

### **January 2013, smoking prohibited in/at certain outdoor areas:**

- Train station platforms
- Swimming pools
- Ferry wharfs
- Bus stops
- Taxi ranks
- Light rail stops
- Spectator areas of sporting grounds (during organised events)
- 10 metres of a children's play equipment , and
- 4 metres of pedestrian public access points.

### **Current Smoking exemptions**

January 2013 until 5<sup>th</sup> July 2015

- Commercial Outdoor Dining (COD) areas
- the 4 metre law where it relates to licensed premises

### **6<sup>th</sup> July 2015 onwards**

- Pedestrian entrances and exits
- smoking banned within four metres of a pedestrian entrance / exit from a licensed venue, restaurant or café.
- The 4 metre law.
- Buildings with multiple uses e.g. mix of residential & commercial purposes.
- Not an offence to smoke while passing through a smoke-free area outside the entrance of a licensed venue, restaurant or café.

### **6<sup>th</sup> July 2015 onwards**

Smoking will be banned in Commercial Outdoor Dining areas:

- A seated dining area; or
- Within 4 metres of a seated dining area at a licensed venue, restaurant or café (the 4m rule)  
or
- Within 10 metres of a place at a food fair where food is sold or supplied for eating at the event.

## What is an Area?

A seated dining area

- Business owner / operator sells food AND provides seating where food is eaten.
- Food must have been purchased and served on plates or packaged to be eaten straight away.
- Only a seated dining area when food is being eaten there or food is available to be purchased and eaten there.
- Not a seated dining area if the area is designated as not being for the consumption of food through suitable signage. In this case, the business owner must take reasonable steps to ensure that food is not eaten in the area.
- Food does not include drink under the Act.

## Signage Requirements

- The 4 metre law does not require signage but recommended.
- Mandatory “No Smoking” signage must be displayed within a COD area.
- ‘Prescribed’ signage:
  - The smoking prohibited symbol (or an equivalent symbol) with a diameter of at least 90mm.
  - The words, “NO SMOKING” in letters of at least 20 mm in height
  - A reference to the name of the Act; and
  - The words, “Penalties may apply.”
- “No Smoking” signs must be prominently displayed in appropriate numbers and places.
- Mandatory signage for “No Food to be Consumed in this Area”: An area is not a seated dining area if the area is designated as a place where food cannot be eaten.
- Optional signage for COD areas: Additional “No Smoking” signage which does not meet the prescribed conditions may be used for educational purposes e.g. small signs and stickers.
- Additional optional signage should complement, but not replace, the mandatory signage.
- Entrances to buildings: Signage is not mandatory for pedestrian access points to licensed venues, restaurants and cafes. However it is strongly encouraged to help customers comply with the law.

Sign information and link to order form for free signage:

<http://www.health.nsw.gov.au/tobacco/Pages/smoke-free-resources.aspx>

### **Penalties from 6 July 2015**

- On the spot fine of \$300 may apply
- to customers who smoke in a commercial outdoor dining area.
- to individuals who do not comply with the 4 metre law in relation to a hospitality venue
- for a business owner who does not comply with the requirement to prominently display No Smoking signs in commercial outdoor dining areas.
- Penalties of up to \$5500 may apply to business owners of commercial outdoor dining areas if a customer is found to be smoking in that area.