

# EXTENDED SMOKE-FREE OUTDOOR EATING AND DRINKING PLACES

## INFORMATION FOR THE COMMUNITY

### Q SMOKE FREE ZONES

**From 1 September 2023 new smoke-free buffers apply at outdoor eating and drinking places. The new buffers extend smoke-free protection by moving smoking and vaping away from areas where food and drink is served or consumed.**

**The law applies to all smoking products including electronic cigarettes.**

#### Where does the ban apply?

Smoking is prohibited at outdoor eating and drinking places. The new law extends smoke-free protection by prohibiting smoking within 5 metres of the boundary of an outdoor eating and drinking place.

#### What is considered as an outdoor eating and drinking place?

Under the law outdoor eating and drinking places are those where people can consume food or drink purchased from an on-site food service.

Some examples of outdoor eating and drinking places include:

- tables and chairs on a footpath outside a café or takeaway food outlet,
- seating or grassed areas at a shopping centre provided near food outlets for people to use while they consume food purchased from the outlets,
- any part of a fenced place where food is available for purchase such as a sporting ground, showground, concert, or festival.

#### When does the ban apply at and around outdoor eating and drinking places?

The smoke-free requirements at and around outdoor eating and drinking places apply while the on-site food service is open, and food or drink is available for purchase and consumption.

However, this does not apply to a person:

- in a buffer area at residential premises or on residential land,
- in the buffer area at business premises,
- travelling through the buffer area by vehicle or foot.

**Note:** There are specific controls in place for smoke-free areas at certain types of liquor licensed venues including commercial hotels, community clubs and casinos. For more information about specific arrangements for these places visit <https://www.health.qld.gov.au/public-health/topics/atod/smoking-laws/eat-drink>.

#### Where can you smoke at outdoor eating and drinking places?

Yes. Outdoor eating and drinking places are permitted by law to set aside an area for smoking.

The new laws require that a smoking area at an outdoor eating and drinking place is surrounded by a two-metre smoke-free buffer that separates the smoking area from other parts of the place.

As well as being smoke-free, there is also no food, drink or entertainment allowed in the buffer area. The buffer can be a horizontal space or a structure such as a solid wall.

SC2300466 V1 08/23

Quitline.

1 3 7 8 4 8



Queensland  
Government

Places with a smoking area must display:

- a map of the smoking area and the smoke-free buffers for the area,
- a sign clearly advising no food or drink can be consumed in the smoking area
- a sign advising that smoking is restricted to the provided area.



Examples of signs

### How will the ban be monitored and enforced?

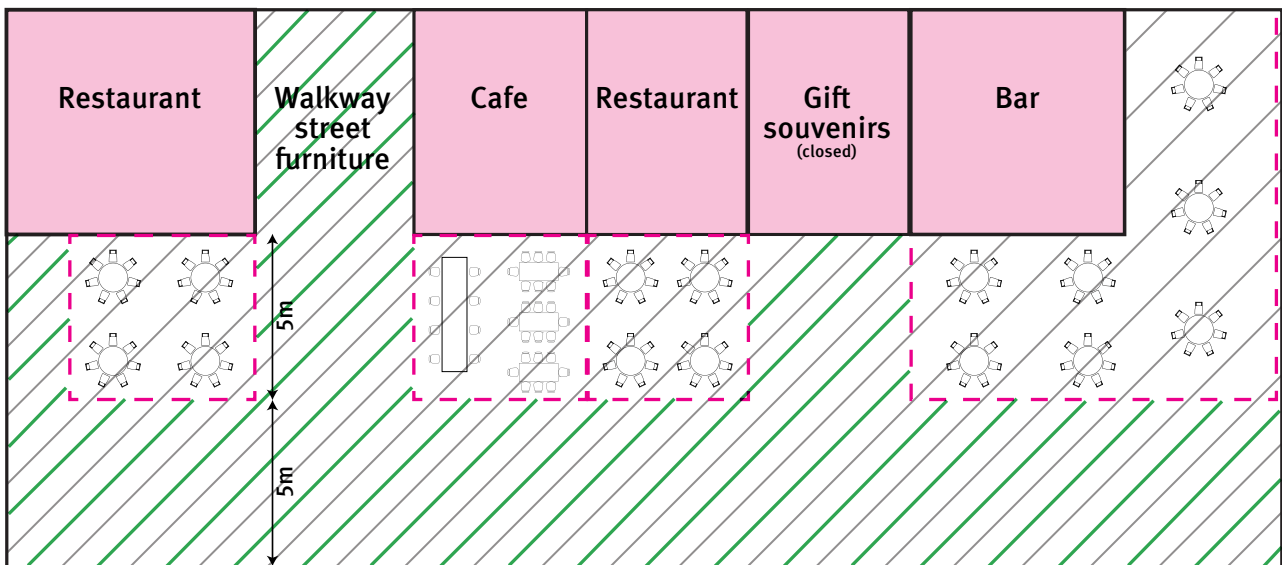
There is strong community support for the creation of smoke-free public places. This means most people will comply with smoke-free requirements or encourage others to do so.

The laws are monitored and enforced by Queensland Health Environmental Health Officers, who provide advice and education, respond to possible breaches and issue warnings and on-the-spot fines.

To report a possible breach of the legislation, call 13 QGOV (13 74 68) or complete an online form at: <https://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/penalties/reporting-a-possible-breach-of-smoking-laws>

### What penalties apply for smoking in a smoke-free public place?

An on-the-spot fine of two penalty units<sup>1</sup> may apply to someone who smokes at a smoke-free place. The maximum court penalty is twenty penalty units.



Enclosed smoke free  
 Smoke free outdoor Eating & drinking permitted  
 Paved pedestrian area  
 Smoke free buffer area

Not to scale

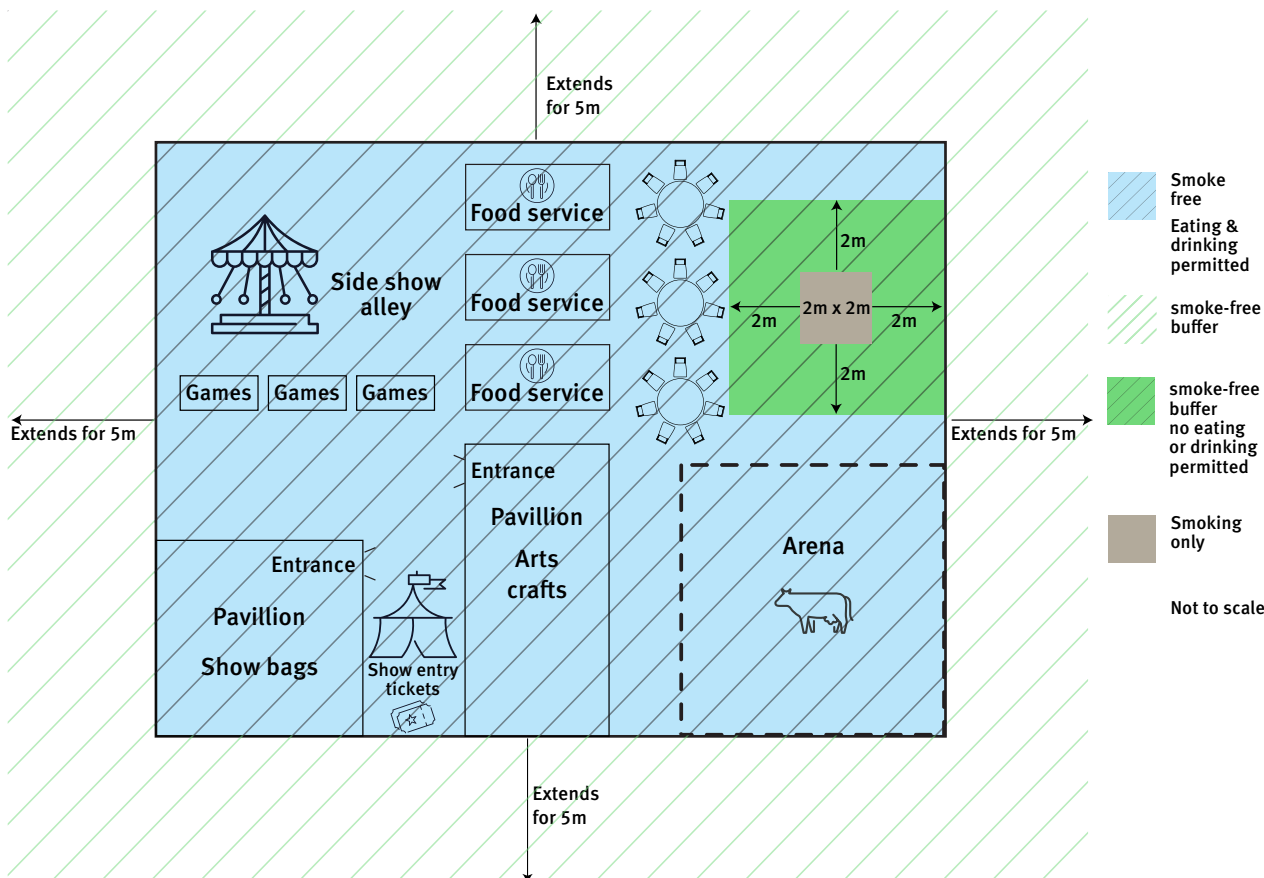
<sup>1</sup> As of 1 July 2023, the penalty unit amount is \$154.80. This amount increases annually. For more information on current penalty amounts call 13 QGOV (13 74 68).

Quitline.

13 7848



Queensland Government



### Why does the ban exist?

Smoke-free laws protect against the dangers of second-hand smoke and vapour.

Exposure to second-hand smoke and vapour is harmful to our health. New smoke-free buffers at outdoor eating and drinking places will help protect the health of others by moving smoking and vaping further away from areas where food and drink are served and consumed.

The law also reduces role modelling of smoking and vaping and helps current smokers to quit.

Children and young people are more likely to view the use of smoking products as socially acceptable when they regularly see people using them. Banning smoking and vaping in busy community areas helps make the habit less visible and discourages young people from starting to smoke or vape. There is also evidence that smoke-free areas also help people trying to quit smoking.

### How can I find out more?

For more information about smoke-free laws in Queensland you can call 13 QGOV (13 74 68) or visit: <https://www.health.qld.gov.au/public-health/topics/atod/smoking-laws>

### Would you like to quit smoking?

To improve your chance of quitting smoking or vaping for good, it is important to plan ahead. You may find these tips helpful:

#### Get support

Quitline's trained counsellors are available seven days a week to help you through the process of quitting – call Quitline 13 QUIT (13 7848) for free information, practical assistance and support.

#### Talk to your health professional

Discuss quitting smoking with your nurse, doctor or general practitioner and plan your quit strategy together.

#### Consider using pharmacotherapy

Different products are available to help you quit smoking. Nicotine replacement therapy (NRT) includes patches, gum, lozenges, inhalers and mouth spray.

Quitline.

13 7848



Queensland Government