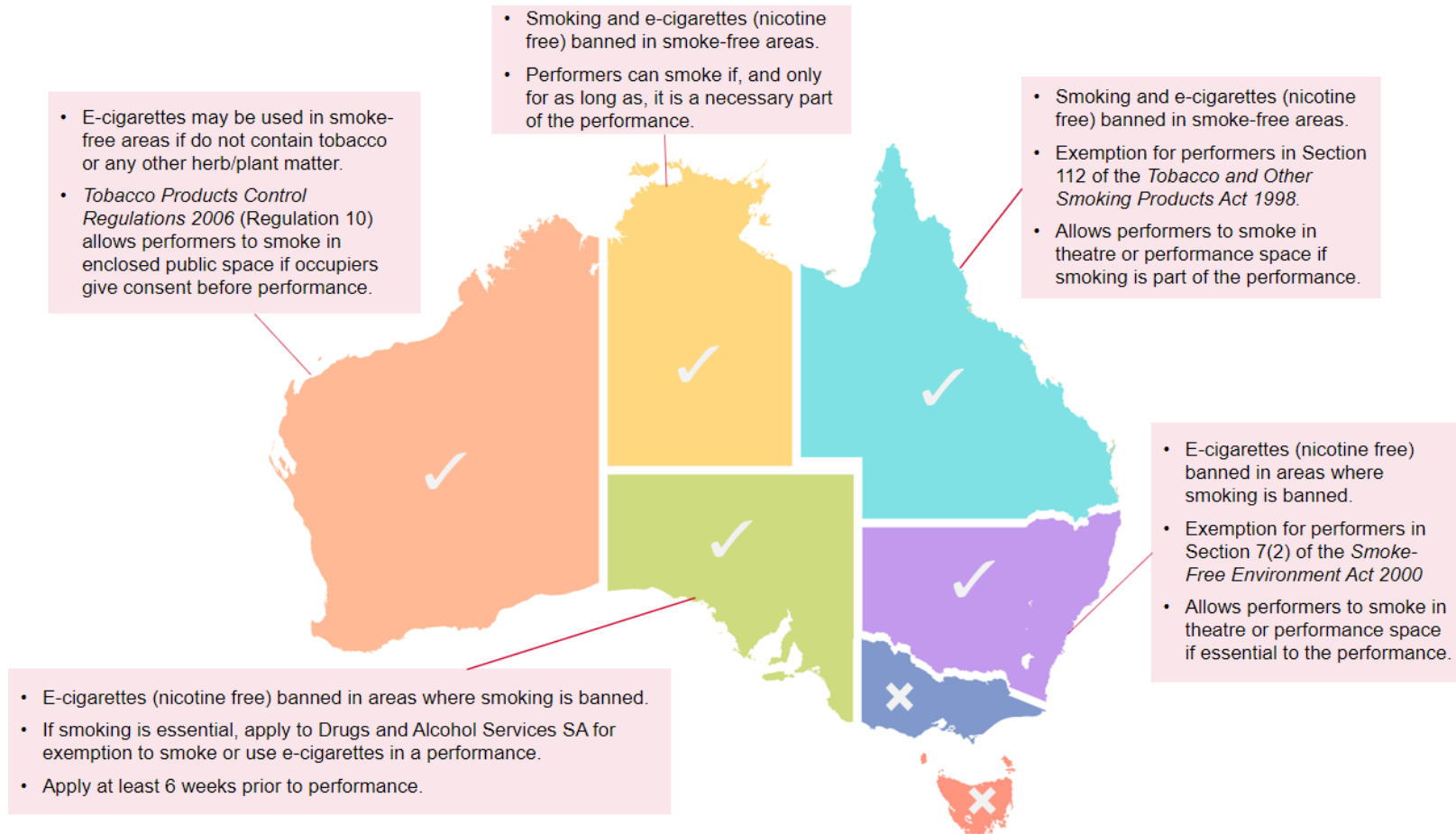


Smoking laws in Australia

Snapshot: Smoking and e-cigarettes in artistic performances Australia



Overview of smoking legislation in Australia

Jurisdiction	Overview of legislation
NSW	<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) <p>Smoking is permitted if it is a <u>necessary part of the performance</u>.</p>
VIC	<ul style="list-style-type: none"> Applicable legislation: Tobacco Act 1987 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: Smoke and vape-free areas (health.vic.gov.au) There are no exemptions for smoking as part of a performance. Further information: <ul style="list-style-type: none"> e-cigarette-reforms-factsheet.pdf (health.vic.gov.au) Tobacco reforms (health.vic.gov.au) <p>Smoking is <u>not permitted</u> in any indoor public place or smoke-free area.</p>
QLD	<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 <p>Smoking is permitted if it is a part of the performance.</p>

Jurisdiction	Overview of legislation
SA	<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. • 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 <p>Smoking is not permitted in any enclosed public place or smoke-free area unless the Minister grants an exception.</p>
WA	<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) <p>Smoking is not permitted in any enclosed public place or smoke-free area unless the occupiers consent.</p>
TAS	<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 <p>Smoking is not permitted in any indoor public place or smoke-free area.</p>

Jurisdiction	Overview of legislation
ACT	<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) <p>Smoking is <u>not permitted</u> in any indoor public place or smoke-free area.</p>
NT	<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 <p>Smoking is permitted if, and only for as long as, it is a <u>necessary</u> part of the performance.</p>