

FACT SHEET

Public Health Amendment Bill 2011

This Bill introduces a number of important changes to the *Public Health Act 1997* aimed at reducing the harms caused by smoking. Every year, smoking causes the death of more than 500 Tasmanians.

The Bill helps support 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 most 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 its damaging effects. 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 smoking to children so they are less likely to view it 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 products, and restrictions on tobacco-related information at point of sale, and certain health notices that must be displayed. It is an offence to supply a child with tobacco or to smoke in a car with a child. Enclosed public places, workplaces and pubs and clubs are also smoke-free, as well as the areas within three-metres of an entrance/exit to a building and 10 metres of the air intake for ventilation equipment on a building. Occupiers of premises to which the public has access may also voluntarily designate areas as smoke-free.

The changes being introduced build upon these existing strengths and extend 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
- in and within 3 metres of bus shelters
- in and within 10 metres of children's playgrounds
- in outdoor dining areas and
- within 3 metres of outdoor dining areas that are not surrounded by a screen at least 2.1 metres high and impervious to smoke.

There are also changes reinforcing the message that smoking and sport do not mix. New smoke-free areas will be introduced at all outdoor sporting venues when an organised sporting event is being held. 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.

This will apply to all sports that are planned in advance and conducted in accordance with established rules, by an established professional or amateur sporting body or by an educational institution (whether as a one-off event or as part of a round of events). The smoke-free area will apply during the game and for the period 30 minutes before and 30 minutes after.

All sports are included – little athletics, school sports, rostered sports of all leagues and all types – from hockey, to netball, to athletics, to football – every sport, regardless of league and regardless of the venue at which it is held, is included.

This is an important new initiative that will protect competitors, spectators and officials at sporting events. 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.

As part of the changes, the Director of Public Health will also 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.

Other changes to the Act supporting these goals include:

- Extending the restrictions on the sale and display of tobacco products, so that:
 - in addition to general tobacco retailers, specialist tobacconists cannot permanently display tobacco packets and cartons or cigars/loose tobacco;
 - licensed venues may have only one vending machine in the service area of a restricted area (ie areas in which children cannot enter);
 - the sale of tobacco products is banned at public events; and
 - tobacco products are removed from shopper loyalty programs.
- Amending the tobacco licensing provisions, so that:
 - a licence must be obtained prior to selling tobacco products from additional premises;
 - licences are not transferrable to new business owners;
 - licences will not be displayed in premises; and
 - the licence register will not be available for public inspection (preventing its misuse by tobacco companies).

- Other changes will be made, so that:
 - extinguishing a cigarette upon request is no defence to the charge of smoking in a smoke-free area;
 - the Director of Public Health can approve classes of nominated officers (with or without conditions) to enforce particular provisions of the Act; and
 - approved nominated officers may confiscate tobacco products in a child's possession (conducting personal searches or using force is not permitted).

The changes will become law on 1 March 2012 upon which enforcement officers will take an education first approach to enforcing the new provisions.