

MINUTE PAPER

SUBJECT:

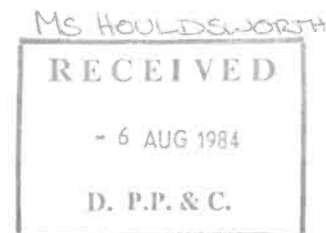
INTER DEPARTMENTAL WORKING GROUP - RIGHTS OF NON-SMOKERS

REF: 82/640
VS/JP

 Assistant Secretary
Policy Co-ordination

 through: A/g First Assistant Secretary
Transport and Technical Services

6.9.84.



I refer to your minute 84/0181 of 3.9.84 in which you sought comment on the Department of Health memo regarding possible options for legislative action 'to ensure the right of non-smokers to breathe air unpolluted by tobacco smoke'.

The Health memo refers to a draft summary of possible options for legislative actions, and seeks an assessment and amendment. However, the attachment relating to ACTION buses refers only to existing restrictions or controls over smoking in public places, and does not suggest other possible options.

There is also some misunderstanding about the current legislation covering smoking on ACTION buses. Motor Omnibus Services Regulation 25A states that

- (1) A person, other than the driver, shall not take into an omnibus, a cigarette, cigar, pipe or other article that is alight
- (2) A passenger in an omnibus shall not light or smoke a cigarette, cigar, pipe or other article.

Penalty : \$100

Regulation 35A describes the procedure for issuing a smoking infringement notice where 'a police officer or an inspector has reason to believe that a smoking offence has been committed.....'

One issue of concern to ACTION is that drivers of buses are not precluded from smoking while driving a bus. ACTION management attempts to discourage drivers from smoking on buses, however, the Transport Workers' Union has indicated that it is not prepared to accept a smoking ban without looking at building in additional time in shifts for 'smoke breaks'. This, however, would cost hundreds of thousands of dollars in additional shift payments and in view of the small number of drivers who smoke on buses, it is considered that the present situation does not warrant a change.

As mentioned the smoking in enclosed bus shelters is difficult to police, and it is considered that any proposed legislation about smoking in public places should cover enclosed bus shelters, rather than be included in the Motor Omnibus Services Regulations.

The second paragraph of the attachment is unclear. We are not aware of the Motor Omnibus Regulations or of the remainder of the paragraph which refers to areas specifically set aside for smokers and 'where smoking is prohibited by the display of a notice to that effect'.

This would appear to apply to PRIVATE houses. DKH.



C Thompson
A/g Assistant Secretary
Public Transit Branch

5 September 1984