

NT: SMOKING LAW REQUIREMENTS



Smoke-free laws in the Northern 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 employees, volunteers and visitors to the venue.¹

- In the Northern Territory, The Tobacco Control Act 2002 regulates the sale/promotion of tobacco and where smoking is permitted.

SMOKING BANS

Smoking is banned at educational facilities, entrances (within 2 metres of a door or window), outdoor public venues, food service areas and outdoor eating and drinking areas.²

- Licensed premises can only operate an outdoor smoking area if they meet strict requirements – you will need to apply for an outdoor smoking areas certificate.³
- E-cigarettes are also banned from smoke-free areas.⁴

An owner/occupier can declare their premises (including outdoor areas) as a smoke-free area – this is called a ‘voluntarily declared area’ and requires the owner/occupier to prepare a smoke-free area plan.^{2, 5}

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.²
- If smoking occurs in a smoke-free area you may not always be liable – for example if you can demonstrate that you were unaware smoking was occurring.²

The prescribed ‘No smoking’ signage needs to be displayed at smoke-free areas.

- Signage needs to be displayed to clearly identify a non-smoking area.⁵
- Be aware that fines can be issued if signage is not displayed.²

TOBACCO VENDING MACHINES:

Tobacco vending machines are not permitted if your liquor licensed premises allows minors (a person under the age of 18 years old) on the premises, or if people under 18 are allowed to enter when supervised by a parent or guardian.²

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Further Information:

For more information and smoke free resources call the **Smoke Free Hotline: 1800 888 564**

Smoking laws and businesses

<https://nt.gov.au/industry/hospitality/smoking-laws-and-businesses>

Outdoor smoking areas certificate

<https://nt.gov.au/industry/hospitality/tobacco-licences/outdoor-smoking-areas-certificate>

Where you can and can't smoke

<https://nt.gov.au/wellbeing/healthy-living/smoking/where-you-can-and-cant-smoke>

Alcohol and other drugs: health professionals

<https://health.nt.gov.au/professionals/alcohol-and-other-drugs-health-professionals/tobacco>

Tobacco control act 2002

<https://legislation.nt.gov.au/Legislation/TOBACCO-CONTROL-ACT-2002>

References:

1. National Occupational Health & Safety Commission. Guidance note on the elimination of environmental tobacco smoke in the workplace. 2003.
2. Tobacco Control Act 2002.
3. Northern Territory Government. Apply for an outdoor smoking areas certificate 2020.
Available from: <https://nt.gov.au/industry/hospitality/other-licences/tobacco-licences/outdoor-smoking-areas-certificate>
4. Northern Territory Government. Electronic cigarettes 2020.
Available from: <https://nt.gov.au/wellbeing/healthy-living/smoking/electronic-cigarettes>
5. Northern Territory Government. Smoking laws and businesses 2020.
Available from: <https://nt.gov.au/industry/hospitality/law-and-management/smoking-laws-and-businesses>