

Dear General Manager

I write to inform you of the new smoke-free reforms in outdoor public places.

Amendments have been made to the *Smoke-free Environment Act 2000* to make the following settings smoke-free from 7 January 2013:

- In public playgrounds within 10 metres of children's play equipment;
- In open areas of public swimming pools;
- In major sporting facilities and at public sports grounds;
- At public transport stops and stations;
- Within 4 metres of the pedestrian access point to a public building; and
- From 2015, commercial outdoor dining areas.

A copy of the *Tobacco Legislation Amendment Act 2012* can be downloaded from the NSW Parliament website at www.parliament.nsw.gov.au.

Authorised Inspectors from the NSW Health Public Health Units, located in Local Health Districts, will be responsible for enforcement of compliance with the new smoking bans. Where Councils have introduced by-laws under the *Local Government Act 1993* which prohibit smoking in settings not covered by the statewide legislation, or where by-laws go further than the state bans, these will continue to be enforced by Local Council officers.

Under the reforms, occupiers of certain premises (swimming pool complexes, light rail platforms, railway platforms, ferry wharves and from 2015, commercial outdoor dining areas) will be required to display signage to indicate that smoking is not permitted. The new law also allows the Ministry of Health to work with Local Councils and other Government agencies to develop signage appropriate to the different types of settings.

A statewide community education campaign will be carried out prior to the commencement of the new smoke-free laws to ensure a high level of awareness and compliance by the general public and business community. Samples of the factsheets developed as part of this campaign are attached. These materials are available online via the NSW Ministry of Health website at <http://www0.health.nsw.gov.au/publichealth/healthpromotion/tobacco/legislation.asp> and copies can be ordered from the Resource Distribution Unit via phone on (02) 9879 0443 or by emailing tobinfo@doh.health.nsw.gov.au. We would welcome further dissemination of these materials via your existing communication channels and networks.

Should you have any queries, please do not hesitate to contact your local Public Health Unit (contact details attached) or phone the Tobacco Information Line on 1800 357 412.

Yours sincerely



Dr Kerry Chant
**Chief Health Officer and Deputy Director-General
Population and Public Health**

22/4/12

NSW Health Public Health Units

Public Health Unit	Contact Details
Goulburn Office	Locked Bag 11, Goulburn, 2580 Ph: 02 4824 1840 Fax: 02 4824 1831 / 4822 5038
Albury Office	PO Box 3095, Albury, 2640 Ph: 02 6080 8900 Fax: 02 6080 8999
Broken Hill Office	PO Box 457, Broken Hill, 2880 Ph: 08 8080 1499 Fax: 08 8080 1683 / 1196
Dubbo Office	PO Box 739, Dubbo, 2830 Ph: 02 6841 5569 Fax: 02 6841 5571
Bathurst Office	PO Box 143, Bathurst, 2795 Ph: 02 6339 5601 Fax: 02 6339 5173
Newcastle Office	Locked Bag 10, Wallsend, 2287 Ph: 02 4924 6477 Fax: 02 4924 6048 / 4922 3164
Tamworth Office	Locked Mail Bag 9783, NEMSC 2348 Ph: 02 6764 8000 Fax: 02 6766 3890
Matraville Office	PO Box 150, Matraville 2036 Ph: 02 9311 2707 Fax: 02 9700 3747
Port Macquarie Office	PO Box 126, Port Macquarie 2444 Ph: 02 6588 2750 Fax: 02 6588 2837
Lismore Office	PO Box 498, Lismore 2480 Ph: 02 6620 7585 Fax: 02 6622 2151 / 6620 2552
Hornsby Office	Hornsby Hospital, Palmerston Rd, Hornsby 2077 Ph: 02 9477 9400 Fax: 02 9482 1650 / 1358
Gosford Office	PO Box 361, Gosford, 2250 Ph: 02 4349 4845 Fax: 02 4349 4850
Randwick Office	Locked Bag 88, Randwick 2031 Ph: 9382 8333 Fax: 02 9382 8334 / 8314
Wollongong Office	Locked Bag 9, Wollongong 2500 Ph: 02 4221 6700 Fax: 02 4221 6759 (
Eastern Zone(Camperdown Office) For Liverpool Area, please dial the Camperdown office.	PO Box 374, Camperdown 2050 Ph: 02 9515 9420 Fax: 02 9515 9440
Penrith Office	PO Box 63, Penrith 2751 Ph: 02 4734 2022 Fax: 02 4734 3300 / 3444
Parramatta Office	Locked Bag 7118, Parramatta BC 2150 Ph: 02 9840 3603 Fax: 02 9840 3608 / 3591

PUBLIC BUILDINGS



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**

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



Health

**PUBLIC
POOLS**



No smoking at public swimming pools

**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 in open areas within the perimeter of all public swimming pool complexes in NSW.

The Act does not apply to swimming pools on people's private property.

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

Yes. Occupiers of public swimming pool complexes must ensure that adequate signage is erected and maintained to indicate that smoking is not permitted within the perimeter of the swimming pool complex. Appropriate signage will be made available by NSW Health for this purpose.

How will the law 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 in open areas of public swimming pool complexes.

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

Why is this new law in place?

Public swimming pools often attract large numbers of people, particularly families with children.

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 swimming pools, 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.

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Additional signage can be obtained from the Resource Distribution Unit on telephone (02) 9879 0443 or email **tobinfo@doh.health.nsw.gov.au**.



Health

PLAY
GROUNDS



No smoking near children's outdoor playground equipment

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 10 metres of children's play equipment in outdoor public places in NSW.

The Act applies to children's play equipment in local parks and reserves as well as play equipment at fast food outlets, eateries, sporting venues and licensed premises.

The Act does not apply to:

- ✓ playground equipment that is in a private backyard or facility; or
- ✓ the rest of the park or reserve in which a playground is situated (unless the council has instituted such a ban under the *Local Government Act 1993*).

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

Because of the variety of configurations of public playgrounds, the law does not require signs to be displayed to indicate that smoking is not permitted within 10 metres of the playground equipment. However, 'No Smoking' or 'Smoking Prohibited' signs may be erected to indicate that smoking is not permitted within 10 metres of the playground equipment. Appropriate signage will be made available by NSW Health for this purpose.

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 near children's playground equipment in outdoor public areas.

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

Why is this new law in place?

Public parks and playgrounds often attract large numbers of people, particularly families with children.

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 playgrounds 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

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Health

**PUBLIC
TRANSPORT**



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

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Health

**SPORTS
GROUNDS**



No smoking in spectator areas at public sports grounds

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 in spectator areas at public sports grounds and other recreational areas in NSW. However, smoking will only be banned when an organised sporting event is being held.

Major sporting facilities are included under the definition of a public sports ground and will be required to comply with the new law. Other outdoor sporting facilities, such as Local Council playing fields, are also covered by the new law.

Will smoking be banned only in spectator areas which are covered?

No. The smoking ban applies to all spectator areas at sports grounds and other recreational areas when they are being used for an organised sporting event. The law applies to both covered and uncovered spectator areas and whether seating is provided or not.

Will the ban only cover the time that the players are competing?

No. The smoking ban applies during the entire duration of the organised sporting event. This will include not just when the players are competing but pre match and half time games and entertainment that form part of the sporting event.

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

Due to the vast array of different sports grounds and recreational areas, the new law does not require signs to be displayed to indicate that smoking is not permitted in spectator areas at sports grounds and other recreational areas during organised sporting events. However, signage may be required in the future if regulations are made requiring a class of sports grounds or other recreational area to display signs.

What is a spectator area?

A spectator area is an area set aside for or being used by spectators to watch an organised sporting event at a sports ground or other recreational area, but only when an organised sporting event is being held there.

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 sports grounds and recreational areas during organised sporting events.

Some major sporting facilities have already banned smoking in outdoor seating areas but permit smoking in designated outdoor smoking areas within the facility. The new law will prohibit smoking in all spectator areas of the facility, regardless of whether seating is provided or the area is covered. Where major sporting facilities have already introduced smoke-free outdoor policies which extend beyond the new laws, these can continue to apply.

Penalties of up to \$550 apply to individuals who smoke in spectator areas at public sports grounds or other recreational areas during organised sporting events.

Why is this new Act in place?

Public sports grounds are a popular public outdoor setting for exercise and recreation and often attract large numbers of people, particularly families with children.

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 in public sports grounds and recreational areas, 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

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Health

**SPORTS
GROUNDS**



No smoking in spectator areas at public sports grounds

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 in spectator areas at public sports grounds and other recreational areas in NSW. However, smoking will only be banned when an organised sporting event is being held.

Major sporting facilities are included under the definition of a public sports ground and will be required to comply with the new law. Other outdoor sporting facilities, such as Local Council playing fields, are also covered by the new law.

Will smoking be banned only in spectator areas which are covered?

No. The smoking ban applies to all spectator areas at sports grounds and other recreational areas when they are being used for an organised sporting event. The law applies to both covered and uncovered spectator areas and whether seating is provided or not.

Will the ban only cover the time that the players are competing?

No. The smoking ban applies during the entire duration of the organised sporting event. This will include not just when the players are competing but pre match and half time games and entertainment that form part of the sporting event.

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

Due to the vast array of different sports grounds and recreational areas, the new law does not require signs to be displayed to indicate that smoking is not permitted in spectator areas at sports grounds and other recreational areas during organised sporting events. However, signage may be required in the future if regulations are made requiring a class of sports grounds or other recreational area to display signs.

What is a spectator area?

A spectator area is an area set aside for or being used by spectators to watch an organised sporting event at a sports ground or other recreational area, but only when an organised sporting event is being held there.

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 sports grounds and recreational areas during organised sporting events.

Some major sporting facilities have already banned smoking in outdoor seating areas but permit smoking in designated outdoor smoking areas within the facility. The new law will prohibit smoking in all spectator areas of the facility, regardless of whether seating is provided or the area is covered. Where major sporting facilities have already introduced smoke-free outdoor policies which extend beyond the new laws, these can continue to apply.

Penalties of up to \$550 apply to individuals who smoke in spectator areas at public sports grounds or other recreational areas during organised sporting events.

Why is this new Act in place?

Public sports grounds are a popular public outdoor setting for exercise and recreation and often attract large numbers of people, particularly families with children.

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 in public sports grounds and recreational areas, 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.

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