

NSW: SMOKING LAW REQUIREMENTS



Smoke-free laws in New South Wales have banned smoking in certain public spaces. It is expected that everyone is aware of, and compliant with, smoking laws.¹

Having a smoke-free sporting club can help you comply with your obligations to take reasonable precautions to ensure the health and safety of employees, volunteers and visitors to the venue. It will limit exposure of people to second-hand smoke and will create a more supportive environment for those who have quit.¹

- In New South Wales, the Smoke-Free Environment Act 2000 regulates where smoking is permitted.

SMOKING BANS AND RESTRICTIONS

At organised sporting events, a smoking ban applies to all spectator areas at sports grounds and other recreational areas when they are being used for an organised sporting event. The law applies to both covered and uncovered spectator areas, whether seating is provided or not. The ban also extends to training or practice, as well as breaks or intervals during the event, training or practice.²

- Smoking is banned within 10 metres of playgrounds and public swimming pool grounds.¹
- Smoking is banned at all primary and secondary schools, and within 4 metres of an entrance.³
- Smoking is banned with 4 metres of an entrance to fitness centres, bowling alleys and other sporting and recreational facilities.³
- You should be aware of any local laws your council introduces around smoking. Smoking could be prohibited in other areas, or during certain times where children play.²

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

- Smoking is banned in outdoor seated dining areas such as hospitality venues, food fairs or within 10 metres of food stalls/vendors at organised events.⁴
- E-cigarettes and water-pipe products, e.g. shisha, are also banned from outdoor dining 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 dining area or premises) is responsible for maintaining the smoke-free area – if a customer is found to be smoking, both the occupier and the customer can be issued a fine.⁵
- If smoking occurs in a smoke-free area you may not always be liable – for example if you can demonstrate that you were unaware that smoking was occurring or if you already asked the person to stop smoking and they did not comply.⁵

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

- Signage must be displayed at outdoor dining areas so that people can easily see it when entering the area, or from within that area.⁴
- Signage is recommended but not mandatory at sports and recreation facilities.²
- You can order signage for free from the New South Wales Health website (see further information).⁴
- Be aware that fines can be issued if signage is not displayed.⁴

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Further Information:

Spectator areas at sporting events

<https://www.health.nsw.gov.au/tobacco/Pages/no-smoking-around-sports-grounds.aspx>

Resources and factsheets – Smoking, your health and quitting

<https://www.health.nsw.gov.au/tobacco/pages/smoking-health-and-quitting.aspx>

Children’s recreational areas – smoke-free

<https://www.health.nsw.gov.au/tobacco/Factsheets/childrens-outdoor-playground.pdf>

‘No smoking’ signage

<https://www.health.nsw.gov.au/tobacco/Pages/smoke-free-resources.aspx>

References:

1. NSW Health. Smoke-free laws: NSW Government; [updated 2019 August 16; cited 2020 July 15]. Available from: <https://www.health.nsw.gov.au/tobacco/Pages/smoke-free-laws.aspx>
2. NSW Health. No smoking in spectator areas at public sports grounds: NSW Government [updated 2017 February 10; cited 2020 July 15]. Available from: <https://www.health.nsw.gov.au/tobacco/Pages/no-smoking-around-sports-grounds.aspx>
3. NSW Health. No smoking near entrances to or exists from a public building (the 4 metre law): NSW Government; [updated 2017 March 23; cited 2020 July 15]. Available from: <https://www.health.nsw.gov.au/tobacco/Pages/no-smoking-the-4-metre-law.aspx>
4. NSW Health. No smoking in commercial outdoor dining areas: NSW Government [updated 2017 February 24; cited 2020 July 15]. Available from: <https://www.health.nsw.gov.au/tobacco/Pages/no-smoking-in-outdoor-dining.aspx>
5. NSW Government. Smoke-free Environment Act 2000 No 69: NSW legislation; 2000 [updated 2018 July 1; cited 2020 July 15]. Available from: <https://www.legislation.nsw.gov.au/#/view/act/2000/69/full>