

SMOKING RESTRICTIONS IN OUTDOOR EATING AREAS



FACTSHEET FOR BUSINESSES

Food and beverage businesses in the Shire of Harvey are required to comply with the provisions of the [Tobacco Products Control Regulations 2006](#).

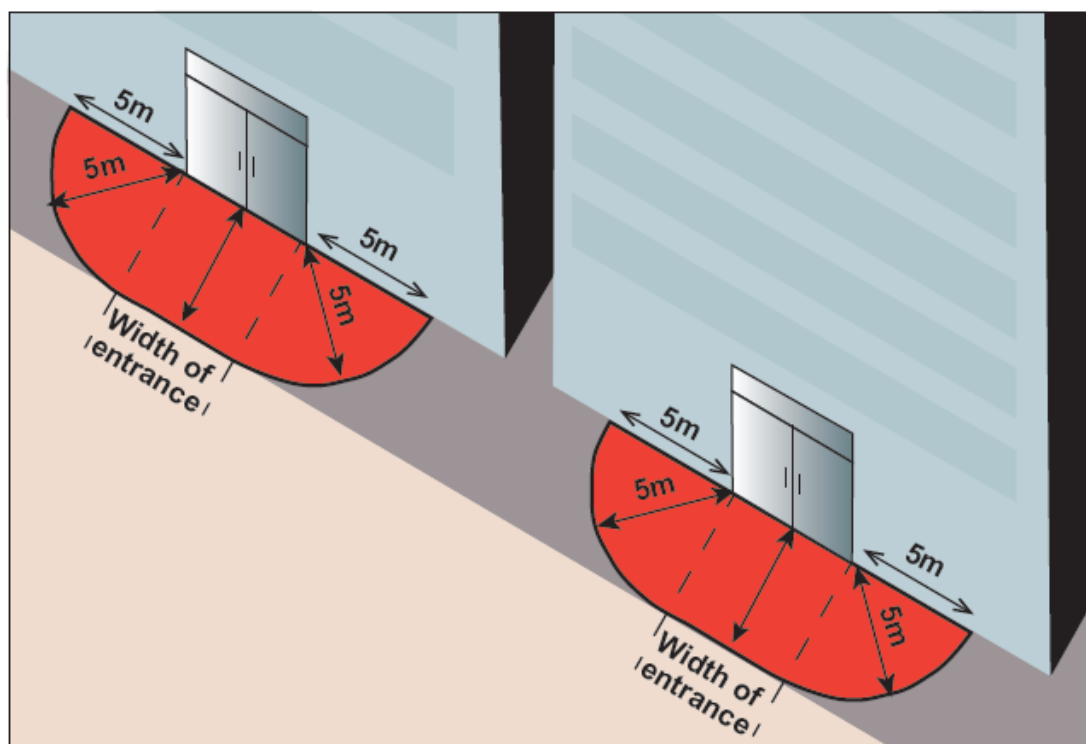
These regulations prohibit smoking in an outdoor eating area (for example, restaurants, cafes, delis, lunch-bars and other food outlets) in Western Australia unless the area is designated as a smoking zone. Smoking is also not permitted within five metres of a public entrance to an enclosed public place, or within ten metres of air conditioning intakes.

Smoking in an outdoor eating area

Smoking in an outdoor eating area is not permitted in most circumstances. Some liquor licensed businesses (not restaurant liquor licenses) that are not subject to a restaurant liquor license may set aside up to 50% of an outdoor eating area as a smoking zone.

Owners and occupiers of licensed premises have been encouraged to reduce the amount of second-hand smoke that their customers will be exposed to. They can choose to ban smoking entirely in their licensed premises.

Smoking within five metres of a public entrance



■ Shading indicates no smoking within 5 m of a public entrance to an enclosed public place.

Smoking is not permitted within five metres of a public entrance to an enclosed public place, or within ten metres of air conditioning intakes. Premises with a small frontage or that have several public entrances may be unable to have a smoking area.

These restrictions reduce exposure of the public and employees to tobacco smoke, minimize the risk of smoke drift, and contribute to the de-normalisation of smoking in the community.

Signage required

Business owners are to display 'No Smoking signs in sufficient numbers and in such positions to indicate smoke free zones. This can include signage which states 'No Smoking', 'Smoking Prohibited' or shows the no smoking symbol. Signage is to be clearly visible to a person when entering, or when within the outdoor dining area.

Other words or symbols may be used, so long as it is clearly indicated that smoking is prohibited.



Enforcement

The owner/occupier of a business is responsible for ensuring the patrons do not smoke in a smoke free area of an outdoor eating area. The owner/occupier of a business is however not responsible for ensuring passers-by do not smoke within five metres of a public entrance.

A business can take reasonable steps to prevent smoking in a non-smoking area. These can include:

Go totally smoke free!

We encourage all businesses to consider ways you can reduce the level of smoking associated with your business.

An outdoor eating area that is totally smoke free is the best way to protect customers and staff from the harmful effects of a second-hand smoke.

MAKE SMOKING
HISTORY®

It will also help the risk of non-compliance with the law and can improve the customer's outdoor dining experience.

Checklist for a smoking zone in an outdoor eating area



- Ensure your business holds a valid liquor license from the Department of Racing Gaming and Liquor;
- Any smoking zone must not exceed 50% of the total area of all outdoor eating areas (premises that hold a restaurant liquor license cannot have a 'smoking zone');
- Ensure that smoking is not permitted within five metres of a public entrance to an enclosed public place;
- Ensure the smoking is not permitted within ten metres of air conditioning intakes;
- Put smoke free signage in highly visible areas outside to indicate smoke free areas;
- Remove ashtrays from non-smoking areas;
- Brief your staff on complying with the law and how to approach customers who start smoking in your smoke free zone; and
- Be aware that the smoker can be fined along with the owner/occupier of a business, unless it is deemed reasonable for the owner/occupier to have not been aware of a person smoking.