

Smoking law deadline looms

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Cape Town - South Africa's tough smoking laws come into full force at the weekend, when a six-month period of grace granted to several hundred restaurants, hotels and casinos comes to an end.

However, a clash may be looming with Cape Town's South Peninsula administration, which says the law cannot be enforced there until its own milder municipal by-law on smoking has been repealed.

The national department of health said in a statement on Thursday that the ban on smoking in public places would be fully enforced from July 1.

Smoking would be allowed only in areas that complied with the law by being partitioned off, with separate ventilation and warning signs.

Businesses that had not completed their structural changes were legally required to be smoke-free.

Patricia Lambert, legal adviser to Health Minister Manto Tshabalala-Msimang, said on Thursday that the department had already held high-level discussions with the police and national prosecutions directorate.

The department of health was running a dedicated hotline for complaints about infringements.

Once a complaint was registered, the department would contact local environmental health officers (EHOs) who would visit premises and issue warnings.

"We don't want to be hauling people into court, because this is a criminal offence, and with a conviction, there is a danger an establishment can lose its liquor licence," she said.

"We are encouraging people to comply, and restaurants that feel they would like assistance in doing so should contact their local EHOs."

But she warned that the authorities would not hesitate to act against companies that refused to comply.

'National law should take precedence'

Referring to a statement issued by the Cape Town unicity earlier in the day, which said it had "agreed" to enforce the new law in all areas except the formerly autonomous South Peninsula, she said she believed the national law should take precedence.

She said the law and its regulations were promulgated in October last year, giving any municipality more than enough time to adjust its by-laws.

Lambert understood tobacco was addictive, and said the legislation was not designed to persecute smokers: it flowed from the government's constitutional obligation to provide an environment that was "not harmful to a person's health or well-being".

There was overwhelming evidence that second-hand smoke was a major health hazard to non-smokers, and the government was obliged to protect them.

The acting director of the National Council Against Smoking, Peter Ucko, said only 563 establishments had actually been granted the six-month extension to make structural changes, and some of them had not made the changes.

"All of these excuses go away from Saturday," he said.

May only smoke in private home, and in open

"From 1 July you may smoke only in your private home, provided you are not using it as a business or a child-care facility, your private motor vehicle, a legally designated smoking area and outside in the open."

He said levels of compliance were already "acceptably high". Many large shopping malls and companies were compliant, and several casinos he had visited over the past few days were working hard on the structural changes they needed to meet the deadline.

He said talks were under way with unions about pressing employers for smoke-free working environments.

"There are employees who are standing up for their right to clean air," he said.

The director of the Tobacco Control Board, Ken Sheppard, said the department had erred by liberally granting extensions to insincere applicants.

His group would take a "no-nonsense approach" in prosecuting restaurants, pubs and others who ignored the law after June 30.

"A list of those who have openly and deliberately refused to comply since January 1 has been compiled and will be the first to receive our attention," he said.