worsen the chance of exposure to others.

**5.1 Designated outdoor smoking areas**

To eliminate the risk of smoke in Museum buildings, function areas and outdoor eating spaces, the locations selected as dedicated outdoor smoking areas are a minimum of 7 metres from air intakes, doorways and gas valves. The following areas are designated smoking areas (referenced on the attached maps below):

**Acton site**

Museum workers and visitor smoking area

Old Canberra Hospital stone/concrete terrace, west of Amphitheatre wall (see attachment A)

Temporary commercial events smoking area Lakeside landing of the Peninsula Room (see attachment A).

Smoking is only permitted in this area during commercial out of hours events with pre-arranged approval from the *Head of Commercial*. If approved, the event manager is responsible for installing a temporary outdoor ashtray at this designated outdoor smoking area. Please note, additional charges may be incurred for this arrangement.

**9–13 Vicars Street**

Grassed area behind the left demountable building (see attachment B)

**90 Vicars Street**

Concrete apron against the fence bordering the Australian Federal Police building, opposite Unit 4 (see attachment C)

**5.2 Non-compliance**

Museum employees have a responsibility to abide by all Museum policies and procedures. Where an employee smokes in contravention of this policy, they may be in breach of the Regulations or otherwise subject to disciplinary action under the APS Code of Conduct.

## 6. Definition of responsibilities

### Workplace Health and Safety Manager

The Workplace Health and Safety Manager is responsible for the management, maintenance and implementation of the policy.

### Executive team

Executive must exercise due diligence to ensure that the Museum complies with this policy. This requires the Museum to:

- ensure it has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety posed by smoking
- ensure that the Museum implements the process outlined in this policy.

### Museum workers

While at work, Museum workers must:

- not smoke in places where smoke could enter any Museum building through doorways or air conditioning vents
- not smoke in Museum buildings or Museum vehicles
- only smoke in designated smoking areas outlined in section 5.1
- not smoke in areas where people enter or exit any Museum building
- consider the consequences and public perceptions from smoking near or in clear view of Museum visitors, particularly children
- dispose of their cigarettes and e-cigarettes in an appropriate and safe manner (extinguish cigarettes totally before placing them in the ashtrays provided).

### Other persons

It is expected that Museum visitors and general public will:

- abide by all non-smoking signage
- abide by reasonable directions or guidance delivered by visitor hosts or security guards in relation to smoking.

## 7. References

*Work Health and Safety Act 2011*

*Work Health and Safety Regulations 2011*

*National Tobacco Strategy*

*Smoke-Free Public Places Act 2003*

*Tobacco and Other Smoking Products Act 1927*

*National Museum of Australia Regulations 2019*

## 8. Implementation

### 8.1 Coverage

This policy applies to all Museum employees, contractors, volunteers and visitors.

### 8.2 Other related policies

APS Code of Conduct

### 8.3 Superseded policies

This policy replaces the Smoking staff circular (SC - 002).

### 8.4 Monitoring

This policy will be monitored by the Workplace Health and Safety Manager and reviewed in 2029.

## 9. Attachments

Attachment A – Acton main Museum building

Attachment B – 9 –13 Vicars Street Mitchell

Attachment C – 90 Vicars Street Mitchell

### 9.1 Attachment A – Acton main Museum building



**9.2 Attachment B – 9–13 Vicars Street Mitchell**



**9.3 Attachment C – 90 Vicars Street Mitchell**

