

SECOND READING SPEECH

Public Health Amendment Bill 2010

Mr Speaker

The Government has a strong commitment to preventing and reducing tobacco related harms in Tasmania. This is reflected in the goals and benchmarks of Tasmania *Together*, the *Tasmanian Tobacco Action Plan*, the establishment of the Tobacco Coalition (comprised of Government and non-government members), the Smoking Cessation Service (within Alcohol and Drug Services) and increased funding for anti-smoking campaigns.

The Government also supports its commitment by providing a strong legislative regime regulating the sale and use of tobacco and tobacco products in Tasmania.

To this end, the Government has legislated, through the *Public Health Act 1997*, to introduce smoke-free areas across the State (both indoors and outdoors) and to prevent smoking in vehicles when a child is present or when another person is present in the course of any employment.

The Act also prohibits the sale of tobacco and tobacco products to children and the advertising and promotion of these products.

In particular, the Act provides for a ban on the display of tobacco or tobacco products in premises other than specialist tobacconist premises.

This display ban is set to commence in February next year.

Like the advertising ban, a tobacco display ban helps to de-normalise tobacco 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 from the ill effects of tobacco use.

The purpose of the Bill before the House today is to clarify the application of the tobacco control provisions to ensure that when the display ban commences, the requirements attaching to tobacco retailers in Tasmania are clear.

The Bill simplifies the structure of the tobacco display provisions by separately setting out the provisions attaching to specialist tobacconists and those attaching to other tobacco retailers.

In relation to specialist tobacconists, the Bill effectively restates the obligations that currently exist under the Act. This is because specialist tobacconists are excluded from the operation of the display ban.

Members will be aware, however, that the treatment of specialist tobacconists was a key issue for consideration in the tobacco discussion paper released for consultation in August. One of the options put forward was the possibility of extending the display ban to include specialist tobacconists.

That will be a discussion for another day.

In the meantime, existing obligations that restrict the number of packets per product line that can be displayed, that limit the display area to 4 square metres, and that prevent the use of 'bells and whistles' to draw attention to tobacco sales units, have been replicated in the Bill.

The Bill also provides clarity in relation to the 'incidental' display of tobacco and tobacco products.

The Act does not presently offer guidance as to the use of the term 'display', leaving it open for the incidental display of tobacco and tobacco products to fall foul of the requirements of the Act.

To address this, the Bill sets out the circumstances in which the incidental display of tobacco and tobacco products is permitted. These include during restocking, selling, stocktaking, cleaning and repairing, relocating off-site, packing away a delivery, or in relation to personal use.

In relation to other retail premises, the Bill reinstates the display ban, clarifying that it applies to premises from which tobacco or tobacco products are sold (other than specialist tobacconists).

The Bill also sets out the circumstances in which the incidental display of tobacco and tobacco products is permitted in retail premises, mirroring those circumstances that apply to specialist tobacconists.

In this way, those retailers who choose to comply with the display ban by simply covering over existing displays can continue to engage in the activities that are 'part and parcel' of running a retail business, without contravening the Act.

To ensure that there is not an unlimited area of tobacco or tobacco products on display during these activities, that incidental display must be limited to 1 square metre. This is consistent with the current area in which sales units can display tobacco or tobacco products.

The Bill also ensures that customers on the premises who are in possession of their own personal quantity of tobacco and relevant smoking accoutrements will not be in contravention of the Act.

And in just the same way that the existing restrictions on the 'bells and whistles' that can be used to enhance sales units continue to apply to specialist tobacconists, the Bill ensures that these restrictions continue to also apply to other retail premises.

The Bill also replicates the existing prohibition on the placement of tobacco sales units within 75 centimetres of confectionery or products marketed at children.

While the amendments contained in the Bill do not represent significant policy reforms, they are nonetheless important, because without them, the application of certain provisions of the Act become unclear.

This is not to say that the Government is not serious about continuing to address the incidence of tobacco use and its resulting harms to Tasmanians.

On the contrary, the tobacco discussion paper released earlier this year proposed a number of legislative initiatives all targeted at addressing this important public health issue.

I look forward to presenting to Parliament next year further amendments to advance and build upon the existing strengths of the Act's tobacco control provisions.

In the meantime, the Bill before Members today amends the Act so it will clearly set out the obligations attaching to tobacco retail premises and those attaching to specialist tobacconists.

In this way, the legislation can continue to contribute to the public health outcomes it is designed to support.

I commend the Bill to the House.