



# No smoking at public transport stops and stations

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FACTS

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

Smoking is banned at all public transport stops and stations in NSW.

This includes:

- Platforms of passenger railways and light rail stations;
- Bus stops;
- Taxi ranks;
- Ferry wharves; and
- Light rail stops.

The ban applies regardless of whether the area is **covered or uncovered**. The ban also applies to 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 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 transport stops makes it difficult to have one law for signage. Because the vast majority of light rail platforms, railway platforms and ferry wharves have a clearly defined area, 'No Smoking' signage is 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 is 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. 'No smoking' signage is strongly encouraged to increase awareness of the smoking ban by public transport commuters.

## How is this 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.

On the spot fines of \$300 may apply for anyone who fails to comply with the law.

## Why is this 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 worsen 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. These differences make children more likely to suffer health problems due to second-hand smoke such as bronchitis, pneumonia and asthma.

Creating smoke-free outdoor areas, such as public transport stops and stations, can support 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

## More information

For more information or to report a suspected breach, please contact the Tobacco Information Line on **1800 357 412** or visit **[health.nsw.gov.au/smokefree](http://health.nsw.gov.au/smokefree)**

Non-English speaking people can access the Tobacco Information Line via the Translating and Interpreting Service (TIS) on 13 14 50.



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