



ACT
Government
Health

Discussion Paper

Smoke-Free ACT Public Transport Waiting Areas

Discussion period 24 February to 7 April 2017

Introduction

This paper has been produced to assist interested community members respond to the ACT Government's proposal to establish a smoke-free area at public transport waiting areas in the ACT. Public transport waiting areas include including bus and taxi stops, shelters, ACT Government public transport vehicles and platforms.

Exposure to smoking products

Smoking refers to the use of a smoking product. 'Smoking' and 'smoking products' are defined in the *Smoke-Free Public Places Act 2003*, and as of 1 August 2016 include but are not limited to tobacco products and personal vaporisers.

Tobacco smoking remains a leading cause of preventable death and disease in Australia. Smoking is responsible for the death of up to two-thirds of Australian smokers aged 45 years and over, and is a primary risk factor for various cancers, respiratory and cardiovascular disease, and other illnesses.^{i,ii,iii,iv} Passive exposure to tobacco smoke can also cause a range of adverse health effects including lung cancer and heart disease.^{v,vi} There is no known safe level of second-hand smoke (SHS) exposure.^{vii}

Although tobacco smoke tends to dissipate more quickly outdoors than indoors, it can still be a problem in outdoor areas. Bystanders can be exposed to harmful levels of tobacco smoke in various outdoor situations, particularly when in close proximity to active smoking.^{viii,ix,x} In some cases the level of tobacco smoke near outdoor smokers can be similar to equivalent situations indoors.^{xi} This poses a health risk in outdoor areas where people tend to congregate, including public transport waiting areas.

Benefits of smoke-free areas

The National Tobacco Strategy 2012-2018 (NTS) recommends that state and territory governments adopt policies that restrict smoking outdoors where people gather or move in close proximity, including bus stops and taxi ranks.

Experience in both the ACT and other jurisdictions have shown that regulation is usually necessary to effectively introduce new smoke-free public places. Non-regulatory approaches, including community education and persuasion, while important adjuncts to broader regulatory strategies, tend to be limited in effect due to entrenched views among key stakeholders, including smokers.

Smoke-free legislation reduces exposure to SHS and supports smoking cessation. Smoke-free areas can decrease daily cigarette consumption and remove smoking cues that may create cravings for smokers trying to quit.^{xii} Additionally, smoke-free legislation has a positive impact on initiation and prevalence of youth smoking.^{xiii} Smoke-free areas may reduce the exposure of children to the role modelling of smoking behaviours and social cues to smoke, in addition to limiting opportunities to smoke. This can lower the perceived

acceptability of smoking and help prevent children and young people from taking up smoking.^{xiv,xv ,xvi}

From an environmental perspective, cigarettes are the most littered item in the world and make up almost 50 per cent of litter in urban areas. Smoke-free areas can contribute to a reduction in cigarette butt litter.^{xvii}

The ACT Government is committed to continuing to protect the public from the harms associated with smoking and exposure to second-hand tobacco smoke. One way of doing this is to create smoke-free public transport waiting areas. Public transport waiting areas often attract large numbers of people, including school children, and commuters have limited ability to avoid SHS when queuing for transport.

Current situation

The ACT has a strong record of national leadership and achievement in tobacco control and smoke-free environments, and this is reflected in ACT smoking rates. The ACT's daily smoking rate for people aged 18 years and over is currently 9.9%, the lowest in Australia.^{xviii} However, the ACT is lagging behind other jurisdictions when it comes to exposure to second hand tobacco smoke at bus stations and other public transport waiting areas.

Currently in the ACT, legislation prohibits smoking in enclosed public places, at outdoor eating and drinking areas, at underage music functions, at ACT Government managed play spaces and in cars when children are present. Smoke-free policies also apply at various outdoor places, including on the grounds of ACT Health facilities, the Australian National University, the University of Canberra, Manuka Oval and GIO Stadium.

The ACT Government has recently enacted legislation that enables smoke-free areas to be established by Ministerial declaration. The ACT Government is proposing to use this declaration power to legislate smoke-free areas at public transport waiting areas. Public transport waiting areas were identified in the ACT Government's *Future Directions for Tobacco Reduction in the ACT 2013-2016* as potential new smoke-free public places.

Currently in the ACT, smoking is not allowed inside public transport. However areas where people wait for public transport, including bus stops and stations, are not explicitly covered by smoking bans. Bus shelters are generally not considered to be enclosed due to their open design but concern is often expressed about people smoking within the confines of a shelter or near a shelter. In this proposal bus interchanges, bus stops, taxi ranks, train stations, and light rail stops and stations would be declared as smoke-free areas.

There are approximately 2500 bus stops in the ACT, including seven bus interchanges. These vary from sign-posted outdoor bus stops (no shelter provided, with or without seats) to sheltered bus stops and large interchange depots. Some waiting areas are on government land, while others are on private property (e.g. Canberra International Airport). There are

also school buses and interstate buses (including QCity transit, Transborder express and the Jolimont Centre).

Table 1 - Summary of Australian jurisdiction smoke-free transport waiting area policies

	ACT	QLD	NSW	NT	SA	TAS	VIC	WA
Smoke-free public transport waiting areas	✘ Not captured	✓ 5 m from public transport waiting areas	✓ Smoking ban at all public transport stops and stations, and areas where people queue or gather.	✓ Smoking ban at public transport areas (exception for bus stops with only a post)	✓ Covered bus shelters only	✓ 3 m from covered bus shelters only	✓ Covered tram and bus shelters, all areas of train stations and raised tram platforms	✓ Transperth prohibits smoking at all train stations; councils can create by-laws to prohibit smoking at bus stops

Consultation Outcomes

Community consultation was conducted by the ACT Government in December 2015 exploring options for new smoke-free areas in the ACT. Outcomes of this consultation are available at the ACT Health [website](#).

Respondents were more supportive of a smoke-free area at bus waiting areas than any other place in the consultation. Most respondents (91%) would support smoke-free areas at bus waiting areas; and nine per cent would not.

Several respondents commented on the necessity of bus transport and the unavoidable nature of exposure to second-hand smoke. A few respondents commented that exposure to second-hand smoke is an occupational health and safety issue for transport employees. Many respondents were concerned about the availability of government staff to enforce any new smoke-free areas.

Option to restrict

The ACT Government is considering the establishment of smoke-free areas within five metres of public transport stops, including bus stops, taxi ranks, platforms and ACT Government public transport vehicles. Public transport platforms include bus stations and interchanges, light rail stations and train stations. It is proposed that signage and maps will be produced to define the boundaries of the public transport platforms. Restrictions on smoking at public transport waiting areas would apply at all times.

A five metre smoke-free buffer around public transport stops has been proposed as nine metres, as recommended by a study published in the journal for *Nicotine and Tobacco Research (2014)*, may not be practical for commuters waiting for transport. A distance

greater than five metres may result in commuters missing their transport or drivers not recognising a waiting passenger. A five metre smoke-free area around transport stops is also consistent with the perimeter used in Queensland.

Areas that are within five metres of a bus stop but fall on private land that is not accessible to the public would not be included in the smoke-free area. A private vehicle travelling on a road that is within five metres of a bus stop would not be included in the smoke-free area. (Note: smoking in vehicles when children are present is prohibited under the *Smoking in Cars with Children (Prohibition) Act 2011*.)

Public education

Wherever possible, signage will be erected at public transport waiting areas to inform the community about the law. Signage will specify the legislation and that fines may apply, for community education and enforcement purposes. Signs will not be a requirement for the law to apply.

A detailed communication strategy will be developed to support the declaration. A three month transition period is proposed prior to the commencement of smoke-free ACT public transport waiting areas to educate the public about the legislative changes.

Compliance

Compliance activities will be undertaken by ACT Government authorised officers. Authorised officers include Access Canberra Inspectors, sworn members of ACT Policing and officers appointed under the *Smoke-Free Public Places Act*.

Infringement notices of \$110 may be issued by authorised officers under the *Smoke-Free Public Places Act*. It is proposed that an educational rather than regulatory approach will be taken by authorised officers whenever possible. This would involve informing offenders that they are breaking the law, and providing educative materials to prevent future reoffending.

Process for Submissions

This discussion paper is being released for public comment from 24 February to 7 April 2017.

Interested parties and individuals are invited to provide a written submission commenting on the proposals outlined in the discussion paper. Submissions are requested by close of business **Friday, 7 April 2017**.

Submissions can be provided through one the following options:

Online questionnaire: <https://www.yoursay.act.gov.au/>

Email: hps@act.gov.au

Post: Attn – Environmental Health Project Team
Health Protection Service
Locked Bag 5005
HOLDER ACT 2611

Phone: 02 6205 1700

If you are responding by email or post, please download the paper-based questionnaire from the Your Say website (<https://www.yoursay.act.gov.au/>). ACT Health prefers that all submissions be publicly available to facilitate an informed and transparent consultative process. Submissions will be treated as public documents unless otherwise requested.

References

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