

# QLD: SMOKING LAW REQUIREMENTS



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

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.<sup>1</sup>

- In Queensland, the Tobacco and Other Smoking Products Act 1998 regulates where smoking is permitted and the sale/promotion of tobacco.

## SMOKING BANS AND RESTRICTIONS

At organised underage sporting events, smoking is banned within 10 metres of the viewing and playing area at an outdoor venue.<sup>2</sup> The ban extends to training or practice, as well as breaks or intervals during the event, training or practice. The ban includes electronic cigarettes (e-cigarettes).

- Smoking is banned within 10 metres of playgrounds, public swimming pool grounds, and skate parks.<sup>2</sup>
- Smoking is banned at all primary and secondary schools, and within 5 metres of school boundaries.<sup>3</sup>
- Smoking is banned at childcare facilities and within 5 metres of their boundaries.<sup>3</sup>
- You should be aware of any local laws your council introduces around smoking. Smoking could be prohibited in other public areas.<sup>2</sup>

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

- Smoking is banned in all outdoor eating and drinking areas, unless it is a Designated Outdoor Smoking Area (DOSA).<sup>4</sup>
- E-cigarettes are regulated in the same way as normal cigarettes.<sup>5</sup>

## 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 who committed the offence can be issued a fine.<sup>6</sup>
- 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.<sup>6</sup>

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

- Signage should be displayed at outdoor eating and drinking areas so that people can easily see it when entering the area, or from within that area.
- If you have a designated outdoor smoking area, you must complete a smoking management plan. This must provide for signage that clearly identifies where smoking is or is not allowed.<sup>4</sup>
- At underage sporting events, compliance with smoke-free bans can be done through public education and awareness campaigns. No smoking signs are an important part of this. You can download signage for under 18 sporting events (see further information).<sup>2</sup>
- Be aware that fines can be issued if signage is not displayed at the entrance to licenced premises.<sup>6</sup>

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### Further Information:

#### Underage sporting events

[https://www.health.qld.gov.au/\\_\\_\\_data/assets/pdf\\_file/0021/444216/factsheet-u18-sporting-events-sportingorgs.pdf](https://www.health.qld.gov.au/___data/assets/pdf_file/0021/444216/factsheet-u18-sporting-events-sportingorgs.pdf)

#### Resources and factsheets - tobacco law in Queensland

<https://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws>

#### Outdoor public areas & children's recreational areas – smoke-free

<https://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/outdoor>

#### 'No smoking' signage & smoking management plan

Call 13 13 7468 for free copies of signs and forms.

<https://publications.qld.gov.au/dataset/smoke-free-organised-under18-sporting-events>

<https://publications.qld.gov.au/dataset/smoking-requirements-for-businesses>

### References:

1. National Occupational Health & Safety Commission. Guidance note on the elimination of environmental tobacco smoke in the workplace. 2003.
2. Queensland Health. Outdoor public areas 2016.  
Available from: <https://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/outdoor#:~:text=From%201%20September%202016%2C%20smoking%20is%20banned%20within%2010%20metres,intervals%20or%20breaks%20in%20play>
3. Queensland Health. Educational facilities 2016.  
Available from: <https://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/education>
4. Queensland Health. Eating or drinking venues 2016.  
Available from: <https://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/eat-drink>
5. Queensland Health. Electronic cigarettes 2019  
Available from: <https://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/electronic-cigarettes>
6. Tobacco and Other Smoking Products Act 1998.