

Date: 1 December 2015
Contact: K Soegaard
Location: Bundall
Telephone: [REDACTED]
Your reference:
Our reference: LG222/354/42(P1); mw #52168841

Ms Leanne Linard MP
Health and Ambulance Services Committee
Parliament House
George Street
BRISBANE QLD 4001



Dear Ms Linard

Tobacco and Other Smoking Products (Smoke Free Places) Amendment Bill 2015

Thank you for your correspondence dated 17 November 2015 inviting submissions on the *Tobacco and Other Smoking Products (Smoke Free Places) Amendment Bill 2015*.

City of Gold Coast's Health Regulatory & Lifeguard Services Branch (HR&LSB) wishes to register the following concerns with respect to the proposed changes:

- *Cost shifting* – Despite the fact that clause 18 of the bill states that there is no duty on a local government to enforce the relevant provisions, making the provisions available to local government on an "opt in" basis raises a community expectation for local governments to provide an essentially unfunded new service to the community. It is considered unfunded as educational and enforcement costs would be considerable whereby recovery of costs via fines would be comparatively minimal. Enforcement of smoking restrictions is considered to be a state government responsibility, and for which significant funding is received through tobacco taxes. In order to remove the pressure for local governments to take on this enforcement role and its associated costs it is recommend that they be removed from having the ability to enforce smoking bans.
- *Effectiveness of certain proposed provisions* – The City of Gold Coast previously considered whether to implement smoking bans in its malls and public transport waiting points in 2010 and again in 2012. It was noted as part of these considerations that whilst this might reduce the incidence of passive smoking within the designated areas such as a mall, the associated problem would likely be only relocated onto areas directly adjacent to controlled areas, creating "choke points". Many other logistical and enforcement issues were also identified at the time resulting in a decision to not take up the voluntary provisions.
- *Enforcement in schools* - Should the proposed laws be adopted, it is noted that local government would be jointly responsible for enforcement of smoking bans within school grounds. Enforcing state government laws within schools, and particularly within public schools, is outside the usual scope of local governments and raises many potential issues.
- *Provisions allowing the making of local laws prohibiting smoking in other places* – While the proposed state-wide banning of smoking in public transport waiting points and malls provides consistency across the state, the provisions to allow local governments to introduce bans in other places once again creates potential for confusion.

Should you require any further information with regard to the concerns identified above, **please contact Coordinator Policy and Program Development Stuart Patrick on [REDACTED]**.

Yours faithfully

[REDACTED]
John Cohen
Manager Health, Regulatory & Lifeguard Services
For the Chief Executive Officer
Council of the City of Gold Coast

cc Mr Robert Ferguson
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