

Smoke-Free Areas

Public Health Amendment Act 2011

Effective 1 March 2012

New smoke-free areas

The Act introduces the following smoke-free areas:

- outdoor dining areas, and within three metres of outdoor dining areas (unless the area is surrounded by a barrier that is impervious to smoke and at least 2.1 metres high)
- within three metres of a bus shelter
- pedestrian and bus malls
- within 10 metres of play equipment at a public children's playground
- public swimming pools, including surrounding enclosed areas
- between the flags at patrolled beaches
- areas at public events designated as smoke-free by the Director of Public Health in a public notice
- outdoor sporting venues during an organised sporting event, within 20 metres of:
 - permanent or temporary public seating
 - marshalling and warm-up areas, seating, podium or other parts of the venue reserved for competitors or officials
 - any part of the venue used to conduct the organised sporting event.

An outdoor dining area is an unenclosed area that contains tables or seating provided by the occupier of licensed premises, a restaurant, café, snack bar or takeaway food shop, for customers to eat solid food.

An organised sporting event is one that is planned in advance and conducted in accordance with established rules by an established professional or amateur sporting body or educational institution. It can be a one-off event or part of a program of events. An informal or impromptu sporting event is not an organised sporting event.

The duration of an organised sporting event includes the 30-minute period leading up to, and immediately after, the official schedule.

Existing smoke-free areas

The *Public Health Act 1997* already provides for the following smoke-free areas:

- enclosed public places and workplaces
- areas not within private premises designated by the occupier as smoke-free
- within three metres of an entrance/exit of a non-domestic or multi-use building
- within 10 metres of an air intake for ventilation equipment on/in a non-domestic or multi-use building.

The following areas are not smoke-free, unless designated by the occupier as such:

- open deck areas of a ship or vessel
- personal living areas of a place providing accommodation for a fee, residential care facility or prison, from which smoke drift to any smoke-free area cannot reasonably occur
- an area that is an outdoor smoking area under the Act.

Outdoor smoking areas

An area is an outdoor smoking area if it:

- is provided for the use of customers by the occupier of premises to which a licence or permit under the *Liquor Licensing Act 1990* applies or premises in which an outdoor dining area is provided
- is not serviced (including the delivery of beverages, snacks or other food)
- does not have a roof (unless no more than 50 per cent of the perimeter consists of walls and windows, in which case a roof is permitted).

For more information go to

www.dhhs.tas.gov.au/peh or call 1800 671 738.