

EXTENDED SMOKE-FREE OUTDOOR EATING AND DRINKING PLACES

INFORMATION FOR BUSINESS AND COMMUNITY ORGANISATIONS

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.

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>.

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 health. New smoke-free buffers at outdoor eating and drinking places will help protect health by moving smoking and vaping further away from areas where food and drink are served and consumed.

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Quitline.

1 3 7 8 4 8



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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 ever starting to smoke or vape. There is also evidence that smoke-free areas also help people trying to quit smoking to avoid a relapse.

Are smoking areas permitted at outdoor eating and drinking places?

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

What are the requirements for permitted smoking areas?

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 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.

Owners and operators of outdoor eating and drinking places are responsible for complying with the strict requirements outlined for providing a smoking area. Penalties apply to owners and operators for non-compliance with these requirements.

Outdoor eating and drinking places with a smoking area must display:

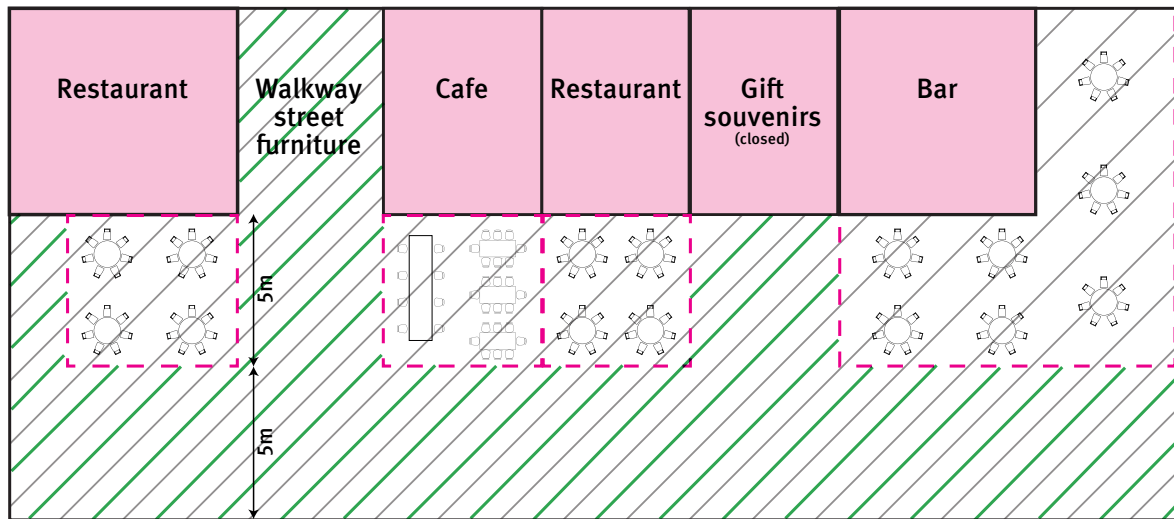
- a map of the smoking area and the smoke-free buffers for the area.
- a sign in or near the area clearly advising no food or drink can be consumed in the smoking area.
- a sign in or near the area advising that smoking is restricted to the provided area.

A smoking area must not be established where the *Tobacco and Other Smoking Products Act 1998* otherwise bans smoking, for example within:

- 10 metres of a children’s playground or skate park.
- 5 metres of an entrance to an enclosed place.
- 5 metres of a public transport waiting point.



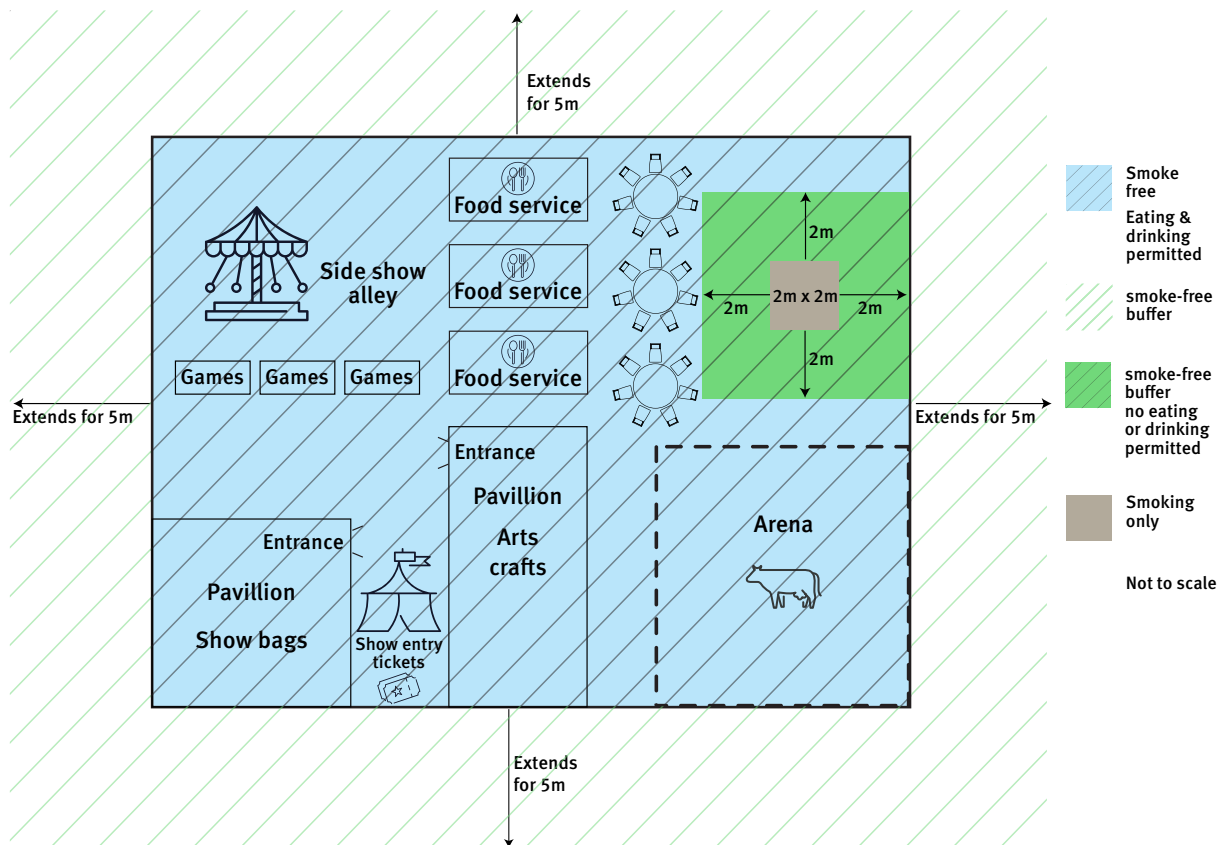
Examples of signs



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

Not to scale

¹ 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).



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 and typically 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. Breaches of the smoking laws can be reported by calling 13 QGOV (13 74 68) or through the online complaints form available at: <https://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/penalties/reporting-a-possible-breach-of-smoking-laws>

Owners and operators of the outdoor eating or drinking place are not responsible for monitoring or compliance with the 5-metre buffer beyond the boundary of their venue. They are responsible for complying with strict requirements for providing a smoking area.

What penalties apply for non-compliance with smoke-free and smoking area requirements?

An on-the-spot fine of two penalty units¹ may apply to someone who smokes at a smoke-free place. The maximum court penalty is twenty penalty units.

Penalties also apply to operator of an outdoor eating and drinking place found to be breaching requirements, including non-compliant provision of a smoking areas, or continuing to serve a person who is smoking. The maximum court penalty is 140 penalty units.

How can I find out more?

For more information visit: <https://www.health.qld.gov.au/public-health/topics/atod/smoking-laws>

What resources are available to help my business comply with the laws?

Owners and operators of outdoor eating and drinking places can access no smoking signage free-of-charge by calling 13 QGOV (13 74 68).

Electronic versions of the signs, factsheets and resources about the changes to the smoke-free laws can be downloaded and printed from: <https://assetlibrary.health.qld.gov.au/web/64bad97bc5ede464/tobacco-signage>

Note: This fact sheet provides general guidance on complying with the smoke-free requirements under the *Tobacco and Other Smoking Products Act 1998*. You may like to refer to legislation for precise wording or seek independent legal advice on your specific circumstances.

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