

new smoke-free laws outdoor dining areas

new smoke free laws commenced in NSW on 6 July 2015 which ban smoking in outdoor dining areas of licensed premises, restaurants and cafes



Smoking was already banned in enclosed areas of public places in NSW. The new smoke-free law now extends the ban to cover areas **within 4 metres of entries or exits from public buildings**, and **within 4 metres of outdoor dining areas of cafes, restaurants, pubs and clubs**.

Additionally the ban will extend to areas **within 10 metres of a food fair stall preparing or serving food**. This will have implications for the weekend markets and scheduled local events.

An outdoor dining area means an area in which the business provides food for immediate consumption and seating in the outdoor area where the food is being eaten.

Licensed premises can still create designated outdoor smoking areas, as long as they are not located within 4 metres of the seated dining area of the premises. The outdoor smoking areas are not to be used for the consumption of food.

Owners of licensed premises and restaurants must display adequate 'no smoking' signage in an outdoor dining area. Signage with the correct wording can be ordered by businesses for free from NSW Health.

Enforcement of the smoke free laws is the responsibility of NSW Health Authorised Inspectors. On the spot fines of **\$300** may apply to **individuals** who smoke in a commercial outdoor dining area, and penalties

of up to **\$5500** may apply to **business owners** if a person is found to be smoking in a commercial outdoor dining area.

The **NSW Health website** contains further information, fact sheets and business resources on the new smoke free laws.

Any complaints or concerns can be lodged online at the **NSW Health website**.

Further Information

Environmental Health Group
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NSW Health
health.nsw.gov.au



**This Is A
No Smoking
Area**