

Smoke-free NSW



Passive smoking

Smokers are not the only people affected by smoking. The health of non-smokers is also placed at risk if they are exposed to other people's tobacco smoke. This factsheet provides general information on issues related to passive smoking.

What is passive smoking?

Passive smoking is the inhalation of environmental tobacco smoke (ETS). ETS is a combination of sidestream smoke, which is emitted directly from burning tobacco, and mainstream smoke, which is exhaled from the smoker. Tobacco smoke contains over 4,000 chemicals and more than 60 of these are known to cause cancer in humans.

What are the physical effects of passive smoking?

Exposure to environmental tobacco smoke causes disease and premature death in children and adults who do not smoke. Studies in Australia and overseas demonstrate that passive smoking increases the risk of lung cancer and heart disease. It also increases the incidence of sore throats, nasal symptoms, asthma attacks and other chest illnesses.

Children are particularly susceptible to the health effects of passive smoking. Exposure increases their risk of middle ear infections, Sudden Infant Death Syndrome and respiratory infections such as asthma, bronchitis and croup.

Studies also demonstrate that exposure to ETS by pregnant women may result in babies with low birthweight.

Do air conditioning systems remove smoke?

Air conditioning systems are ineffective in removing smoke from the air. In addition, they can undermine the value of having separate smoke-free areas by circulating contaminated air to these areas.

High-quality air filtering systems are also ineffective. Whilst some systems are able to remove the visible smoke from the air, none are capable of removing the invisible gaseous components of ETS.

Going completely smoke-free is the only way to ensure that people are not exposed to ETS.

What are the legal reasons for going smoke-free?

Over the past decade, passive smoking has been the subject of increasing legal action. Proprietors who allow smoking in enclosed areas under their control may be subject to legal action. The following provides a brief overview of what the law says in relation to ETS.

Smoke-free Environment Act 2000 (NSW)

The *Smoke-free Environment Act 2000* requires enclosed public places in NSW to be smoke-free. Occupiers need to take reasonable steps to prevent smoke caused by smoking in outdoor areas from drifting into smoke-free areas.

Occupational Health and Safety Act 2000 (NSW)

This Act places a duty on all employers to ensure the health, safety and welfare at work of their employees. The Act also places obligations on employers for the health and safety of the public while on the employers' premises. These obligations extend to patrons, guests, and contractors.

Workers Compensation Act 1987 (NSW)

Employees who receive an injury arising out of or in the course of employment (and in the case of the death of a worker, his or her dependents) may be entitled to compensation under this Act. Employees who have been made ill because of passive smoking in the workplace may have rights to compensation.

Other legislation

Other legislation such as that applying to lifts, fire escapes, stairwells, confined spaces and dangerous goods specifically ban smoking.

Common law actions

Owners or licensees of hospitality establishments such as clubs, hotels and nightclubs are at risk of being subject to legal action if any harm is caused to patrons or visitors by allowing smoking on their premises. Under common law, this is generally expressed as a duty of care owed to those who may suffer harm from a person's negligent acts or omissions. This is on the same basis as they risk being sued if they negligently expose patrons or visitors to the risk of injury by having slippery or dangerous floors.

What does the public think about smoking bans?

Public opinion consistently supports smoking bans in public places.

A 2006 study of NSW adults found that if there was a total ban on smoking in hotels and licensed bars, 35% would be likely to go there more often, 6.6% less often and 58.4% said it would make no difference.

Overseas jurisdictions such as Ireland and Scotland have introduced smoking bans in recent years. Evidence from these jurisdictions suggests strong public support for smoking bans in public places as well as high levels of compliance.

Are smoking bans good for business?

There is no evidence to suggest smoking bans have a long-term detrimental effect upon business. These bans have been successfully introduced in other states in Australia as well as overseas.

There are in fact many benefits to going smoke-free. Cleaning and maintenance costs are reduced, the health of employees improves, fire risks are reduced and a more positive image of a business or organisation is projected.

The evidence from New York, which introduced smoking bans in bars, clubs and nightclubs in March 2003, is positive. One year on from the introduction of the bans:

- employment numbers were up by 10,600
- business tax receipts were up by 8.7%
- community support for the ban was overwhelmingly positive.

Where can I get more information?

Need help in going smoke-free? Or perhaps further information on issues related to smoking, the *Smoke-free Environment Act 2000* or smoking in the workplace? The following contact numbers may be helpful:

- The Cancer Council NSW: 13 11 20
- NSW Health: 1800 357 412
- WorkCover Authority: 13 10 50
- The local Public Health Unit in your Area Health Service.