



No smoking at public transport stops and stations

THE FACTS

Section 6A of the *Smoke-free Environment Act 2000* makes a number of outdoor public places smoke-free.

From **7 January 2013**, smoking is banned at all public transport stops and stations in NSW.

Smoking is already banned in enclosed areas of public places in NSW, including some areas of public transport stops and stations. The law extends the smoking ban to cover the outdoor areas of bus stops, railway platforms, ferry wharves, taxi ranks and light rail stations.

The smoking ban applies to:

- ✓ Platforms of passenger railways and light rail stations;
- ✓ Bus stops, including the area where people queue or gather;
- ✓ Taxi ranks, including the area where people queue or gather;
- ✓ Ferry wharves; and
- ✓ Light rail stops, including the area where people queue or gather.

The ban applies regardless of whether the area is covered and includes the area where people queue or gather.

Will a person break the law if they are the only one at a public transport stop, such as a bus stop, and they light up?

Yes. A person will be breaking the law if they smoke at a light rail stop, bus stop or taxi rank regardless of whether they are the only person there at the time.

The reason for this is because while a smoker may be the only person at the bus stop when they light up, it is unlikely that they will continue to be the only person there for the duration of time it takes them to smoke their cigarette.

Will a person break the law if they are passing by a public transport stop, such as a bus stop, while smoking?

No. The law creates appropriate defences to ensure that it will not be an offence to pass through a smoke-free area such as a bus stop, light rail stop or taxi rank while smoking. The intent is to stop people smoking while in a public transport queue or where people gather to wait for public transport.

Will there be signage to indicate where smoking is not permitted?

The diverse range of different transport stops makes it difficult to have one law with respect to signage. Because the vast majority of light rail platforms, railway platforms and ferry wharves have a clearly defined area, 'No Smoking' signage will be required to be displayed. There is generally not a clearly defined area which constitutes a light rail stop, bus stop or taxi rank, so signage will not be required to be displayed at public transport stops and taxi ranks across NSW.

The law allows the Ministry of Health to work with Local Councils and other Government departments to develop signage appropriate to the different public transport stops.

How will this be enforced?

NSW Health is responsible for the administration and enforcement of the *Smoke-free Environment Act 2000*. NSW Health Inspectors are authorised to enforce the ban at public transport stops and stations.

Penalties of up to \$550 apply for anyone who fails to comply with the law.

Why is this new Act in place?

Public transport stops and stations often attract large numbers of people. Commuters have limited opportunity to avoid second-hand tobacco smoke in these areas.

There is no safe level of exposure to second-hand tobacco smoke. This is the smoke which smokers exhale after inhaling from a lit cigarette.

In adults, breathing second-hand tobacco smoke can increase the risk of cardiovascular disease, lung cancer and other lung diseases. It can exacerbate the effects of other illnesses such as asthma and bronchitis. Exposing ex-smokers to other people's tobacco smoke increases the chance of relapsing to smoking.

For children, inhaling second-hand tobacco smoke is even more dangerous. This is because children's airways are smaller, and their immune systems are less developed, which makes them more likely to suffer negative health consequences of second-hand tobacco smoke such as bronchitis, pneumonia and asthma.

Creating smoke-free outdoor areas, such as public transport stops and stations, can provide a supportive environment for those who have quit and make smoking less visible to children and young people.

How does this affect Local Council bans on smoking?

Many NSW councils, under the provisions of the *Local Government Act 1993*, have progressively introduced their own smoking bans. Where these bans are in place, they can continue to be enforced by Local Council rangers

NOTE: The ban on smoking in commercial outdoor dining areas and within 4 metres of a pedestrian entrance to or exit from licenced premises, restaurants and cafes does not apply until 6 July 2015.

For more information

Please contact the Tobacco Information Line on **1800 357 412** or visit the NSW Health website: **www.health.nsw.gov.au**

The Tobacco Information Line can be accessed by non-English speaking people via the Translating and Interpreting Service (TIS) on 13 14 50.



Health