



# No smoking near the entrance to or exit from a public building

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 within 4 metres of a pedestrian entrance to or exit from a public building. The ban on smoking within 4 metres of a pedestrian entrance to or exit from a public building will be delayed for licensed premises and restaurants until **6 July 2015**. The delay has been allowed to support consistent application of the ban on smoking in commercial outdoor dining areas across these settings.

## **What types of public buildings will be covered by the smoking ban?**

Smoking is already banned in enclosed areas of public places in NSW. The law extends the smoking ban to cover the area within 4 metres of a pedestrian entrance to or exit from a public building, such as:

- ✓ professional, trade, commercial and other business premises;
- ✓ Local, NSW and Federal Government premises;
- ✓ shopping centres, malls and plazas;
- ✓ restaurants, cafes, hotels and clubs;
- ✓ schools, colleges and universities;
- ✓ community centres, halls and places of worship;
- ✓ theatres, cinemas, libraries and galleries;
- ✓ accommodation hotels and motels;
- ✓ fitness centres, bowling alleys and other sporting and recreational facilities; and
- ✓ childcare facilities.

## **How will the new law affect residential buildings?**

Buildings used only for residential purposes such as private houses or multi-unit residential accommodation (such as boarding houses, buildings in caravan parks and residential accommodation in community or strata schemes) are not covered by the ban on smoking within 4 metres of the building entrance or exit.

Buildings that have multiple uses, such as residential and commercial purposes, will be subject to the ban on smoking within 4 metres of the building pedestrian entrance or exit only at those entrances and exits which are used for non-residential purposes.

## **Will a person break the law if they pass by a public building, such as a convenience store, while smoking?**

No. The law creates appropriate defences to ensure that it will not be an offence to pass through a smoke-free area outside the entrance of a public building, such as a convenience store, while smoking.

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

The law does not require signs to be displayed to indicate that smoking is not permitted within 4 metres of a pedestrian entrance to or exit from a public building. This is due to the diverse range of public buildings that are captured under the law.

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

## **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 within 4 metres of a pedestrian entrance to or exit from a public building.

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

## **Why is this Act in place?**

The number of people who congregate immediately outside the entrances of buildings can be significant. People entering and exiting from public buildings are exposed to second-hand tobacco smoke and smoke drift can occur from outside buildings to the indoor 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 outside the entrances of public buildings, 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](http://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**