

ACT: SMOKING LAW REQUIREMENTS



Smoke-free laws in the Australian Capital Territory have banned smoking in certain public spaces. It is expected that everyone is aware of, and compliant with, smoking laws. Sporting clubs are also encouraged to develop a smoke-free policy where smoking is banned at all sporting events.

Having a smoke-free sporting club can help you comply with your obligations to take reasonable precautions to ensure the health and safety of your employees, volunteers and visitors to the venue.¹

- In the ACT, the Tobacco and Other Smoking Products Act 1927 regulates the sale/promotion of tobacco, and the Smoke-Free Public Places Act 2003 regulates where smoking is permitted.

SMOKING BANS AND RESTRICTIONS

Smoking is banned within 10 metres of play equipment at government managed play spaces.² Smoking is also banned at underage functions. The organiser of an underage event has an obligation to maintain the smoke-free area – including displaying ‘no smoking’ signs.³

There are also restrictions that ban smoking where food is being served.

- Smoking is banned at outdoor eating and drinking areas.³
- A place is only an outdoor eating or drinking place while food or drink is available, being provided, consumed or cleared.³

- Licensed venues such as pubs, clubs, taverns and bars can have a designated outdoor smoking area (DOSA), which requires having an up-to-date smoking management plan along with other requirements.⁴
- E-cigarettes are also banned from outdoor eating and drinking areas.⁴

MANAGING SMOKING WITHIN YOUR CLUB

It is recommended you develop a policy or procedure so staff, operators or volunteers know how to deal with someone smoking in a banned area.

- The occupier (the person in control of the outdoor eating and drinking area/premises) is responsible for maintaining the smoke-free area – if a person is found to be smoking, both the occupier and the person committing the offence can be issued a fine.⁴
- If smoking occurs in a smoke-free area you may not always be liable – for example if you could not reasonably be expected to have been aware of the person smoking or if you have already directed them to stop smoking.⁴

Acceptable ‘no smoking’ signage needs to be displayed at smoke-free outdoor eating and drinking areas.

- Signage should be prominently displayed at outdoor eating and drinking areas so that people can easily see it.⁴
- You can order signage from the ACT Government website (see further information).
- Be aware that fines can be issued if signage is not displayed.

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Further Information:

'No smoking' signage

<https://form.act.gov.au/smartforms/servlet/SmartForm.html?formCode=1413>

Outdoor Eating and Drinking Areas in The ACT - A guide for businesses

<https://health.act.gov.au/sites/default/files/2018-10/Smoke-Free%20Outdoor%20Eating%20and%20Drinking%20Areas%20in%20the%20ACT.pdf>

ACT Government: Tobacco control

<https://www.health.act.gov.au/businesses/tobacco-control>

Tobacco licensing and smoking in public places

https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1365/~/~tobacco-licensing-and-smoking-in-public-places#!tabs-2

Smoke-Free Public Places Act 2003

<https://www.legislation.act.gov.au/a/2003-51/default.asp>

For more information you can contact the Health Protection Service on 02 5124 9700 or e-mail hps@act.gov.au.

References:

1. Access Canberra. Smoking in the workplace: ACT Government [updated 14 May 2020; cited 2020 July 14]. Available from: https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/3167/kw/smoking#!tabs-16
2. Access Canberra. Tobacco licensing and smoking in public places: ACT Government [updated 06 July 2020; cited 2020 14 July]. Available from: https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1365/~/~tobacco-licensing-and-smoking-in-public-places#!tabs-2
3. ACT Government. Smoke-Free Public Places Act 2003: ACT Legislation Register; 2003 [updated 2020 14 July; cited 2020 14 July]. Available from: <https://www.legislation.act.gov.au/a/2003-51/default.asp>
4. ACT Government. Outdoor Eating and Drinking Areas in The Act: A guide for businesses. 2018.