

# SMOKING-RELATED LEGISLATIVE REQUIREMENTS

There is increasing awareness of the detrimental health effects of environmental tobacco smoke (also known as ETS or 'second-hand smoke') to non-smokers.

As a result, jurisdictions from around Australia and other countries have progressively introduced legislation to protect people from exposure to ETS and its related health problems.

In the Northern Territory, the Tobacco Control Regulations require enclosed public places to be smoke free. An enclosed public place is defined as a place, or a part of a place, that is used or is intended to be used by members of the public and has a ceiling or roof and (except for doorways and passageways) is completely or substantially enclosed by walls, windows, blinds, curtains or other objects, materials or things. For more information about exactly which areas are legislated to be smoke free, visit the Smoking laws and businesses page on [www.nt.gov.au](http://www.nt.gov.au). When an employer designates a site to be smoke-free under the Act, persons who smoke at that site are in breach of the legislation and may be fined and prosecuted.



## Work Health and Safety Act 2014 (National Uniform Legislation)

One of the main objectives of the *Work Health and Safety Act (NATIONAL UNIFORM LEGISLATION) 2014* is 'protecting workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks'. Exposure to ETS is an identified risk to the health of employees. Studies have shown that there is no safe level of exposure to ETS.<sup>1</sup> In order to comply with the Act, your organisation needs to ensure that employees are not exposed to *any* passive smoking.

In 2000, a Melbourne café was ordered by the Melbourne Magistrate's Court to pay \$7000 compensation to a diner who suffered a debilitating asthma attack after being exposed to tobacco smoke at the restaurant. The court found that the restaurant neglected to enforce their smoke-free rule in the designated smoke-free area and they did not provide adequate divisions between smoking and smoke-free areas of the restaurant.

A psychologist in a community health centre sued the NSW Department of Health after she suffered emphysema and an exacerbation of an asthma condition through exposure to ETS in the workplace. She was awarded \$85 000 by a District Court jury.



## References

1. US Department of Health and Human Services 2006, *The health consequences of involuntary exposure to tobacco smoke: a report of the Surgeon General*, US Department of Health and Human Services, Centres for Disease Control and Prevention, Coordinating Centre for Health Promotion, National Centre for Chronic Disease Prevention and Health Promotion and Office on Smoking and Health, Atlanta.