

Analysis Summary: Smoke-Free Public Transport Waiting Areas Community Consultation Outcomes

The ACT Government undertook community consultation on a proposal to make public transport waiting areas smoke-free under the *Smoke-Free Public Places Act 2003* from 24 February to 7 April 2017.

Proposal

The ACT Government is considering the establishment of smoke-free areas within five metres of public transport stops, including bus and taxi stops and shelters, ACT Government public transport vehicles and platforms. Public transport platforms include bus stations and interchanges, tram stations and train stations. The area would be smoke-free at all times, regardless of whether commuters or public transport are present.

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.

This proposal will make it an offence under the Act to smoke within 5 metres of an ACT public transport waiting area. 'Smoking' and 'smoking products' are defined in the Act, and currently include, but are not limited to, tobacco products and personal vaporisers, commonly known as electronic cigarettes. Smoking in a legislated smoke-free area is a strict liability offence, and penalties may apply.

Consultation

Community Consultation was conducted through the ACT Government's "Your Say" [website](#) from 24 February to 7 April 2017. This consultation included a discussion paper outlining the proposed policy (summarised above) and an online survey hosted on the [survey monkey](#) website. The survey at [Appendix A](#) asked 13 questions related to the respondent and the policy proposal. The key question (Question 9) asked respondents if they supported making ACT public transport waiting areas smoke-free in line with the proposal. The survey allowed for free text and submissions were also accepted in written form directed to the ACT Health Protection Service (HPS).

Results

In total, 581 complete submissions were received during the consultation period. 575 submissions were made electronically through the "Your Say" website and six submissions were provided directly to the HPS. 17 submissions were made on behalf of organisations and 564 on behalf of individuals

Respondents were overwhelmingly supportive of the proposal to make ACT public transport waiting areas smoke-free, with 93 per cent in favour of the proposed policy option as depicted in the Table 1:

Table One: Support for proposal

Online survey response to proposed policy
Support: 93.21% (n=535)
Oppose: 5.05% (n=29)
Unsure: 1.74% (n=10)
Additional submissions
Support 100% (n=6)

Total Support 93.29%(n=553)
Total Unsure 1.72%(n=10)
Total Oppose 4.99% (n=20)

Of the 581 complete submissions, 277 included a written component. A qualitative analysis of the written components identified a number of additional themes (See Table 2).

Of these the major themes included: concern and annoyance with exposure to second hand smoke (SHS); concerns regarding the adequate enforcement of existing smoke-free areas; a preference to extend the minimum prohibition distance to greater than five metres; concern about exposure of children and youth to SHS; a request to ban smoking in all public places; and a need for more smoke-free public places to be declared .

Table Two: Written Submission Themes

Theme	Hits	Percentage (written submissions)	Percentage (total submissions)
Concern that smokers will congregate in access areas to stations	4	1.4%	0.7%
May affect businesses	1	0.4%	0.2%
Concern about exposure to children and youth	42	15.2%	7.2%
Cost of smoking to the community	5	1.8%	0.9%
Benefit of denormalising smoking	3	1.1%	0.5%
Add designated outdoor smoking area	2	0.7%	0.3%
Exclude e-cigarettes from the ban	7	2.5%	1.2%
Concerns regarding enforcement	55	19.9%	9.5%
Extend distance of smoke-free area from 5m	51	18.4%	8.8%
Concerns regarding enforcement at the Canberra Hospital	7	2.5%	1.2%
Ban tobacco/ban smoking in all public places	33	11.9%	5.7%
May help to reduce litter	21	7.6%	3.6%
Concerns about people with lung disease and asthma	28	10.1%	4.8%
Smoke-free multi-unit developments	4	1.4%	0.7%
Overuse of Government regulation	11	4.0%	1.9%
Ban is overdue	23	8.3%	4.0%
Encourage/support public transport use	16	5.8%	2.8%
Identifies as public transport worker	2	0.7%	0.3%
Reduce distance from 5m	2	0.7%	0.3%
More Smoke-free public places	29	10.5%	5.0%
Concerns and annoyance regarding SHS exposure	87	31.4%	15.0%
Ban impinges on smoker's rights	15	5.4%	2.6%
Support smokers trying to quit	9	3.2%	1.5%
Improve tourist experience	1	0.4%	0.2%
Total Submissions	581		
Total written submissions	277		

A degree of caution should be taken in generalising findings from the consultation to the broader ACT community as the voluntary nature of the consultation can result in a degree of selection bias. The sample size (n=581) represents the largest response to date about a smoke-free community consultation. However, the sample size also creates a margin of error when attempts are made to generalise the findings to the ACT population.

Conclusion

There was widespread support for the proposal to establish smoke-free areas at public transport waiting areas, including bus and taxi stops and shelters, ACT Government public transport vehicles and platforms. 93 per cent of respondents supported the proposal via the community consultation undertaken between February and April 2017.

Appendix A: Smoke-Free Public Transport Waiting Areas Survey

Introduction

The ACT Government is proposing to declare ACT public transport waiting areas smoke-free under the *Smoke-Free Public Places Act 2003* (the Act). The ACT Government is committed to protecting the public from the harms associated with smoking and exposure to second-hand tobacco smoke (SHS). 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. Currently, there are no restrictions on smoking at ACT public transport waiting areas.

Proposal

The ACT Government is considering the establishment of smoke-free areas within five metres of public transport stops, including bus and taxi stops, shelters, ACT Government public transport vehicles and platforms. Public transport platforms include bus stations and interchanges, tram stations and train stations. The area would be smoke-free at all times, regardless of whether commuters or public transport was present.

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.

This proposal will make it an offence under the Act to smoke within 5 metres of an ACT public transport waiting area. 'Smoking' and 'smoking products' are defined in the Act, and currently include but are not limited to tobacco products and personal vaporisers, commonly known as electronic cigarettes. Smoking in a legislated smoke-free area is a strict liability offence, and may penalties apply. More detail on the proposal can be found in the Smoke-free ACT Public Transport Waiting Areas discussion paper (the discussion paper) available on the Your Say website at www.yoursay.act.gov.au.

Questionnaire

The questionnaire asks a series of questions relating to the proposal above. The questionnaire should take between 5 and 15 minutes to complete and should be emailed to hps@act.gov.au or mailed to:

Attn - Environmental Health Policy & Projects team
Health Protection Service
Locked Bag 5005
Holder ACT 2611

Note: ACT Health will not be accepting submissions from the tobacco industry for this consultation in accordance with the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) Article 5.3, to which Australia is a signatory nation.

Section 1 - Personal information and consent

1. Contact details

Name:	
E-mail address:	
Postal address:	
Organisation and position: (if you are responding on behalf of an organisation)	

2. Do you consent to your submission being publicly released, for example by publication on ACT Government websites? *(Please tick one option. If you do not indicate a preference your submission will remain confidential)*

- Yes – I consent to my submission being released with my name, and organisation (if applicable).
- Yes – I consent to my submission being released anonymously.
- No – I wish my submission to remain confidential.

3. Are you willing to be contacted to discuss the details of your submission with ACT Health staff if clarification is required?

- Yes – preferred daytime contact number:
- No

4. Are you responding to the consultation as an individual or on behalf of an organisation?

- As an individual – please proceed to question 5
- On behalf of an organisation – please proceed to next section

5. Which of the following best describes your smoking status?

- I don't smoke
- I don't smoke now, but I used to
- I smoke, but I'm trying to quit
- I smoke and don't have any current plans to quit
- I don't wish to answer

6. Which of the following best describes your age

Under 18 years of age.

18 years or older.

7. Are you a resident of the ACT?

Yes

No

8. Have you used an ACT public transport waiting area in the last 6 months?

Yes

No

Section 2 - Smoke-free public transport waiting areas in the ACT

9. Would you support making ACT public transport waiting areas smoke-free in line with the proposal at the introduction of this questionnaire?

Yes

No

Unsure

10. If you answered no or unsure to question 9 please explain why in the text box below?

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11. If responding on behalf of an organisation, would your organisation be impacted by making ACT public transport waiting areas smoke-free in line with the proposal at the introduction of this questionnaire?

- Yes
- No
- Unsure

12. If you answered yes to question 11, please explain how your organisation would be impacted by making ACT public transport waiting areas smoke-free?

13. If you would like to make final comments about smoke-free public transport waiting areas that have not been covered in the discussion paper or questionnaire, please provide them here.
