

Smoke Free Public Events Policy

March 2016

I. Introduction

This policy has been developed by the Director of Public Health (Director) to inform others of the approach the Director will take in applying section 67B (1)(j) and 67I of the *Public Health Act 1997*.

Those sections grant the Director the power to designate particular, or classes of public events as smoke-free (by a public notice) and designate smoke-free areas within those events.

This law was passed by the Tasmanian Parliament in November 2011 and took effect from 1 March 2012.

A staged interim *Smoke Free Public Events Policy* was developed beginning with events at which large crowds, and in particular children or teenagers are likely to attend and concluding with a review.

The interim *Smoke Free Public Events Policy* was reviewed in December 2013 and included consultation with local councils and event organisers.

Recommendations from this review were to:

- a) Expand smoke-free restrictions to all events with 1 000 or more people at any one time within a two-hour period. This is consistent with changes to the requirements for Places of Assembly licences and will significantly simplify the administration process for councils.
- b) Expand completely smoke-free public events to new and existing classes.
- c) Actively encourage events with less than 1 000 people in existing classes to voluntarily become completely smoke-free.

Designated smoking areas were considered as part of the review as a way to manage public events to become completely smoke-free. Designated smoking areas have been successful in this purpose and are included in this new policy.

Dr Mark Veitch

A/Director Public Health

2. Policy Statement

As of 26 March 2016, the Director will apply this policy to make smoke-free those public events in the following classes:

- Carols by Candlelight
- markets
- food and wine festivals
- music festivals
- agricultural shows
- any mass outdoor public events subject to *Place of Assembly* Licence applications.

Carols by Candlelight are required to be completely smoke-free. Events in the remaining classes can apply to the Director for designated smoking areas as they progress to being completely smoke-free in the future.

3. Implementation

Smoke-free requirements apply to all mass outdoor public events that require a *Place of Assembly Licence* and all public events from the selected classes. All of these events must submit a *Smoke Free Management Plan*.

A *Smoke Free Management Plan* has been developed as a tool to assist event organisers plan and implement smoke-free public events. A *Smoke Free Management Plan* is the way event organisers apply to the Director to approve a designated smoking area at a public event that has been declared smoke-free. This must be submitted every year that the event is held.

Smoke Free Management Plans are to be submitted for events where a *Place of Assembly licence* is required (1 000 or more people) or where the Director designates an event class as smoke-free (can be less than 1 000 people) or is smoke-free voluntarily. A guide to complete the *Smoke Free Management Plan* is available to assist event organisers.

3.1 Smoke Free

The event organiser must complete a *Smoke Free Management Plan* to provide information on:

- Where approved signage will be displayed.
- What event promotion materials may be used to advise patrons the event is smoke-free. Examples include websites, posters or ticketing.
- How the smoke-free requirements will be communicated to staff, including strategies to deal with non-compliance and complaints.
- If appropriate, event organisers may also consider providing information on cessation support and health promotion resources (such as Quit campaign and Quitline materials – all optional).

3.2 Designated Smoking Areas

In addition to providing the information referred to in section 3.1 (above), events with a designated smoking area or areas must provide a site plan that indicates compliance with the following requirements:

- Maximum area of 10 metres x 10 metres per area.
- Maximum of two separate 10 metre x 10 metre areas, unless otherwise approved by the Director.
- Located towards the outermost edge of the entire area used in connection with the public event or for patrons to view a staged performance.
- Not be within 20 metres from food outlets.
- Not be within 20 metres of any activities provided for children.
- Approved 'Designated Smoking Area' signage will be clearly and prominently displayed.

Designated smoking areas must also meet the following requirements:

- No broadcasting equipment may be positioned within a designated smoking area (although broadcasting equipment positioned outside can be heard within the designated smoking area).
- No children permitted within the area.
- No food (including beverages other than water)
- No servicing by staff of any food or beverages.
- No seating.
- Any structure must comply with the requirements for outdoor smoking areas under the *Public Health Act 1997*. This means it must not have a roof, or if it has a roof, does not have a perimeter consisting of more than 50 per cent walls and windows.

3.3 Place of Assembly Licences

A licence to operate place of assembly is required for any mass outdoor public event which has 1 000 or more people present for a period of greater than two hours.

As part of a Places of Assembly licence application, event organisers must also complete a *Smoke Free Management Plan* to outline how smoke-free areas will be addressed.

This process is managed by local council. This *Smoke Free Management Plan* must be approved by the Director or an appropriate delegate particularly if there are designated smoking areas requested for the event.

There are no costs associated with the smoke-free management component of a Place of Assembly licence application. Education and promotional materials will be revised to support this policy.

4. Outcomes

- Event organisers would be encouraged to voluntarily go smoke-free.
- Where smoking is permitted at public events, it is only to be within a designated smoking area.
- Require minimal enforcement.
- Non-smokers and staff protected from exposure to environmental tobacco smoke.
- Increased opportunity for health promotion messages and cessation support at events where large numbers of smokers are likely to gather.

5. Responsibilities/Delegations

The Act provides that the Director has the power to designate a public event or class of events as smoke-free.

The Director may delegate any power or function under the Act; however the Director proposes not to delegate the power to designate smoke-free public events at this time.

The Director can approve a designated smoking area in a smoke-free public event.

The Minister for Health has no legislated power in this regard, however the Director would advise the Minister as required.

6. Enforcement

Few complaints have been received in connection with smoke-free public events since their introduction which suggest that communities are compliant once they are aware of smoke-free requirements. Smokers are also used to looking for signage to ensure they know where they can and cannot smoke.

6.1 The Department's Tobacco Control Officers are responsible for enforcement.

This includes:

- approving *Smoke Free Management Plans*
- monitoring compliance wherever possible
- issuing warnings and advice
- applying penalties under the Act for smoking in a smoke-free area to patrons, staff or occupiers
- providing advice and help to council and event organisers as needed.

The enforcement approach is to be consistent with the Tobacco Control Enforcement Policy.

6.2 Local councils are responsible for:

- providing a copy of the *Smoke Free Management Plan* with Place of Assembly licence applications
- ensuring a *Smoke Free Management Plan* has been approved by the Department before issuing a Place of Assembly licence
- when choosing to monitor compliance at public events, ensuring patrons and event staff comply with any smoke-free requirements.

7. Case Study - Agfest

This case study describes how mass media promotion, designated smoking areas and DHHS tobacco control team were instrumental in achieving a completely smoke-free public event over two years.

Agfest was first required to be smoke-free in May 2014. A *Smoke Free Management Plan* was submitted to DHHS asking for two designated smoking areas.

These areas were away from any food venues and activities designed for children. In this first year there was little public awareness of the event being smoke-free and limited use of signage regarding designated smoking areas.

The organising committee initially made a request for four designated smoking areas at Agfest in 2015.

In response, a DHHS tobacco control officer recommended increasing the public's knowledge of the event being smoke-free by increased use of signage and more consistent enforcement by Agfest staff.

In addition, a proactive approach in promoting Agfest as a smoke-free public event in print, radio and on TV led to Agfest being declared completely smoke-free.

There were no designated smoking areas or smoke-related complaints reported at Agfest in 2015. Considerable time, effort and resources were committed by the Agfest Committee to achieve this outcome.

8. Related Documents

- Public Health Act 1997 available at [Public Health Act 1997 Legislation](#)
- Approved signs for designated smoking areas and smoke-free public events
www.dhhs.tas.gov.au
- Smoke Free Public Events: A Guide for Councils – clarifies expectations and requirements between the Department and local councils.
- Smoke Free Public Events: A Guide for Event Organisers – assists event organisers to complete a Smoke Free Management Plan for public events.
www.dhhs.tas.gov.au/peh/tobacco_control/publications
- Tobacco Control Enforcement Policy