

# SA: SMOKING LAW REQUIREMENTS



Smoke-free laws in South Australia 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.<sup>1</sup>

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>2</sup>

- In South Australia, the Tobacco and E-Cigarette Products Act 1997 regulates where smoking is permitted and the sale/promotion of tobacco.

## SMOKING BANS AND RESTRICTIONS

Smoking is banned within 10 metres of children's playgrounds.<sup>3</sup>

- This includes playground equipment located in public areas such as sporting venues, schools, parks, businesses, hotels and restaurants.<sup>3</sup>

You should be aware of areas or events your local council declares smoke-free. If you would like a sporting event/carnival to be smoke-free you can contact your local council to request the event be declared no-smoking.<sup>4</sup>

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

- Smoking is banned in outdoor dining areas when food is being offered or provided. An outdoor dining area is defined as 'an unenclosed public area in which tables, or tables and chairs, are permanently or temporarily provided for the purpose of public dining'.<sup>5</sup>

- Outdoor dining areas include clubs, pubs, cafes, restaurants, fast food eateries and temporary eateries at events or other venues.<sup>5</sup>
- E-cigarettes are also banned from outdoor dining areas.<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 (e.g. owner; proprietor) is responsible for maintaining the smoke-free area – if a person smokes in an outdoor dining area, both the person who smokes and the occupier can be issued a fine.<sup>5</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 outdoor dining areas.

- Signs must be displayed in outdoor dining areas so that people can easily see them when entering the area, or from within that area.<sup>5</sup>
- Businesses and venues can order free 'no smoking' signs from SA Health. The order form can be accessed at [www.sahealth.sa.gov.au/tobaccolaws](http://www.sahealth.sa.gov.au/tobaccolaws)<sup>7</sup>

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### Further Information:

#### Tobacco laws for outdoor dining areas

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/tobacco+and+e-cigarette+laws+and+businesses/tobacco+laws+for+outdoor+dining+areas>

#### Apply for a smoke-free outdoor area or event

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/tobacco+and+e-cigarette+laws+and+businesses/declared+smoke-free+outdoor+areas+and+events>

#### How to become a smoke-free sporting organisation

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/smoking+the+rules+and+regulations/how+to+become+a+smoke+free+recreation+or+sporting+organisation>

#### Smoke-free playgrounds

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/smoking+the+rules+and+regulations/smoke-free+playgrounds>

#### Declared smoke-free outdoor areas and events

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/tobacco+and+e-cigarette+laws+and+businesses/declared+smoke-free+outdoor+areas+and+events>

#### 'No smoking' signage

Visit the SA Health website at

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/tobacco+and+e-cigarette+laws+and+businesses/tobacco+signage>

Email [HealthProtectionOperations@health.sa.gov.au](mailto:HealthProtectionOperations@health.sa.gov.au) or call (08) 8226 7100

### References:

1. South Australian Government. How to become a smoke-free recreation or sporting organisation 2020.  
Available from: <https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/smoking+the+rules+and+regulations/how+to+become+a+smoke+free+recreation+or+sporting+organisation>
2. South Australian Government. Smoke-free workplaces A guide for workplaces in South Australia 2016.  
Available from: [https://www.sahealth.sa.gov.au/wps/wcm/connect/27f1ce804f4d15a3830acf330cda8a00/WEB+FINAL\\_Smokefree+Workplaces+Guide+2016.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE-27f1ce804f4d15a3830acf330cda8a00-IQTdiaA](https://www.sahealth.sa.gov.au/wps/wcm/connect/27f1ce804f4d15a3830acf330cda8a00/WEB+FINAL_Smokefree+Workplaces+Guide+2016.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE-27f1ce804f4d15a3830acf330cda8a00-IQTdiaA)
3. South Australian Government. Smoke-free playgrounds 2012.  
Available from: <https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/smoking+the+rules+and+regulations/smoke-free+playgrounds>
4. South Australian Government. Declared smoke-free outdoor areas and events 2020.  
Available from: <https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/tobacco+and+e-cigarette+laws+and+businesses/declared+smoke-free+outdoor+areas+and+events>
5. South Australian Government. Smoke-free outdoor dining areas 2020.  
Available from: <https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/smoking+the+rules+and+regulations/smoke-free+outdoor+dining+areas>
6. South Australian Government. Smoke-free outdoor dining areas Guidelines for pubs, clubs, restaurants, cafes and other venues with outdoor dining areas in South Australia 2016.  
Available from: <https://www.sahealth.sa.gov.au/wps/wcm/connect/feffbc004bcbbde59670bfeb3852325e/Smoke-free-outdoor-dining-guidelines.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE-feffbc004bcbbde59670bfeb3852325e-n5hSfOD>
7. South Australian Government. Smoke-free outdoor dining areas fact sheet n.d.  
Available from: <https://www.sahealth.sa.gov.au/wps/wcm/connect/71b440004bc5c629bddfbdeb3852325e/Smoke-free-outdoor-dining-fact-sheet.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE-71b440004bc5c629bddfbdeb3852325e-n5ixzo3>

