

WA: SMOKING LAW REQUIREMENTS



Smoke-free laws in Western 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.

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 Western Australia, the Tobacco Products Control Act 2006 regulates where smoking is permitted and the sale/promotion of tobacco.

SMOKING BANS AND RESTRICTIONS

Smoking is banned within 10 metres of any children's playground equipment.²

- This includes local government parks and gardens, state owned facilities and playground equipment in sporting venues, hotels, eateries and fast food outlets.²
- You should be aware of any local laws your council introduces around smoking. Smoking could be prohibited in other areas or during certain events.

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

- Smoking is banned in outdoor eating areas such as restaurants, cafes, delis, lunch bars and other food outlets.³
- E-cigarettes are also banned from outdoor eating 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 eating area or premises) is responsible for maintaining the smoke-free area – if a person is found smoking, both the occupier and the person who committed the offence can be issued a fine.⁵
- In the case that there is any prosecution action taken against the occupier for visitors smoking in an enclosed place on their premises, actively enforcing the smoking ban can be used as a defence. Actively enforcing the ban could include informing the person they are committing an offence, requesting that they stop smoking or that they leave the premises until they finish smoking.⁵

Acceptable 'no smoking' signage needs to be displayed at smoke-free outdoor eating and drinking areas.

- Signage should be displayed at outdoor eating areas so that people can easily see it when entering the area or from within that area.³
- You can order signage from the Department of Health (see further information).

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Further Information:

Smoke-free outdoor eating areas

https://www.healthywa.wa.gov.au/Articles/S_T/Smokefree-outdoor-eating-areas

Smoke-free within 10 metres of playground equipment

https://www.healthywa.wa.gov.au/Articles/S_T/Smokefree-within-10-m-of-playground-equipment

Smoking in public places

https://healthywa.wa.gov.au/Articles/S_T/Smoking-in-public-places

Tobacco control in Western Australia

<https://ww2.health.wa.gov.au/Health-for/Environmental-Health-practitioners/Tobacco>

A policy implementation guide

https://www.commerce.wa.gov.au/sites/default/files/atoms/files/supporting_smoke_free_workplaces.pdf

'No smoking' signage

Visit the Department of Health

<https://ww2.health.wa.gov.au/Improving-WA-Health/Smoke-Free-WA-Health/Smoke-Free-WA-signage>
or call the Tobacco Control Branch 1300 784 892

References:

1. National Occupational Health and Safety Commission. Guidance Note on the Elimination of Environmental Tobacco Smoke in the Workplace.; 2003.
2. Department of Health. Smokefree within 10 metres of playground equipment: Government of Western Australia; [date unknown] [cited 7 August 2020].
3. Department of Health. Smokefree outdoor eating areas: Government of Western Australia; [date unknown] [cited 7 August 2020]. Available from: https://www.healthywa.wa.gov.au/Articles/S_T/Smokefree-outdoor-eating-areas
4. Department of Health. Smoke Free WA Health - information for staff, contractors and volunteers: Government of Western Australia; [date unknown] [7 August 2020]. Available from: <https://ww2.health.wa.gov.au/Improving-WA-Health/Smoke-Free-WA-Health/Smoke-Free-WA-Health-information-for-staff-contractors-and-volunteers>
5. Department of Health - Tobacco Control Branch. Supporting smoke-free workplaces - a policy implementation guide. 2009.