



*Dedicated to a better Brisbane*

14 December 2015

Ms Leanne Linard MP  
Chair, Health and Ambulance Services Committee  
Parliament house  
George Street  
BRISBANE QLD 4000

Dear Ms Linard

Thank you for the opportunity to provide comments on the Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill 2015 (the Bill) that proposes changes to the *Tobacco and Other Smoking Products Act 1998*.

While Council recognises the adverse health impacts of smoking, Council does not support changes that remove the power of local governments to make local laws prohibiting smoking in outdoor pedestrian malls and outdoor public transport waiting places. Council's view is that decisions about whether, and where, smoking should be prohibited should be made by local governments after community consultation.

Blanket bans are innately inflexible and run the risk of creating unforeseen displacement effects, making smoking problems worse in un-regulated areas. Council's *Smoke Free Places Local Law 2011* (the local law) was drafted after extensive community consultation to ensure that, while the public was protected from tobacco smoke in the highest use areas of the Queen Street Mall, smoking was able to continue in suitable areas with less risk to the community. This flexibility will be lost if this Bill proceeds, as the local law will no longer be able to operate once a ban on smoking throughout all pedestrian malls in Queensland comes into effect.

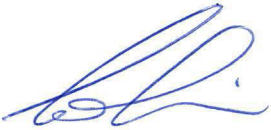
Additionally, it would be manifestly impractical to administer and enforce legislation that extends the current bans at public entrance points to enclosed places and adds bans throughout pedestrian malls and public transport waiting points in Brisbane. For example, an authorised officer would be required to be present at the time an event occurred to issue a fine for a smoking offence. Given there are currently over 6,500 bus stops and 15 bus interchange stations that Council controls across Brisbane, regulating smoking at these locations would be extremely labour intensive, complex and near impossible.

While Council acknowledges that the Bill preserves the current ability of local governments to choose whether or not to take on enforcement powers, Council is concerned that neither State nor Local Government would have the capacity to undertake the enormous task of enforcing these extended state-wide prohibitions in any meaningful manner.

Therefore, Council's support for the Bill is conditional on local governments not being required to enforce the provisions under the Bill, and retaining the power to elect certain areas regulated by the Bill to administer.

Should you require further information on Council's submission, please contact Mr Blair Clark, Principal Officer City Safety and Legislation, Compliance and Regulatory Services, on [REDACTED]

Yours Sincerely



Colin Jensen  
**CHIEF EXECUTIVE OFFICER**

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