

**ATTACHMENT B**

**NSW HEALTH FACT AND  
INFORMATION SHEETS**





OUTDOOR  
DINING  
AREAS

## No smoking in commercial outdoor dining areas

Section 6A of the *Smoke-free Environment Act 2000* makes a number of outdoor public places smoke-free.

From **6 July 2015**, smoking is not permitted in commercial outdoor dining areas, being:

- ✓ a seated dining area – an area in which seating is provided and in which food that has been purchased and served on plates or packaged for immediate consumption is consumed - but only while food is being consumed or is available for purchase and consumption there.
- ✓ within 4 metres of a seated dining area on licensed premises or at a restaurant.
- ✓ within 10 metres of a place at a food fair where food is sold or supplied for consumption.

### **Are designated outdoor smoking areas allowed at licensed premises and restaurants?**

The new law does not prevent the creation of designated outdoor smoking areas in licensed premises and restaurants. However, such spaces can not be located in or within 4 metres of the seated dining area and must comply with all other requirements of the *Smoke-free Environment Act 2000*. The area must display appropriate signage and occupiers must take reasonable steps to ensure that eating does not occur in the area.

In addition, from 6 July 2015, smokers will not be able to smoke within 4 metres of a pedestrian access point, being an entry to or exit from licensed premises, restaurants and cafes, which may affect existing smoking areas.

From 7 January 2013, smokers will not be able to smoke within 10 metres of any children's play equipment located in the outdoor area of the premises.

### **Does the law apply to alfresco dining areas of restaurants and cafes?**

Yes. The *Smoke-free Environment Act 2000* states that any commercial outdoor dining area, as defined above, is to be smoke-free while food is being consumed in that area or is available for purchase and consumption in that area.

### **Why is the new law not coming into effect until 2015?**

This is a similar timeframe to the ban on smoking in enclosed public places which came into effect in July 2007. The staged approach will help to ensure that the community and businesses have adequate time to adapt to the ban on smoking in commercial outdoor dining areas.

THE  
FACTS





# Important community announcement

## Changes to the law on smoke-free outdoor areas

**From 7 January 2013, there are new requirements in NSW making the following areas smoke-free.**



Within 10 metres of children's play equipment in an outdoor public place.



At public transport stops and stations, including platforms of passenger railways and light-rail stations, ferry wharves, light-rail stops, bus stops, taxi ranks and the area where people gather or queue to wait for the bus, taxi or light rail.



Open areas of public swimming pool complexes.



Within 4 metres of a pedestrian entrance or exit from a public building (meaning a non-residential building or a building that combines residential and commercial uses). This requirement will operate from 6 July 2015 for hotels, clubs, restaurants and cafes.



Spectator areas of sports grounds or other recreational areas during organised sporting events.

**From 6 July 2015, smoking will be banned in commercial outdoor dining areas, being:**

- A seated dining area – an area in which seating is provided and in which food that has been purchased and served on plates or packaged for immediate consumption is consumed – but only while food is being consumed or is available for purchase and consumption there,
- Within 4 metres of a seated dining area on licensed premises or at a restaurant, or
- Within 10 metres of where food is sold or supplied for consumption at a food fair.

Penalties will apply for anyone who fails to comply with the new laws.

These amendments to the **Smoke-free Environment Act 2000** are a key measure in reducing community exposure to second-hand tobacco smoke, tobacco-related harm and the uptake of smoking in NSW.

### For more information

Please contact the Tobacco Information Line on **1800 357 412** or visit the NSW Health website: [www.health.nsw.gov.au](http://www.health.nsw.gov.au).

The Tobacco Information Line can be accessed by non-English speaking people via the Translating and Interpreting Service (TIS) on 13 14 50.



Health