

SMOKE-FREE OUTDOOR MARKETS

INFORMATION FOR MARKET ORGANISERS

Q SMOKE FREE ZONES

From 1 September 2023 new smoke-free laws apply at outdoor markets. The law applies to all smoking products including electronic cigarettes.

Where is smoking banned under the new law?

Smoking is prohibited throughout outdoor market areas and within a 5-metre smoke-free buffer zone at clearly defined market entrances and exits.

When does the smoke-free law apply?

The smoke-free requirements at outdoor markets apply while the market is in operation, including set-up and pack down of the market.

However, this does not apply to a person:

- at residential premises or on residential land
- at a business premises
- travelling past the entrance to the market by vehicle or foot.

Are smoking areas permitted at outdoor eating and drinking places?

Yes. Outdoor markets are permitted by law to set aside an area for smoking.

What are the requirements for permitted smoking areas?

The law requires that a smoking area at an outdoor market is surrounded by a 5-metre buffer zone with no food or drink allowed in the smoking area or the buffer zone.

Outdoor markets 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 or within 5 metres around the area,
- a sign advising that smoking is restricted to the provided area.



Examples of signs

What are the responsibilities of market organisers and operators?

Market organisers and operators are responsible for monitoring and encouraging compliance with smoke-free requirements throughout the market area and complying with the strict requirements for providing a smoking area.

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 by completing the online complaints form at: <https://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/penalties/reporting-a-possible-breach-of-smoking-laws>.

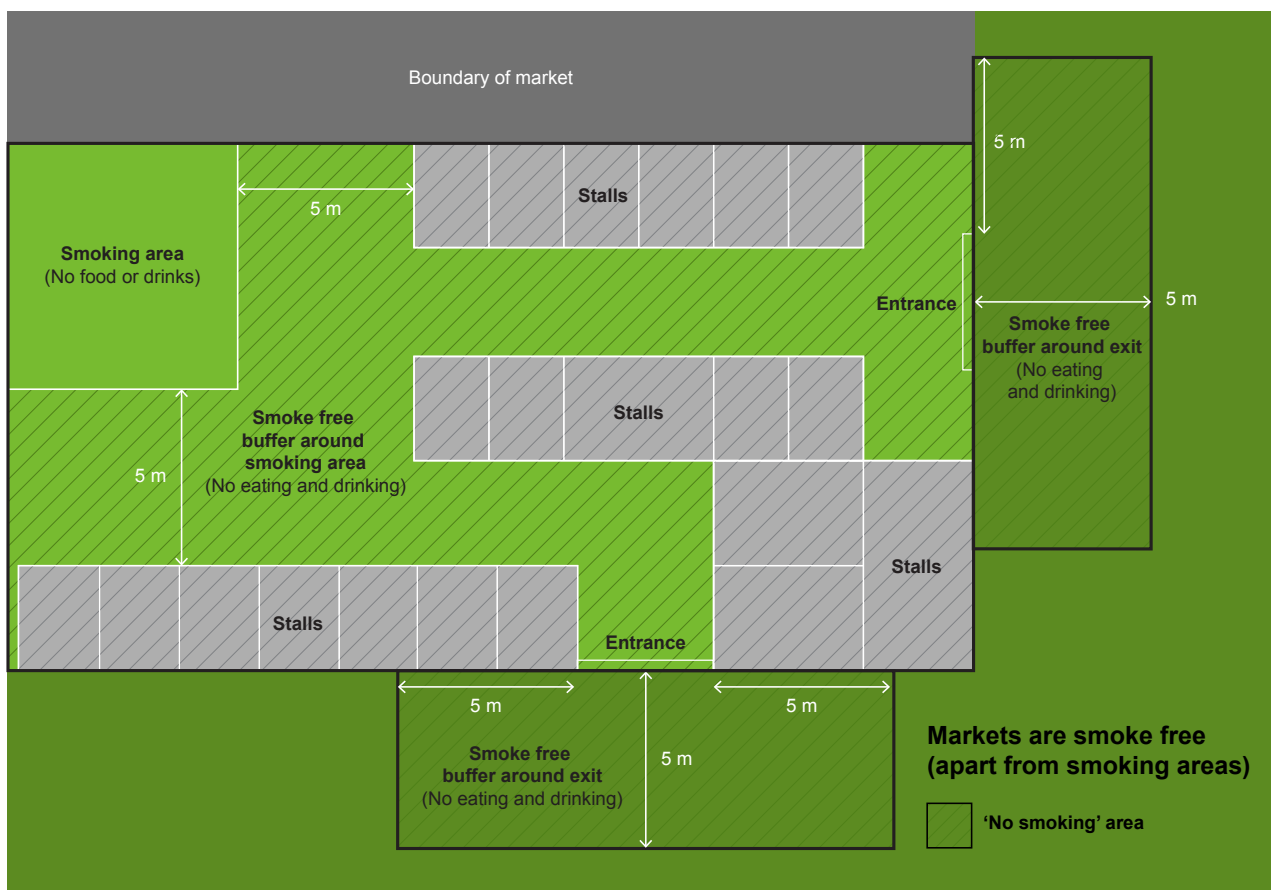
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Quitline.

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What penalties apply to a person smoking in a smoke-free public place?

The maximum penalty for someone breaching the smoke-free requirements is twenty penalty units, with an on-the-spot fine¹ of two penalty units.

Penalties also apply to organisers of outdoor markets found to be breaching requirements, including non-compliant provisions of a smoking areas, or when people are smoking in smoke-free areas at the outdoor market. The maximum court penalty is 140 penalty units.

Why does the smoke-free law 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. Markets usually consist of a high-density arrangement of market vendors, which increases the risk of second-hand smoke exposure for patrons, which often includes families with children, as well as the vendors themselves. New smoke-free requirements at outdoor markets will help protect the health of others by moving smoking and vaping further away from areas where food, drink and other market goods and services are provided.

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?

Owners and operators of outdoor markets 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>

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>

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.

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).

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