

REQUIREMENTS OF THE SMOKE-FREE ENVIRONMENTS ACT 1990

Information for Sports Clubs

The Smoke-free Environments Amendment Act 2003 makes a number of changes to the Smoke-free Environments Act 1990 ('the Act'). The main provisions of the Act that relate to sporting settings aim to:

- prevent the detrimental effect of other people's smoking on the health of people in indoor workplaces and licensed premises
- reduce the social approval of tobacco use, particularly among young people.

WHAT WILL THIS MEAN FOR SPORTS CLUBS?

From 10 December 2004, all *internal areas* of sports clubs will be required to be permanently smokefree, 24 hours a day, seven days a week, if they are a *workplace* or a *licensed premise*, as defined by the Act. The legal responsibility for managing this rest with the club.

WHAT IS A WORKPLACE?

A workplace is an internal area occupied by the employer and usually frequented by employees or volunteers during the course of their employment.

WHAT IS A LICENSED PREMISE?

Licensed premises are any premises, or part of any premises, on which liquor may be sold pursuant to any licence under the Sale of Liquor act 1989.

WHAT IS AN INTERNAL AREA?

An internal area, in relation to any premise or vehicle, means an area within or on the premises or vehicle that, when all its doors, windows and other closeable openings are closed, is completely or substantially enclosed by:

- a ceiling, roof, or similar overhead surface; and
- walls, sides, screens, or similar surfaces; and
- those openings.



WHEN DOES THE LAW COME INTO EFFECT?

All *internal areas of workplaces* and *licensed premises* must be permanently smokefree by 10 December 2004.

DO YOU HAVE TO WAIT UNTIL 10 DECEMBER TO GO SMOKEFREE?

A club can go smokefree at any time – hundreds of sports clubs around New Zealand have already made the move. Visit www.smokefreesport.co.nz for further information.

WHAT ARE YOUR OBLIGATIONS UNDER THE ACT?

From 10 December 2004, if your club is a *workplace* or *licensed premise*, you must take all *reasonably practicable steps* to ensure that no person smokes at any time in an *internal area*.

COULD YOUR CLUB BE FINED IF YOU BREACH THE ACT?

Yes. The Act states that failure to take all reasonably practicable steps will breach the Act. A fine of up to \$4,000 could be imposed on your club for failure to comply with the Act.

WHAT HAPPENS IF SOMEONE SMOKES IN YOUR CLUB?

It is part of your responsibility under the Act to ensure that people do not smoke in the *internal areas* of the club. This is where a Smokefree Policy can be of assistance, clearly setting out your club's position on where smoking is acceptable. **Remember, this is not about people's right to smoke, but about where they can smoke.**

WHAT ARE REASONABLY PRACTICABLE STEPS?

The Act does not define what reasonably practicable steps will be. However, for the purposes of the Act, reasonably practicable steps are what a reasonable and prudent person would do in similar circumstances. A failure to take such steps will be a breach of the law under the Act. The following suggestions may be helpful:

- develop a written Smokefree Policy and display it in your club
- have smokefree signage clearly visible in your club
- inform members on an ongoing basis of the smokefree status of your club
- have a club policy for dealing with breaches of the Act and your Smokefree Policy
- ensure that all people affected by the club's policy on breaches are made aware of it (eg. staff who may have to enforce it and members who will be affected by it)
- alter your club's constitution to recognise your obligations under the Act
- remove ashtrays from internal areas of your club
- do not sell tobacco products in your club.

ARE ANY OTHER AREAS OF THE ACT RELEVANT TO SPORTS CLUBS?

SCHOOLS

From 1 January 2004, all schools and early childhood centres became 100 percent smokefree inside and outside at all times.

SALE OF TOBACCO PRODUCTS TO UNDER 18 YEAR-OLDS

The sale of tobacco products and herbal smoking products to people under 18 years is prohibited.

GAMING MACHINE VENUES

From 10 December 2004, holders of a class 4 gambling venue licence must take all *reasonably practicable steps* to ensure that no person smokes at any time in any part of the venue that is an *internal area*.

AUTOMATIC VENDING MACHINES

From 10 December 2004, the following provisions will apply to automatic vending machines that dispense tobacco or herbal smoking products:

- machines cannot be located in a place to which members of the public have access
- machines cannot be used to sell tobacco or herbal smoking products in any area to which members of the public have access
- All machines that can be seen by the public must display mandatory health messages.

IS A WRITTEN SMOKEFREE POLICY REQUIRED?

There is no legal requirement to have a written Smokefree Policy. However, having a policy can assist by clearly stating the club's position in managing its responsibilities under the Act. It can also be useful as a tool for informing members and visitors of the smokefree status of your club. An example of a Smokefree Policy is attached for your information/use.

FUTHER INFORMATION

This information is a guide only, and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

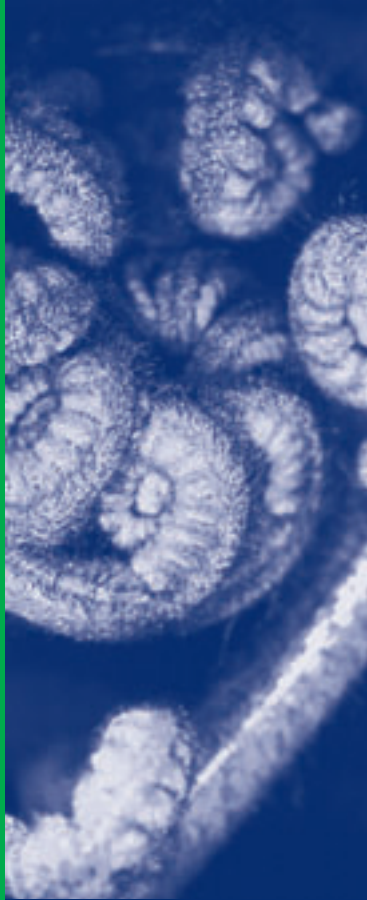
Other pamphlets relating to the changes to the Act are available. These include information for schools, workplaces, retailers and licensed premises.

For further information:
www.smokefreelaw.co.nz
www.smokefreesport.co.nz

or contact the Public Health Service at your local District Health Board.

Public Health Service contact details:

SMOKEFREE /AUAHI KORE POLICY



for _____

We are committed to making our club Smokefree/Auahi Kore.

Our club encourages members and visitors to be smokefree because:

- it is a positive health choice for us all to make
- we provide healthy environments for everyone to enjoy
- we support people who want to give up smoking
- we support non-smokers, especially our children and youth, by removing the pressure to start smoking
- we want to protect our members from the harmful effects of second-hand smoke
- we wish to comply with the Smoke-free Environments Act 1990.

Please respect our policy:

- By not smoking in any internal areas of the club.
- By not smoking in (state any other areas or situations, eg, not smoking in club uniform)

- If you smoke, please do so in (state smoking areas)

- Remind smokers not to light up in our smokefree areas and support friends and family who are giving up.

Signage is displayed to remind members and the public about the smokefree status of our club.

This policy is effective from _____

All members and visitors to our club must comply with these requirements.

Any issues arising should be directed to _____

Authorised by _____ Date _____



