



# SMOKE-FREE outdoor dining areas

## Fact Sheet

Changes under the *Tobacco Products Regulation Act 1997* mean that from 1 July 2016, smoking is not permitted in public outdoor dining areas.

### **What does a public outdoor dining area mean?**

An outdoor dining area is an unenclosed public area where tables or tables and chairs are provided for the purpose of dining in the area.

This includes, for example, outdoor dining areas at pubs, clubs, restaurants, cafes and at temporary events.

### **Does an outdoor dining area need to be smoke-free at all times?**

An outdoor dining area must be smoke-free at all times that food is being offered or provided, regardless of whether anyone is eating in the area.

A venue or business can choose to allow smoking in an outdoor area at times when food is not available. For example, they can provide an outdoor dining area for a set period of time and at other times provide the same area for smoking but not dining.

### **Is signage required?**

Yes. An outdoor dining area must have adequate signs displayed to show that there is no smoking in the area. Signs must be displayed in such numbers and in positions of prominence so that the signs are likely to be seen by people within the area.

Businesses and venues can download 'no smoking' signs from SA Health at: [www.sahealth.sa.gov.au/tobaccolaws](http://www.sahealth.sa.gov.au/tobaccolaws)

Businesses and venues can create their own 'no smoking' signs. It is recommended that the signs include the 'no smoking' logo.

### **Can snack food be consumed in outdoor areas where smoking is allowed?**

Yes. The ban does not include snack food. For the purposes of this legislation, snack food means pre-packaged food of a kind generally intended to be consumed between meals. For example, snack food includes foods such as potato crisps, nuts, chocolate bars and pre-packaged biscuits. Sandwiches and hot chips are not considered to be snack food.



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## Can smoking and drinking occur in the same outdoor area?

Yes. Smoking and drinking can occur in the same outdoor area as long as the area is not an outdoor dining area.

Coffee and other hot drinks are considered to be drinks and can be consumed in non-dining outdoor areas where smoking is allowed.

## Can water pipes/shisha/hookah be smoked in outdoor dining areas?

No. Smoking relates to any ignited tobacco product or non-tobacco smoking product and includes smoking from a cigarette, pipe, water pipe or any other smoking device. They cannot be used in an outdoor dining area.

Water pipes are also known as shisha, sheesha, hookah, nargila, argileh, hubble bubble and goza.

## Why has this change been introduced?

There is no safe level of exposure to second hand smoke.

The South Australian Government has introduced this new law to protect the community from exposure to second hand tobacco smoke. It will increase the comfort and enjoyment of non-smokers using outdoor dining areas.

The changes to the law reflect the very high level of community support for smoke-free outdoor dining in South Australia.

## How will this law be enforced?

Authorised officers under the *Tobacco Products Regulation Act 1997* will be able to enforce the law.

A \$105 fine (maximum penalty \$750) may apply for individuals who smoke in an outdoor dining area.

A \$210 fine (maximum penalty \$2,500) may apply for a business owner or occupier who allows smoking to occur in an outdoor dining area.

## For more information

Health Protection Operations, SA Health,  
PO Box 6, Rundle Mall, Adelaide SA 5000

Email: [HealthProtectionOperations@sa.gov.au](mailto:HealthProtectionOperations@sa.gov.au)

Phone: (08) 8226 7100

[www.sahealth.sa.gov.au/tobaccolaws](http://www.sahealth.sa.gov.au/tobaccolaws)  
(for businesses) or

[www.sahealth.sa.gov.au/smokefree](http://www.sahealth.sa.gov.au/smokefree)  
(for the general public)

## Support to quit smoking

For support to quit smoking, call the Quitline on 13 7848 or go to [www.quitlinesa.org.au](http://www.quitlinesa.org.au)



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