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.


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

[Signature]

NSW Ministry of Health
ABN 92 697 899 630
73 Miller Street North Sydney NSW 2060
Locked Mail Bag 961 North Sydney NSW 2059
Tel (02) 9391 9000 Fax (02) 9391 9101
Website www.health.nsw.gov.au
### NSW Health Public Health Units

<table>
<thead>
<tr>
<th>Public Health Unit</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goulburn Office</td>
<td>Locked Bag 11, Goulburn, 2580&lt;br&gt;Ph: 02 4824 1840&lt;br&gt;Fax: 02 4824 1831 / 4822 5038</td>
</tr>
<tr>
<td>Albury Office</td>
<td>PO Box 3095, Albury, 2640&lt;br&gt;Ph: 02 6080 8900&lt;br&gt;Fax: 02 6080 8999</td>
</tr>
<tr>
<td>Broken Hill Office</td>
<td>PO Box 457, Broken Hill, 2880&lt;br&gt;Ph: 08 8080 1499&lt;br&gt;Fax: 08 8080 1683 / 1196</td>
</tr>
<tr>
<td>Dubbo Office</td>
<td>PO Box 739, Dubbo, 2830&lt;br&gt;Ph: 02 6841 5569&lt;br&gt;Fax: 02 6841 5571</td>
</tr>
<tr>
<td>Bathurst Office</td>
<td>PO Box 143, Bathurst, 2795&lt;br&gt;Ph: 02 6339 5601&lt;br&gt;Fax: 02 6339 5173</td>
</tr>
<tr>
<td>Newcastle Office</td>
<td>Locked Bag 10, Wallsend, 2287&lt;br&gt;Ph: 02 4924 6477&lt;br&gt;Fax: 02 4924 6048 / 4922 3164</td>
</tr>
<tr>
<td>Tamworth Office</td>
<td>Locked Mail Bag 9783, NEMSC 2348&lt;br&gt;Ph: 02 6764 8000&lt;br&gt;Fax: 02 6766 3890</td>
</tr>
<tr>
<td>Matraville Office</td>
<td>PO Box 150, Matraville 2036&lt;br&gt;Ph: 02 9311 2707&lt;br&gt;Fax: 02 9700 3747</td>
</tr>
<tr>
<td>Port Macquarie Office</td>
<td>PO Box 126, Port Macquarie 2444&lt;br&gt;Ph: 02 6588 2750&lt;br&gt;Fax: 02 6588 2837</td>
</tr>
<tr>
<td>Lismore Office</td>
<td>PO Box 498, Lismore 2480&lt;br&gt;Ph: 02 6620 7585&lt;br&gt;Fax: 02 6622 2151 / 6620 2552</td>
</tr>
<tr>
<td>Hornsby Office</td>
<td>Hornsby Hospital, Palmerston Rd, Hornsby 2077&lt;br&gt;Ph: 02 9477 9400&lt;br&gt;Fax: 02 9482 1650 / 1358</td>
</tr>
<tr>
<td>Gosford Office</td>
<td>PO Box 361, Gosford, 2250&lt;br&gt;Ph: 02 4349 4845&lt;br&gt;Fax: 02 4349 4850</td>
</tr>
<tr>
<td>Randwick Office</td>
<td>Locked Bag 88, Randwick 2031&lt;br&gt;Ph: 9382 8333&lt;br&gt;Fax: 02 9382 8334 / 8314</td>
</tr>
<tr>
<td>Wollongong Office</td>
<td>Locked Bag 9, Wollongong 2500&lt;br&gt;Ph: 02 4221 6700&lt;br&gt;Fax: 02 4221 6759 (</td>
</tr>
<tr>
<td>Eastern Zone(Camperdown Office)</td>
<td>PO Box 374, Camperdown 2050&lt;br&gt;Ph: 02 9515 9420&lt;br&gt;Fax: 02 9515 8440</td>
</tr>
<tr>
<td>For Liverpool Area, please dial the Camperdown office.</td>
<td></td>
</tr>
<tr>
<td>Penrith Office</td>
<td>PO Box 63, Penrith 2751&lt;br&gt;Ph: 02 4734 2022&lt;br&gt;Fax: 02 4734 3300 / 3444</td>
</tr>
<tr>
<td>Parramatta Office</td>
<td>Locked Bag 7118, Parramatta BC 2150&lt;br&gt;Ph: 02 9840 3603&lt;br&gt;Fax: 02 9840 3608 / 3591</td>
</tr>
</tbody>
</table>
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 5 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.