

Smoking laws in Australia

Snapshot: Smoking and e-cigarettes in artistic performances Australia



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Overview of smoking in live performances in Australia:

Jurisdiction	Overview of legislation
NSW	<p><u>PERMITTED</u>: Smoking is permitted if it is a <u>necessary part of the performance</u>.</p> <ul style="list-style-type: none"> • Applicable legislation: Smoke-free Environment Act 2000 • Smoking and the use of e-cigarettes (including non-nicotine) is prohibited in all enclosed public places and other smoke-free areas. • A list of smoke-free areas can be found at: Smoke-free laws - Tobacco and smoking (nsw.gov.au) • However, Section 7(2) of the Act provides an exemption that allows a performer to smoke in a theatre or other performance space if smoking is deemed 'a necessary part of the performance'. This encompasses the use of e-cigarettes. • A theatre can create a policy to ban smoking or e-cigarette use on their stage irrespective of this exemption. • Further information: E-cigarettes - Tobacco and smoking (nsw.gov.au)
VIC	<p><u>PERMITTED</u>: Smoking herbal cigarettes (that do not contain any tobacco or nicotine) <u>NOT PERMITTED</u>: Smoking tobacco, or any e-cigarette (whether it contains nicotine or not)</p> <ul style="list-style-type: none"> • Applicable legislation: Tobacco Act 1987 • Smoking (tobacco products) and the use of e-cigarettes (including non-nicotine) is prohibited in all indoor public places and other smoke-free areas. There are no exemptions for performances, however herbal cigarettes are permitted. • The full list of smoke-free areas can be found at: Smoke and vape-free areas (health.vic.gov.au) • Further information: <ul style="list-style-type: none"> ○ e-cigarette-reforms-factsheet.pdf (health.vic.gov.au) ○ Tobacco reforms (health.vic.gov.au)

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QLD	<p>PERMITTED: Smoking is permitted if it is a part of the performance.</p> <ul style="list-style-type: none"> • Applicable legislation: Tobacco and Other Smoking Products Act 1998. • Smoking and the use of e-cigarettes (including non-nicotine) is prohibited in all indoor public places and other smoke-free areas. • The full list of smoke-free areas can be found at: Penalties, fines and enforcement Queensland Health • However, Section 112 of the Act provides an exemption that allows a performer to smoke in a theatre or other performance space if smoking is part of the performance. • Further information: <ul style="list-style-type: none"> ○ Electronic cigarettes Queensland Health ○ Smoking laws in Queensland Queensland Health
SA	<p>PERMITTED: Smoking is permitted if the Minister of Health and Wellbeing (SA) grants an exception</p> <ul style="list-style-type: none"> • Applicable legislation: Tobacco and E-Cigarette Products Act 1997 • Smoking and the use of e-cigarettes (including non-nicotine) is prohibited in all enclosed public places and other smoke-free areas. • The full list of smoke-free areas can be found at: Smoking, the rules and regulations SA Health • Smoking (including e-cigarettes and herbal cigarettes) during an artistic performance in an enclosed space is prohibited unless an exemption is granted by the Minister for Health and Wellbeing. • Exemptions are only granted where smoking is deemed absolutely necessary to the performance and all other options have been exhausted. • Applications for an exemption must be submitted to Drug and Alcohol Services South Australia at least 6 weeks prior to the performance. <ul style="list-style-type: none"> ○ E: HealthDASSATobaccoControlUnit@sa.gov.au • Application form/process: Tobacco laws for artistic performances SA Health

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WA	<p><u>PERMITTED</u>: Smoking is permitted if the owner/manager of the space/venue consents.</p> <ul style="list-style-type: none"> • Applicable legislation: Tobacco Products Control Act 2006 and Tobacco Products Control Regulations 2006 • The Act regulates the use of tobacco products. This includes a cigarette or cigar including tobacco, or a smoking product that contains an herb or other plant matter - whether or not the product also contains tobacco. • It is illegal to smoke tobacco products in all enclosed public spaces and other smoke-free areas. A list of smoke-free areas can be found at: Laws on smoking (health.wa.gov.au) • However, Regulation 10 provides an exemption that allows a performer to smoke in an enclosed public space for the purpose of a performance if occupiers gave consent before the performance commenced. • Currently, it is legal to use e-cigarettes in smoke-free areas if they do not contain tobacco, herbs or other plant matter. • However, owners/managers may choose to implement a policy applying to their premises which prohibits the use of e-cigarettes wherever smoking is prohibited. • Further information: Electronic cigarettes in Western Australia (health.wa.gov.au)
TAS	<p><u>NOT PERMITTED</u>: Smoking is not permitted in any indoor public place or smoke-free area.</p> <ul style="list-style-type: none"> • Applicable legislation: Public Health Act 1997 • The following products cannot be used in enclosed public spaces and other smoke-free areas: tobacco products, e-cigarettes, personal vaporisers, herbal cigarettes and non-tobacco cigarettes. • The full list of smoke-free areas can be found at: Smoke free areas in Tasmania Tasmanian Department of Health • There are no exemptions for smoking as part of a performance. • Further information: E-cigarettes and vaping Tasmanian Department of Health
ACT	<p><u>NOT PERMITTED</u>: Smoking is not permitted in any indoor public place or smoke-free area.</p> <ul style="list-style-type: none"> • Applicable legislation: Smoke-Free Public Places Act 2003 • Smoking and the use of e-cigarettes (including non-nicotine) is prohibited in all enclosed public places and other smoke-free areas. • The full list of smoke-free areas can be found at: Places you can't smoke or vape Health (act.gov.au) • There are no exemptions for smoking as part of a performance. Smoking includes directly, puffing, drawing or inhaling smoke and holding or having control over any smoking product while it is ignited or vape while it is activated. • Further information: Smoking and vaping Health (act.gov.au).

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<p>NT</p>	<p><u>PERMITTED</u>: Smoking is permitted if, and only for as long as, it is a <u>necessary</u> part of the performance.</p> <ul style="list-style-type: none"> • Applicable legislation: Tobacco Control Act 2002 • The legislation applies to e-cigarettes as if they were tobacco products. • Smoking and the use of e-cigarettes (including non-nicotine) is prohibited in all enclosed public areas and other smoke-free areas. • The full list of smoke-free areas can be found in Part 2 of the Act and at: Smoking laws and businesses NT.GOV.AU • The NT Health Mental Health, Alcohol and Other Drugs) confirmed “it is not an offence for a performer taking part in a bona fide theatrical performance to ‘smoke’ so long as they do not continue ‘smoking’ or longer than is necessary for the purposes of the performance.” • Further information: Tobacco NT Health