

SECOND READING SPEECH

Public Health Amendment Bill 2011

Mr Speaker

I am pleased today to introduce this Bill, which is directly aimed at reducing the harm to Tasmanians caused by smoking.

The importance of measures targeted at this critical health issue cannot be underestimated.

Smoking is the single greatest preventable cause of illness and death across Australia.

Every year, smoking causes the death of more than 500 Tasmanians.

Smoking costs millions of dollars each year in health expenditure alone. Across Australia, tobacco use accounts for some \$30 billion in social costs.

While there isn't one initiative that will solve the issue overnight, we can all work together in moving towards a healthier Tasmania.

Parents and educators have a role in teaching children about the risks of smoking and modelling healthy behaviours.

Businesses have a role in expanding and enforcing smoke-free areas, in not selling tobacco to children, and making a considered choice as to the appropriateness of selling tobacco at all.

Governments, at all levels, have a role to play in helping to create environments that encourage and support people in making healthy lifestyle choices.

The Tasmanian Government's commitment is strong. The newly developed strategy *A Healthy Tasmania* will drive collaboration and partnerships across a range of sectors to address the social determinants of health issues and outcomes, including smoking and its harms.

The *Tasmanian Tobacco Action Plan 2011-15* contains a range of measures aimed at meeting the *Tasmania Together* target of reducing smoking prevalence to 10 percent by 2020. The recently endorsed plan was developed with the support of the Tobacco Coalition, a group of stakeholders from government and non-government sectors with a commitment to reducing smoking prevalence in Tasmania.

The measures in the Action Plan focus on the provision of cessation services and treatment, the promotion of quit and smoke-free messages, encouraging community support and education, and strengthening our legislative framework.

This is the focus of the Bill before the House today.

It builds upon on our existing strengths by supporting social change to create a culture in which tobacco is less desirable and less acceptable. It will help protect children and others from harmful environmental (or second hand) tobacco smoke.

Denormalising tobacco is crucial to protecting the children of today from becoming the next generation of adult smokers.

This is because many smokers begin smoking as a child. Children underestimate the addictive nature of tobacco and are at risk of becoming dependent before they are old enough to be fully aware of damaging effects of smoking. It is then difficult to give up the addiction as an adult.

Reducing the incidences in which children are exposed to tobacco and smoking helps to denormalise it to children so they are less likely to view smoking as socially acceptable behaviour, less likely to start smoking and, as a consequence, less likely to suffer the harms of smoking.

There are already a number of initiatives in the *Public Health Act* that help denormalise smoking and prevent exposure to second hand smoke.

There are bans on advertising and displaying tobacco, and restrictions on tobacco-related information at point of sale, as well as mandatory health notices that must be displayed.

It is an offence to supply a child with tobacco or smoke in a car with a child.

Enclosed public places, workplaces and pubs and clubs are all smoke-free areas. Occupiers of premises may also voluntarily designate areas as smoke-free – and I certainly encourage them to do so.

Restricting the places where smoking is permitted is an effective strategy for reducing harm from second hand smoke. It can also motivate existing smokers to smoke less and quit.

The Bill before the House today, builds upon these provisions and extends smoke-free areas across Tasmania to include other areas in which the public congregate and in which children are invariably present.

These areas include:

- public swimming pools
- between the flags at beaches
- pedestrian and bus malls
- anywhere within 3 metres of bus shelters
- anywhere within 10 metres of children's playgrounds
- within outdoor dining areas and
- within 3 metres of outdoor dining areas not surrounded by a screen impervious to smoke.

Significantly, the Bill introduces a new legislative regime reinforcing the message that smoking and sport do not mix.

Smoking is already banned in enclosed sports venues and in reserved seating areas. This will be extended to include additional smoke-free areas at all outdoor sporting venues when an organised sporting event is taking place.

Specifically, smoking will not be permitted within 20 metres of:

- any permanent or temporary public seating
- the marshalling and warm up areas, podiums or other parts of the venue reserved for competitors or officials and
- any part of the venue used to conduct the sport.

Tasmania is the first Australian jurisdiction to legislate such a comprehensive regime for smoke-free sports and we hope to lead the way for other states and territories.

All organised sporting events will be included – from little athletics, school sports, and rostered sports of all leagues.

From netball, to tennis, to football – if it is an organised sporting event, planned in advance and conducted in accordance with established rules by a professional or amateur sporting body or by an educational institution, then these smoke-free areas will apply – regardless of where it is taking place.

In addition, the Director of Public Health will have the ability to designate particular public events as smoke-free.

This will take place over time and will likely begin with those events at which children or teenagers are particularly likely to attend – such as regattas and music festivals.

The Director will begin discussions with relevant event organisers next year and will allow them sufficient time to implement the change.

These new smoke-free measures represent a significant positive step in denormalising tobacco to children and protecting Tasmanian's from exposure to second hand tobacco smoke.

I might take a moment here to make the point that there is scientific evidence that demonstrates that second hand smoking does cause illness and disease.

I'm sure Members are quite aware of this, but I'm taking the time to mention it because my Department received a letter recently from a tobacco company, Imperial Tobacco, in which they made claims to the contrary.

I encourage anyone receiving such information from a tobacco company to contact my Department because it is an offence for them to provide incorrect information regarding the health effects of tobacco.

Second hand smoke is harmful. Even outdoors it presents a risk to health.

Therefore, strong legislation which further expands smoke-free areas is an essential step in protecting the public from its damaging effects.

The Bill also introduces a number of other measures aimed at denormalising tobacco.

- The sale of tobacco will not be permitted at public events.
- Specialist tobacconists will no longer be able to permanently display tobacco. This means, that across Tasmania, cigarette packets and cartons, cigars and loose tobacco will not be displayed in any retail stores. The incidental display of tobacco will be permitted in specific circumstances, for example during a sale or restocking.
- New restrictions will apply to vending machines. Only licensed premises may have one – and only one – and it must be located in an area where children are not permitted to enter.
- There are also some changes to the licensing scheme that will ensure it is clear that:
 - tobacco licences cannot be sold or transferred
 - only the licence holder and his or her employees are entitled to act under a licence and
 - the licensing register will no longer be available for public inspection (so that tobacco companies cannot use it to target existing or potential retailers).

There are also some changes to the Act that will enable nominated officers to confiscate tobacco products in the possession of a child, and not just those that are being smoked or used as currently provided for in the Act.

These provisions are carefully drafted to make it clear that the use of force against a child and personal searches are not permitted.

To support this proposal, the powers of the Director of Public Health to approve nominated officers will be extended so that the Director may approve classes of persons and attach conditions to approvals.

This will enable the Director to extend the range of nominated officers who have a role in enforcing particular provisions of the Act. This will be in addition to the tobacco control officers within my Department.

Many of the tobacco control provisions become self enforcing over time as people become aware of the new obligations. We anticipate commencing the Bill in March 2012 and officers within my Department are planning a coordinated education campaign.

The measures contained in this Bill are expected to result in significant public health gains over time.

Let me be clear though, this is not the end for tobacco reform in Tasmania. There are a number of measures in the *Tobacco Action Plan* to be implemented and new initiatives that we will consider in future in our efforts to reduce the harms from smoking.

I say this particularly to those in the community whose income is derived in any way from tobacco. We all want Tasmanian businesses to prosper. But those involved in the tobacco industry need be aware - smoking rates will decline and sales will fall. I urge these Tasmanian businesses to plan for this so that they do not struggle as tobacco consumption decreases.

I will also take this opportunity to send this message to tobacco companies - this Government will not permit tobacco companies to influence the development of tobacco policy in Tasmania.

My Department recently received letters from tobacco companies attempting to dissuade the Government from proceeding with its tobacco reforms. Whilst we will engage with them in their capacity as licence holders, there is, as recognised in the *World Health Organisation's Framework Convention on Tobacco Control*, a fundamental and irreconcilable conflict between the tobacco industry's interest and public health policy interests.

This Government takes its public health policies seriously. We are proud of our efforts to reduce the harm caused by smoking in Tasmania.

This Bill builds upon our existing strengths and represents a further positive step in improving health outcomes for all Tasmanians.

I commend the Bill to the House.