



Legislative Changes to Smoke & Vape-Free Outdoor Areas

1. Overview

From 1 March 2024, new laws called the *Tobacco and E-Cigarette Products (Smoking Bans) Amendment Regulations 2023* (under section 52(2) of the *Tobacco and E-Cigarette Products Act 1997*) bans smoking and vaping in a variety of public outdoor areas in South Australia.

The Government of South Australia has introduced these new Regulations to protect the community from passive exposure to tobacco smoke and e-cigarette aerosols, and to increase the comfort and enjoyment for users visiting these public spaces.

The new laws will create smoke and vape-free outdoor areas in all public areas:

- at early childhood services premises, and education and children's services facilities (including schools), and within 10 metres of their boundaries.
- at and within 10 metres of non-residential building entrances, such as entrances to shopping centres, government, and commercial buildings.
- at public hospitals and health facilities, private hospitals, and residential aged care facilities, and within 10 metres of their boundaries.
- within outdoor public swimming facilities.
- at major events venues declared under the *Major Events Act 2013*.
- at and within 10 metres of a sporting venue during an organised underage sporting event, training, or practice session.
- on beaches between and within 50 metres of red and yellow patrol flags, and under (and within five metres of jetties).

The South Australian Government will be running an awareness campaign in the coming weeks to build public understanding of the new laws. It would be appreciated, however, if you could also advise your staff of the new laws, and that they can find answers to their questions at clearingtheair.sa.gov.au

2. Complying with the amended Regulations

Legislation relating to these smoke-free areas stipulates that “*the occupier of a public area to which a declaration under this section applies must place signs in the area setting out the effect of the declaration in such numbers and positions as to be likely to be seen by persons within the area.*”

Make sure all staff and tenants are aware of and understand the new law.

The Government has arranged downloadable, print-ready versions of a large range of signs at clearingtheair.sa.gov.au which sites can display in the new smoke-free and vape-free areas. Free A5 stickers can also be ordered via clearingtheair.sa.gov.au.

2.1 Where do the new laws apply near entrances?

Smoking and vaping are banned in all public areas at and within ten (10) metres of any part of an entry point to an enclosed public place, workplace, or shared area.

‘Entry point’ means an entrance to or exit from a place.



2.2 Where do the new laws apply at residential aged care facilities?

Smoking and vaping are banned in all public areas within a residential aged care facility, and within ten (10) metres of the boundary. Note residential aged care facilities will become smoke free from 1 March 2025.

The smoke-free laws only apply to public areas. Therefore, the law does not apply to areas that are only used for residents. If a place is only a public area for part of the day, the smoking ban will only apply for that part of the day.

2.3 Where do the new laws apply at organised under-18 years sporting events?

Smoking and vaping are banned in all public areas at or within ten (10) metres of a sporting venue at all times during which:

- a) An organised underage sporting event is being conducted; or
- b) A training or practice session to prepare for participation in an organised underage sporting event is being conducted.

3. Enforcement of the law

There are penalties for breaches of the smoke and vape-free outdoor areas laws. These penalties can apply to:

- a) A person who smokes or vapes in a nonsmoking / vaping outdoor public areas prescribed by regulations; and
- b) To an occupier that does not display sufficient signage (in such numbers and positions likely to be seen by persons within the area) declaring a prescribed public area to be smoke / vape-free.

Maximum penalty; \$750.

Should you require further assistance, please contact Catholic Safety & Injury Management enquiries@csaim.org.au or your Safety Business Partner.

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