

# TAS: SMOKING LAW REQUIREMENTS



Smoke-free laws in Tasmania have banned smoking in certain public spaces. It is expected that everyone is aware of, and compliant with, smoking laws.<sup>1</sup> 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.<sup>2</sup>

- In Tasmania, the Public Health Act 1997 regulates where smoking is permitted and the sale/promotion of tobacco.<sup>3</sup>

## SMOKING BANS AND RESTRICTIONS

Smoking including electronic cigarettes is banned within 20 metres of competition at all outdoor sportsgrounds, seating or marshalling areas.<sup>3</sup>

- Smoking is banned 30 minutes before and after all organised sporting events. This does not include sporting activities that are either informal or impromptu.<sup>3</sup>
- Smoking is banned within 10 metres of children's playgrounds.<sup>3</sup>
- Smoking is banned at public swimming pool complexes including outdoor areas and between the flags on patrolled beaches.
- 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.<sup>1</sup>

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

- Smoking is banned within three metres of an outdoor dining area during meal times.<sup>3</sup>
- E-cigarettes are also banned from outdoor dining areas.<sup>3</sup>

## MANAGING SMOKING WITHIN YOUR CLUB

An occupier can declare their premises as a smoke-free area. They are required to seek legal advice and ensure the proposed smoke-free area is in accordance with the Public Health Act. They are also responsible for regulating their smoke-free premises with signs, monitoring and enforcement.<sup>1</sup>

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 person is found to be smoking both the occupier and the person smoking can be issued a fine.<sup>1</sup>
- If smoking occurs in a smoke-free area you may not always be liable – for example if you can demonstrate that you could not reasonably be expected to have known smoking was occurring.<sup>2</sup>
- Approved signage should be displayed within smoke-free areas so that people know where they can and can't smoke.<sup>1</sup>
- Be aware that fines can be issued if signage is not displayed.<sup>2</sup>
- You can find signage on the Department of Health and Human Services website (see further information).

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Further information:

### Smoke-free areas factsheets

[https://www.dhhs.tas.gov.au/publichealth/tobacco\\_control/electronic-cigarettes/smoke-free\\_areas](https://www.dhhs.tas.gov.au/publichealth/tobacco_control/electronic-cigarettes/smoke-free_areas)

[https://www.dhhs.tas.gov.au/publichealth/tobacco\\_control/tobacco\\_control\\_laws](https://www.dhhs.tas.gov.au/publichealth/tobacco_control/tobacco_control_laws)

[https://www.dhhs.tas.gov.au/publichealth/tobacco\\_control/electronic-cigarettes/smoke-free\\_areas](https://www.dhhs.tas.gov.au/publichealth/tobacco_control/electronic-cigarettes/smoke-free_areas)

### 'No smoking' signage

[https://www.dhhs.tas.gov.au/publichealth/tobacco\\_control/smoke\\_free](https://www.dhhs.tas.gov.au/publichealth/tobacco_control/smoke_free)

### Smoking laws in Tasmania

[https://www.dhhs.tas.gov.au/\\_\\_data/assets/pdf\\_file/0008/348704/Smoking\\_Laws\\_Guide\\_for\\_Licenced\\_and\\_Dining\\_Premises\\_20180702.pdf](https://www.dhhs.tas.gov.au/__data/assets/pdf_file/0008/348704/Smoking_Laws_Guide_for_Licenced_and_Dining_Premises_20180702.pdf)

### Tobacco control in Tasmania

[https://www.dhhs.tas.gov.au/publichealth/tobacco\\_control](https://www.dhhs.tas.gov.au/publichealth/tobacco_control)

### Designating smoke-free areas (a guide for occupiers)

[https://www.dhhs.tas.gov.au/\\_\\_data/assets/pdf\\_file/0005/219767/Designating\\_Smoke\\_Free\\_Areas\\_A\\_Guide\\_for\\_Occupiers.pdf](https://www.dhhs.tas.gov.au/__data/assets/pdf_file/0005/219767/Designating_Smoke_Free_Areas_A_Guide_for_Occupiers.pdf)

### Tobacco control

[https://www.dhhs.tas.gov.au/publichealth/tobacco\\_control](https://www.dhhs.tas.gov.au/publichealth/tobacco_control) or call 1800 671 738

### References:

1. Tasmanian Government Department of Health. Designating Smoke-free Areas A Guide for Occupiers.  
Available from: [https://www.dhhs.tas.gov.au/\\_\\_data/assets/pdf\\_file/0005/219767/Designating\\_Smoke\\_Free\\_Areas\\_A\\_Guide\\_for\\_Occupiers.pdf](https://www.dhhs.tas.gov.au/__data/assets/pdf_file/0005/219767/Designating_Smoke_Free_Areas_A_Guide_for_Occupiers.pdf)
2. Tasmanian Government Department of Health. Tobacco Control Smoke-free Areas.  
Available from: [https://www.dhhs.tas.gov.au/publichealth/tobacco\\_control/electronic-cigarettes/smoke-free\\_areas](https://www.dhhs.tas.gov.au/publichealth/tobacco_control/electronic-cigarettes/smoke-free_areas)
3. Tasmanian Government Department of Health. Tobacco Control Smoke Free.  
Available from: [https://www.dhhs.tas.gov.au/publichealth/tobacco\\_control/smoke\\_free](https://www.dhhs.tas.gov.au/publichealth/tobacco_control/smoke_free)