



# No smoking near entrances to or exits from a public building (the 4 metre law)

# THE FACTS

The *Smoke-free Environment Act 2000* makes a number of outdoor public places smoke-free. Smoking is banned within 4 metres of a pedestrian entrance to or exit from a public building in NSW. This law is called the '4 metre law'.

The '4 metre law' was delayed for licensed premises and restaurants until 6 July 2015. This delay was allowed to support consistent application of the smoking ban on commercial outdoor dining areas from 6 July 2015.

## **What types of public buildings are covered by the 4 metre law?**

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:

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

and from 6 July 2015

- ✓ licensed premises including clubs and hotels;
- ✓ restaurants; and
- ✓ cafés.

## **What buildings are not covered by the '4 metre law'?**

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 '4 metre law'.

Buildings that have multiple uses, such as residential and commercial purposes, will be subject to the '4 metre law' only at those entrances and exits which are used for non-residential purposes.

## Does the smoke-free law apply to someone walking along the footpath while smoking as they pass within 4 metres of an entrance to a public building?

No. This situation is not considered an offence, so long as the person does not remain in the smoke-free area while smoking. The purpose of the ban is to stop smokers from congregating immediately outside entrances to or exits from public buildings.

## 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 NSW Health to work with Local Councils and other Government departments to develop signage appropriate to the different public buildings. 'No smoking' signage is strongly encouraged to support public awareness of the smoking ban.

## How will this be enforced?

NSW Health Authorised Inspectors can enforce the ban within 4 metres of an entrance to or exit from a public building under the *Smoke-free Environment Act 2000*.

On the spot fines of \$300 may apply to individuals who do not comply with the '4 metre law', including at hospitality venues from 6 July 2015.

## Why is this Act in place?

The number of people who gather just outside the entrances of buildings can be significant. This has the effect of forcing people entering and leaving those buildings to walk through groups of smokers, exposing them to second-hand smoke. Also, smoke drift can easily 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 and the smoke emitted from a burning cigarette

In adults, breathing second-hand tobacco smoke can increase the risk of heart 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 smoke-free entrances and exits from public buildings, supports those who have quit and makes 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 introduced their own smoking bans. Where these bans are in place, they can continue to be enforced by Local Council rangers.

**NOTE:** This fact sheet provides general guidance on complying with the *Smoke-free Environment Act 2000*. Please refer to the exact wording of the Act and associated regulations concerning points of law.

## For more information

Learn more or report a breach at [health.nsw.gov.au/smokefree](http://health.nsw.gov.au/smokefree).

Call the Tobacco Information Line on **1800 357 412**.

Non-English speaker?

Call the Translating and Interpreting Service on 13 14 50.



Health