



Title: Implications of new Non-Smoking and Vaping Laws
Document ID: C24020
Department: Lifesaving
Audience: Club Members
Date: 1st March 2024

Summary:	Effective 01 March 2024, the State Government is introducing prohibitions on smoking and vaping across various public outdoor spaces in South Australia, including ' <i>between the flags</i> '.
Action:	<ul style="list-style-type: none">• Non-smoking/vaping signage is not required to be displayed '<i>between the flags</i>' by SLSC.• SLSC are to ensure that all Patrolling Members are aware of what to do <i>if</i> they encounter any members of the public who are not complying with the new laws.

OVERVIEW

Commencing 01 March 2024, the *Tobacco and E-Cigarette Products (Smoking Bans) Amendment Regulations 2023*, established under section 52(2) of the *Tobacco and E-Cigarette Products Act 1997*, enforce restrictions on smoking and vaping across diverse public outdoor spaces in South Australia.

These regulations, instated by the State Government, aim to safeguard the community from the detrimental effects of passive exposure to tobacco smoke and e-cigarette aerosol, while concurrently elevating the comfort and satisfaction of individuals frequenting these public domains.

The enactment of these new laws signifies substantial public endorsement for smoke-free and vape-free environments in South Australia, aligning closely with the community's aspirations to shield individuals from the harmful impacts of second-hand smoke and e-cigarette aerosol. It is noteworthy that these regulations entail specific obligations for '*occupiers*' of public spaces, particularly concerning signage requisites.

SIGNAGE REQUIREMENTS

Regarding SLSC obligations, Surf Life Saving South Australia (SLSSA) has been actively engaging with SA Health since the onset of the year to assess the ramifications of the amended smoking laws on Surf Life Saving Clubs (SLSC), specifically delving into whether SLSC qualify as an '*occupier*' as referenced in the *Tobacco and E-Cigarette Products Act 1997* when delineating patrolled areas '*between red and yellow flags*' along South Australian beaches.

Following consultation with SA Health, SLSSA advice is that for the purposes of patrolling operations conducted '*between the flags*', SLSC are not deemed to be an "*occupier*," thereby exempting SLSC from the s 52(4) signage obligation. That said, SLSSA strongly encourages clubs to liaise with the pertinent local Government Authority/Agency regarding signage requirements for beaches and/or jetty areas in their local area.

Please note that, SLSCs remain accountable for signage within/around their permanent Club facilities.



NON-COMPLIANCE

If SLSSA members observe a member of the public smoking/vaping between the flags, they should courteously inform the individual of the prohibition on smoking or vaping in the area and kindly request cessation or relocation to a designated smoking and vaping area.

SLSSA members are not required, or expected, to enforce non-compliance with these new laws.

Should an individual / group decline to comply, SLSSA members should duly document the non-compliance and relay incident details to the State Operations Centre (SOC) for appropriate action.

QUERIES

More details on the requirements of the new smoke-free and vape-free laws can be found [here](#).

If you have any enquiries, please don't hesitate to contact the Lifesaving team at SLSSA lifesaving@surflifesavingsa.com.au or call (08) 8354 6900.