



**FREMANTLE LANGUAGE
DEVELOPMENT CENTRE**

STUDENT AND STAFF SAFETY POLICY AND PROCEDURES

FREMANTLE LANGUAGE DEVELOPMENT CENTRE STUDENT AND STAFF SAFETY POLICY AND PROCEDURES

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1. POLICY STATEMENT

The Department of Education will provide and maintain a safe and healthy work environment in all its workplaces.

Teaching staff owe a duty to take reasonable care for the safety and welfare of students whilst students are involved in school activities or are present for the purposes of a school activity. The duty is to take such measures as are reasonable in all the circumstances to protect students from risks of harm that reasonably ought to be foreseen. This requires not only protection from known hazards, but also protection from harm that could foreseeably arise and against which preventative measures can be taken.

In discharging their duty of care responsibilities, teaching staff must exercise their professional judgement to achieve a balance between ensuring that students do not face an unreasonable risk of harm and encouraging students' independence and maximising learning opportunities.

When non-teaching staff, volunteers and external providers agree to perform tasks that require them personally to care for Students (in the absence of a member of the teaching staff), they will also owe a duty to take such measures as are reasonable in all the circumstances to protect students from risks of harm that reasonably ought to be foreseen.

The Department of Education also provides online services to students in public schools for learning-related activities and strives to protect students from exposure to inappropriate online material and activities.

2. POLICY RULES

Site Managers will:

- implement the Department's Occupational Safety and Health (OSH) management system to reduce hazards and risks, and to continually improve safety and health in the workplace; and
- communicate to employees and contractors their obligations under the *Occupational Safety and Health Act 1984* and the *Occupational Safety and Health Regulations 1996*.

Principals will complete the Department's occupational safety and health training within six months of appointment to a permanent or acting in the principal role for 6 months or more.

Department of Education Guidance

Site Managers are required to:

- *perform all duties as described in the Code of Practice Occupational Safety and Health in the West Australian Public Sector 2007; and*
- *undertake the duties of the employer or person in charge of a workplace described in the Occupational Safety and Health Act 1984 and the Occupational Safety and Health Regulations 1996.*

Contractors engaged on a contract for service are considered to be employees of the person engaging them, and have the same obligations and protections assigned to employees under the OSH Act 1984 in relation to matters over which principals/line managers have capacity to exercise control.

Principals and teaching staff will:

- only grant student access to Department online services after receiving a signed *Acceptable Usage Agreement* signed by the parent;

- issue and maintain student passwords in a confidential and secure manner;
- educate students on the risks associated with online activities;
- provide appropriate supervision for students using online services on school sites; and
- take appropriate action in accordance with the Positive Student Behaviour policy where there is an alleged misuse of online services or breach of acceptable use.

Department of Education Guidance

Further information is available in the Students Online Guidelines.

Stronger passwords should be used by students who can cope with the complexity. For information about passwords refer to the Information and Communication Technologies Security Policy and Procedures.

Measures are put in place to monitor email traffic and Internet access. All activities conducted via the Department's online services may be logged, accessed and disclosed for administrative, legal and security purposes and risk management.

This policy is not related to student use of social media which are services not provided by the Department.

3. DEFINITIONS

Site Manager

Officers, including Principals and Line Managers, who have executive responsibility for overall management and control of any Department of Education workplace. At the Fremantle Language Development Centre, the Site Managers include the Principal, Deputy Principals, Manager Corporate Services, the First Aid Officer and the OSH Representative.

4. LEGISLATION AND POLICIES

4a. Relevant Legislation or Authority

- Copyright Act 1968 (Cth)
- Freedom of Information Act 1992 (WA)
- Occupational Safety and Health Act 1984
- Occupational Safety and Health Regulations 1996
- Public Sector Management Act 1994 (WA)
- School Education Act 1999 (WA)
- School Education Act Employees' (Teachers and Administrators) General Agreement 2014
- School Education Regulation 2000 (WA)
- Workers' Compensation and Injury Management Act 1981
- WA Public Sector Code of Ethics
- Code of Practice on Occupational Safety and Health in the Western Australian Public Sector 2007

4b. Relevant Policies, Department of Education, WA

- Asbestos Policy

- Behaviour Management in Schools
- Child Protection
- Duty of Care for Students
- Emergency and Critical Incident Management
- Equal Opportunity, Discrimination and Harassment
- Excursions Policy and Procedures
- Information and Communication Technologies Security Policy and Procedures
- Injury Management and Workers' Compensation
- Intellectual Property Policy
- National Education Access Licence for Schools (NEALS) Policy and Procedures for DET Publications and Website
- Occupational Safety and Health
- Risk and Business Continuity Management
- Software Licences Policy and Guidelines
- Staff Induction Policy and Procedures
- Telecommunications Use
- Visitors and Intruders on School Premises
- Workplace Bullying

4c. Other Documents

- Asbestos Management Plan
- Blood Borne Viruses Guidelines
- Code of Practice on Occupational Safety and Health in the Western Australian Public Sector 2007
- Copyright for Schools Guidelines
- Guidelines for First Aid in Department Workplaces
- Guidelines for Safe Work Practices for Educational Interpreters (Auslan) within the Department of Education
- Hearing Test Guidelines
- Keeping Our Workplace Safe Guidelines
- Music Copyright for Schools
- Smoke-free Workplace Guidelines
- Social Media in Schools: Guidelines for Staff Using Social Media and Other Technologies
- Student Online Guidelines
- Use of Non-print Texts in Schools

5. STAFF SAFETY PROCEDURES

5a. Staff Training and Induction

Site managers at the FLDC:

- provide induction, supervision, information, instruction and training in occupational safety and health to enable employees to undertake their duties safely and to remove, as far as practicable, exposure to hazards;
- display the Department's Statement of Intent and Commitment to Occupational Safety and Health around the workplace;
- make available to employees the Occupational Safety and Health Policy and Procedures; and
- communicate to employees and contractors the requirements in regards to:
 - Protocols for the Management of Blood Borne Viruses and Hepatitis A in Department Workplaces;
 - Department Standards for Maintaining a Smoke-free Workplace (Appendix A); and
 - Hearing Test Guidelines

Department of Education Guidance

Under the Occupational Safety and Health (OSH) Act 1984 and the Occupational Safety and Health Regulations 1996, site managers must (1) identify occupational safety and health hazards in the workplaces, assess risks, and implement effective preventative measures; (2) maintain a record to show that regular workplace inspections are conducted; (3) induct and train all employees in occupational safety and health; and (4) are required to promote a safe and accident prevention culture at the workplace.

Please use the Occupational Safety and Health Induction Checklist provided for ease of administration and record keeping.

Site managers should inform all employees of the Department's Employee Assistance Program counselling services to resolve any work or personal issues that may affect their well-being and productivity.

A handover provided with any change of site manager at a worksite should include details about any known occupational safety and health hazards.

Under the OSH Act 1984, visitors and students are required to comply with directions given by the site manager. Refer to the Department's Duty of Care for Students policy with regard to the safety and welfare of students.

5b. Plant, Equipment and Hazardous Substances

Site managers at the FLDC:

- maintain plant, equipment and systems of work such that employees are not exposed to hazards in the workplaces;
- where hazardous substances such as chemicals are present in the workplace, confirm that their handling, labelling, processing, storage, transportation and disposal is carried out in such a manner as to avoid exposure to hazards; and
- provide personal protective equipment where required.

Department of Education Guidance

Fire extinguishers should be routinely checked and evacuation drills conducted on a regular basis. Refer to the Emergency Management and Critical Incident Policy for more information.

Site managers should provide instructions to employees in the use of personal protective equipment and verify that employees maintain the personal protective equipment in good working condition.

5c. Accident/Incident Investigation Report Form

Site Managers at the FLDC:

- undertake thorough investigations of accidents and incidents that occur in the workplace;
- use the Accident/Incident Investigation Report Form (AIIR Form) to record accidents/incidents and injuries at the workplace, details of investigation conducted and control measures implemented to prevent further occurrences; and
- email the AIIR Form to the Employee Support Bureau (ESB) at ESB.Admin@education.wa.edu.au for any injury resulting in a workers' compensation claim.

Department of Education Guidance

The Accident/Incident Investigation Report Form (AIIR) for employees forms the basis for the collection and documentation of information relating to the incident and investigation process. Records should also be kept of any witness and third party evidence or information.

For incidents concerning visitors and students, please use the Incident Report Form.

Record keeping includes the maintenance of a register of all risks in the workplace, including for hazardous substances.

Further information on records management is available at the Department's Corporate Information Services Website.

5d. Non-Compliance Notices

Site Managers at the FLDC will:

- advise their Executive Director or Regional Executive Director when a regulatory agency has issued a non-compliance notice, or when a Safety and Health Representative has issued a provisional improvement notice (PIN), in their workplace; and
- arrange for a copy of any non-compliance notice to be sent to the Occupational Safety and Health team in the ESB immediately on receipt of notice.

Department of Education Guidance

Non-compliance notices include an improvement or prohibition notice is issued by WorkSafe WA inspectors when a breach of the OSH Act or the regulations is occurring and has not been remedied. It states the reasons for the inspector issuing the notice and must include a reference to a specific regulation or provision of the Act.

A provisional improvement notice (PIN) can be issued by a safety and health representative when they are of the opinion that a breach of the OSH Act or the Regulations is occurring and has not been remedied. The person who has been issued with the PIN has the option to request a review by a WorkSafe WA inspector within the stipulated time.

Failure to comply with a notice within the given time is an offence under OSH legislation.

For more information, visit ESB website.

5e. Safety and Health Representative

Site Managers at the FLDC will:

- request employees to elect a Safety and Health Representative and or to form a Safety and Health Committee;
- allocate time and resources for the Safety and Health Representative to complete training within 12 months after being elected;

- consult and cooperate with the Safety and Health Representative and employees regarding occupational safety and health at the workplace; and
- allow an elected Safety and Health Representative to inspect the workplace on a regular basis to be determined by both the Site Managers and the Safety and Health Representative

Department of Education Guidance

The Department supports workplaces to elect a representative or a safety and health committee. Further information on the functions and guidance on the establishment of safety and health representatives and safety and health committees is available at the [ESB website](#).

5f. Role of All Staff

All staff the FLDC:

- take reasonable care for their own safety and health and avoid adversely affecting the safety or health of any other person through any act or omission at work;
- follow all instructions and safe working procedures established to protect their safety and that of others;
- report all identified hazards and accidents/incidents in the workplace to their line manager; and
- follow the steps in the Occupational Safety and Health Issues Resolution Process for resolving occupational safety and health issues as agreed between the Department and relevant parties under the OSH Act.

Department of Education Guidance

Under section 26 of the OSH Act 1984, an employee is entitled to refuse to work by notifying his or her employer (site manager and OSH representative) if they consider there are reasonable grounds to believe that to continue work would result in exposure to a risk of imminent and serious injury or imminent and serious harm to health.

An employee who refuses to work may be given reasonable alternative work to do until the employee resumes his or her usual work.

6. STUDENT SAFETY PROCEDURES

6a. Reasonable Care

Department of Education Guidance

The duty owed to students is not a duty to ensure that no harm will ever occur, but rather a duty to take reasonable care to avoid harm being suffered.

A person suffering harm will be entitled to damages (compensation) if he or she can establish that a member of the teaching staff, non-teaching staff, volunteer or external provider was negligent – that is, failed to take reasonable care – and the negligence was the cause of the person's harm (see Appendix B).

At the FLDC, all staff ensure that students are provided with reasonable care by considering, but not limiting to, the following factors or circumstances,

- The student's age – as all the students at the FLDC are young (less than 10 years), a high level of care is provided to ensure their safety and wellbeing. Students are supervised by at least one adult during school hours and are not released into the care of non-school adult unless the adult is the student's parent, or an adult that the parent has given written/verbal permission to collect their child.

- Physical and cognitive impairment – All students at the FLDC have Speech and Language Impairment and some students may also have a Physical Disability. Due to the increased risk of harm for all students participating in in-school and out-of-school (excursions) activities, appropriate measures are taken to ensure a higher number of staff are organised to supervise our students. In addition, each individual students with specific physical disabilities are assigned one staff member/adult to supervise them whilst on out-of-school activities (excursions).
- Medical conditions – Many students at the FLDC have various medical conditions. These students are clearly identified in accordance to the FLDC Student Health Care Policy and medical assistance is provided according to each student’s medical action plan. In addition, staff at the FLDC take into consideration the medical needs of students when organising in-school and out-of-school activities, ensuring there is adequate staff present to ensure these students can be provided with an appropriate level of care. For students with severe medical conditions eg. Diabetes, the FLDC staff ensure that there is at least one trained staff member to assist the student at all times during all school activities.

Department of Education Guidance

Where students are afflicted by particular medical conditions, for example, haemophilia, asthma, a heart condition, brittle bones or epilepsy, special care must be taken to protect such students if their condition is known or ought to be known and exposes them to a special risk of injury.

- Student behaviour – At the FLDC, students with identified behavioural concerns that increase the risk to their own or others safety are provided with additional supervision during all in-school and out-of-school activities. Management of each students’ behaviour is in accordance to the FLDC Positive Student Behaviour Support Plan.

Department of Education Guidance

The level of care is increased in the case of students who are known to behave in a manner that increases the risk of injury.

- The nature of the school activity

Department of Education Guidance

Increased care is required in relation to school activities with an inherently high level of risk of injury.

- The nature of the environment in which a school activity is to be undertaken

Department of Education Guidance

Increased care is required when students are placed in hazardous environments in which the potential risks of injury-related incidents are high.

- Any conflicting responsibilities that the school or staff member may have; and
- Normal practices within the school and departmental policies and procedures.

6b. Assessing the Risk Involved in a School Activity

When assessing the risk involved in a school activity, the FLDC staff consider the following factors:

- The probability of the risk occurring

Department of Education Guidance

What is the likelihood of harm being suffered in the circumstances? Is it reasonably probable or so improbable as to be scarcely worth taking into account?

- The magnitude of the risk, and

Department of Education Guidance

How serious may the consequences be if the risk is run and harm results? Are the potential consequences too great to justify running the risk?

- The expense, difficulty and inconvenience involved in alleviating the risk.

Department of Education Guidance

What is to be gained by running the risk in order to undertake the school activity? What is to be lost if it is not undertaken? What alternatives are reasonably available, and with what risks or other disadvantages are they attended? How easy is it to take precautions against the risk? The easier it is to take precautions, the greater the obligation to take those precautions.

6c. Responsibility of Teaching Staff

All teaching staff at the FLDC ensure that all students are provided with the appropriate level of care whilst students are involved in school activities or present for the purpose of school activities.

Department of Education Guidance**When is a duty owed?**

The duty of care owed by a member of the teaching staff to a student automatically arises out of the teacher-student relationship. Such a relationship will exist whenever and wherever a student is involved in a school activity or a student is present for the purposes of a school activity.

The teacher-student relationship is not necessarily confined to students enrolled at the school at which the member of the teaching staff is employed.

Example

A teacher who supervises a group of students from a number of different schools during an inter-school sports carnival will owe a duty to all of the students under his or her control to take such measures as are reasonable in all the circumstances to protect them from risks of harm that reasonably ought to be foreseen.

What does the duty encompass?

The duty encompasses a wide range of matters, including (but not limited to)

- (a) provision of adequate supervision;*
- (b) ensuring grounds, premises and equipment are safe for use by students;*
- (c) implementing strategies to prevent bullying from occurring in school; and*
- (d) rendering medical assistance (if competent to do so) to, or seeking assistance from a medically trained person for, a student who is injured or becomes sick at school.*

It is possible that the duty extends to acting on a strong suspicion of physical, sexual or emotional abuse or neglect. In any event, the Child Protection policy requires school staff to report to the principal instances of student disclosure or signs of abuse or neglect.

How may the duty be discharged?

In some circumstances a member of the teaching staff may only be able to discharge his or her duty of care by personally and directly caring for students whilst they are involved in school activities or are present for the purpose of school activities.

Example

Where a group of students are very immature and are known to 'play up' when supervised by anyone other than a member of the teaching staff. In other circumstances however, it may be sufficient for a member of the teaching staff to entrust the care of students to a member of the non-teaching staff, a volunteer, an external provider or a member of the teaching staff from another school.

When a Teacher decides whether a member of the non-teaching staff, an external provider or a volunteer might personally care for students (without a member of the teaching staff also being present), the FLDC Teaching staff must satisfy themselves that the person is suitable for the task being assigned. When making this assessment the FLDC Teaching staff take into consideration the following factors

- number of students involved
- age, experience, capabilities and behaviour of the students

- nature of the environment, premises and of the activity to be undertaken, and
- age, ability, experience and general suitability of the proposed carer.

Department of Education Guidance

Teaching staff may breach their duty of care if reasonable care is not exercised in choosing an appropriate person to care for students.

At the FLDC all staff, teaching and non-teaching hold a valid Working with Children Check in accordance with the Department's *Working with Children Checks* Policy. When volunteers, visitors or external providers come to the FLDC, they are required to provide evidence that they hold a valid Working with Children Check. External providers must also provide a current National Police Certificate. All copies of valid Working with Children Checks and National Police Certificates are stored in the main school office in accordance with the Departments Records Management Policy.

Department of Education Guidance

Volunteers who are exempt from having a Working with Children Check and university staff members who are delivering an educational program to students, should be requested to complete a Confidential Declaration indicating whether or not they have any convictions or whether there are any circumstances or reasons that might preclude them from working with or near children.

All teaching staff at the FLDC, recognise that external providers and volunteers are not generally responsible for personally caring for students. Consequently, before entrusting these persons with the care of students, the FLDC teaching staff obtain the agreement of the person to care for the student(s) (without a Teacher being present). The FLDC teaching staff allow external providers and volunteers an opportunity to refuse a request to personally care for students, and respect that person's decision to refuse. If the external providers and volunteers agree to personally care for students (without a Teacher being present), the Teacher provides them with clear instructions as to the level of care

Department of Education Guidance

By reason of their Job Description Form, however, some members of the non-teaching staff may be required to personally care for Students as part of their normal duties.

6d. Responsibility of Non-Teaching Staff, Volunteers and External Providers

At the FLDC, non-teaching staff (such as Gardiners and Cleaners), volunteers and external providers (and indeed, all members of the community) are required to take reasonable care to avoid doing or not doing things that could reasonably be contemplated as causing injury to others (including students).

If non-teaching staff (such as Gardiner and Cleaners), volunteers and external providers agree to perform tasks that require them to personally care for students (e.g. supervise students without a member of the teaching staff also being present), they will owe the same duty of care to those students as the duty owed by teaching staff. In other words, they will be required to take such measures as are reasonable in all the circumstances to protect students from risks of harm that reasonably ought to be foreseen.

Department of Education Guidance

By reason of their Job Description Form some members of the non-teaching staff (including Education Assistants) may be required to personally care for students as part of their normal duties.

6e. Students Travelling on the School Bus

At the FLDC, many students travel to and from school on an Orange School Bus provided by the Public Transport Authority. To ensure the safety of students, teaching staff are placed on a 'Bus Duty Roster' to ensure all students are appropriately supervised both before and after school at the bus pick-up and drop-off location.

SIS and Checklists

At the beginning of each year, admin staff update the student records in SIS to identify students that will travel on a school bus using passenger lists provided by the School Bus Service (Public Transport Authority). This involves adding students to and removing former students from specific bus services within the Group Management tool in SIS. SIS is used to create weekly checklists for staff to sign individual students on and off each of the bus services at all three sites.

Admin staff also create 'mini checklists' for each class at the main school site. Each 'mini checklist' lists the students within the class, the bus the students are enrolled on and an area for teacher comments. Teachers use the 'mini checklist' each day to communicate with bus duty staff, the bus students who will/will not be travelling on the school bus in the afternoon.

Duty Rosters

Each term, admin staff create Bus Duty Rosters to ensure the supervision of students when they arrive to school on the school bus service in the morning and while they wait to be collected from school to travel on the school bus in the afternoon.

Getting to and from Class

All students at the FLDC who are enrolled on the school bus service are supervised by school staff as they walk

- to their class in the morning from the school bus drop-off location, and
- from their class in the afternoon to the school bus pick-up location.

6f. Students at School Outside of School Hours

Before School Starts

At the FLDC, classrooms open at 8.30am each morning. Parents are encouraged to bring their child/children to school between 8.30am and school starting time. Should parents need to bring their student to school before 8.30am, they are encouraged to use the Outside of School Hours Care available at all three school sites.

After School Finishes

At the end of the school day, students remain in the care of teaching staff until they are collected by their parent/carer. When students have not been collected and there is no reason why a parent/carer has not arrived, staff will then contact the student's parents/carers by phone to collect their child. If the parents are not answering their phone, staff will contact the student's other emergency contacts that have been provided by the student's parents/carer.

Parents who need to pick up their child late from school on most days are encouraged to use the Outside of School Hours Care available at all three school sites.

6g. Students Accessing Online Services

On enrolment, all parents are asked

- to sign permission for their child to access online services and device in the classroom; and
- to sign an *Acceptable Usage Agreement* for the appropriate use of online services and devices

Students accessing online services on devices in the classroom are supervised by school staff at all times.

APPENDIX A. DEPARTMENT STANDARDS FOR MAINTAINING A SMOKE-FREE WORKPLACE

A.1. DEPARTMENT STANDARDS

The Department of Education recognises that exposure to environmental tobacco smoke (ETS) is a proven health hazard. Smoke-free workplaces provide employees, students and visitors with a safe and healthy working and learning environment, protecting health and decrease their risk of developing smoking related illnesses.

Site managers will implement all smoke-free workplace legislations and these standards in their workplace.

Smoking is not permitted:

- in any Department controlled premises (owned or leased), including the land area up to the boundaries;
- in all enclosed workplaces that has a ceiling or roof and is greater than 50% enclosed by walls, or other vertical structures or coverings;
- in all indoor areas and within 5 metres of any Department building entrance;
- within 10 metres of any air intake for ventilation equipment;
- within 10 metres of children's playground equipment; and
- in any vehicles owned or leased by the Department.

A building entrance is identified as any doorway or opening that provides access to a building. This does not include emergency exits.

Buildings other than schools may have clearly identified designated outdoor smoking zones where smoking is permitted. Designated smoking areas should be set up according to these guidelines.

A.2. COMMUNICATION

Site managers must display a notice or sign to inform all individuals in the workplace that smoking is not permitted in the workplace.

Site managers should advise all employees, contractors, and visitors that their access to Department premises is subject to their adherence to the Occupational Safety and Health policy, procedures and the Department's standards for maintaining a smoke-free workplace.

Any employee, contractor or visitor who is in breach of the Department's standards should be requested to stop. This should be done in an educative and non-confrontational manner.

Continual breaches by employees will be subject to disciplinary action.

Visitors who refuse to comply with the Department's standards will be asked to leave the workplace.

Site Managers can contact the Occupational Safety and Health Consultants based in the Department's Employee Support Bureau for assistance and advice on implementing the Department's smoke-free workplace standards.

A.3. GENERAL INFORMATION

Environmental tobacco smoke (ETS) is a combination of smoke from the burning end of a tobacco product and exhaled mainstream smoke as breathed out by a smoker. The United States Environmental Protection Agency has classified ETS as a proven human carcinogen (cancer causing agent) which increases the risk of heart disease by 25-30% and lung cancer by 20-30%.

Smoking is the act of inhaling, exhaling, burning of any lighted or heated tobacco product, including but not limited to cigarettes, cigars, and electronic cigarettes.

A tobacco product is any product prepared for smoking that contains tobacco, or a herb or other plant matter whether or not the product also contains tobacco.

Both smoking and passive smoking can cause lung cancer, heart disease, bronchitis, lung and airway infections, eye irritation, coughing, headaches and exacerbated asthma symptoms. Passive smoking or second-hand smoke inhalation occurs when non-smokers involuntary inhale other people's ETS.

A.4. SUPPORT STRATEGIES TO STOP SMOKING

Help and information are available to assist individuals who wish to stop smoking.

Any individual wishing to stop smoking may call the Quit Smoking WA Quitline on 13 78 48 (13 QUIT) for the cost of a local call.

Any individual wishing to stop smoking may also contact a doctor or visit a pharmacist for advice on the best and most appropriate quit medication for them.

The Cancer Council Western Australia's smoking and tobacco website provides more information and support to stop smoking.