

FACT SHEET

Public Health Amendment Bill 2010

Tobacco smoking remains the single greatest preventable cause of illness and death in Australia. Each year around 15 000 Australians die because they smoked. The most recent National Health Survey (2007-2008) shows that Tasmania has the second highest current smoking rate of all States and Territories at 24.9 per cent. Although this rate has reduced over time, it is still higher than the national average of 20.8 per cent.

Research shows that there is no safe level of tobacco consumption and no safe level of exposure to environmental tobacco smoke (passive smoke).

The Government recognises the importance of addressing this public health issue and has a strong commitment to preventing and reducing tobacco related harms in Tasmania.

It is committed to working with the Australian Government under the *National Partnership Agreement on Preventative Health* and supporting Australia's obligations under the World Health Organisation's *Framework Convention on Tobacco Control*.

At a local level, Tasmania *Together* recognises that reducing smoking prevalence is a key factor in promoting health in our community. The goals and benchmarks of Tasmania *Together* are incorporated into the *Tasmanian Tobacco Action Plan* which provides the framework for tobacco control in Tasmania.

Legislation has a key role to play in supporting these outcomes. Tasmania already has strong legislation in place aimed at protecting the community from the effects of environmental tobacco smoke and to regulate the display and availability of tobacco. The *Public Health Act 1997* provides for: mandatory smoke-free areas; a ban on smoking in vehicles when a child is present or when another person is present in the course of any employment; a ban on the sale of tobacco and tobacco products to children and the advertising and promotion of these products.

The Act also contains a ban on the display of tobacco and tobacco products that is set to commence on 2 February 2011.

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 *Public Health Amendment Bill 2010* is to clarify the application of the tobacco control provisions in the Act, to ensure that when the display ban commences the requirements attaching to tobacco retailers and specialist tobacconists are clear.

The Bill replaces the existing structure relating to display with a new structure that clearly sets out the obligations applying to each of these groups.

The display ban applies to retail premises from which tobacco or tobacco products are sold. The ban prohibits the display of tobacco or tobacco products (including cartons). The display ban does not apply to specialist tobacconist premises, however the treatment of this group of retailers is under consideration as canvassed in the recent discussion paper released by the Minister for Health.

For specialist tobacconists, the Bill replicates the existing requirements in the Act 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.

For other tobacco retailers, the Bill replicates the existing prohibition on the placement of tobacco sales units within 75 centimetres of confectionery or products marketed at children, as well as the 'bells and whistles' restrictions.

The Bill also clarifies the circumstances in which the brief 'incidental' display of tobacco or tobacco products is permitted. These include during restocking, selling, stocktaking, cleaning and repairing the sales unit, relocating products off-site, packing away a delivery or in relation to personal use. This ensures that retailers who choose to simply cover over existing displays can continue to engage in the activities that are 'part and parcel' of operating a retail business without contravening the Act.

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.

By clarifying the operation of the Act, the Bill ensures that the legislation can continue to contribute to the public health outcomes it is designed to support.