

# Smoke-Free Areas

*Public Health Amendment Act 2011*

Effective 1 March 2012

## New smoke-free areas

The Act introduces the following smoke-free areas:

- outdoor dining areas, and within three metres of outdoor dining areas (unless the area is surrounded by a barrier that is impervious to smoke and at least 2.1 metres high)
- within three metres of a bus shelter
- pedestrian and bus malls
- within 10 metres of play equipment at a public children's playground
- public swimming pools, including surrounding enclosed areas
- between the flags at patrolled beaches
- areas at public events designated as smoke-free by the Director of Public Health in a public notice
- outdoor sporting venues during an organised sporting event, within 20 metres of:
  - permanent or temporary public seating
  - marshalling and warm-up areas, seating, podium or other parts of the venue reserved for competitors or officials
  - any part of the venue used to conduct the organised sporting event.

**An outdoor dining area** is an unenclosed area that contains tables or seating provided by the occupier of licensed premises, a restaurant, café, snack bar or takeaway food shop, for customers to eat solid food.

**An organised sporting event** is one that is planned in advance and conducted in accordance with established rules by an established professional or amateur sporting body or educational institution. It can be a one-off event or part of a program of events. An informal or impromptu sporting event is not an organised sporting event.

The duration of an organised sporting event includes the 30-minute period leading up to, and immediately after, the official schedule.

## Existing smoke-free areas

The *Public Health Act 1997* already provides for the following smoke-free areas:

- enclosed public places and workplaces
- areas not within private premises designated by the occupier as smoke-free
- within three metres of an entrance/exit of a non-domestic or multi-use building
- within 10 metres of an air intake for ventilation equipment on/in a non-domestic or multi-use building.

The following areas are not smoke-free, unless designated by the occupier as such:

- open deck areas of a ship or vessel
- personal living areas of a place providing accommodation for a fee, residential care facility or prison, from which smoke drift to any smoke-free area cannot reasonably occur
- an area that is an outdoor smoking area under the Act.

## Outdoor smoking areas

An area is an outdoor smoking area if it:

- is provided for the use of customers by the occupier of premises to which a licence or permit under the *Liquor Licensing Act 1990* applies or premises in which an outdoor dining area is provided
- is not serviced (including the delivery of beverages, snacks or other food)
- does not have a roof (unless no more than 50 per cent of the perimeter consists of walls and windows, in which case a roof is permitted).

**For more information** go to

[www.dhhs.tas.gov.au/peh](http://www.dhhs.tas.gov.au/peh) or call 1800 671 738.