

The Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill 2015

Gold Coast Public Health's comments on the Bill:

1. Clause 9 – S26VH (2) (a) – excluding the ban on smoking in car parks at major sports facilities is supported, however, there may be conflict with S26R (ban on smoking in an enclosed place) if the carpark is enclosed or substantially enclosed.
2. Clause 9 – S26VH (2) (b) – excluding picnic areas or areas of parkland from the smoking bans at major sports facilities is not supported:
 - the Gold Coast 600 motor racing major event has large parklands and picnic areas in which smoking is permitted;
 - this could also conflict with S26ZK which bans smoking from within 10m of children's playground equipment if located in the parkland, unless a similar section to S26VL (3) is included in S26VH;
 - this could create conflict with the outdoor eating and drinking guidelines, if people are eating and drinking in parklands or picnic areas at major sporting facilities, smoking is not permitted under S26W, but is permitted under S26VH;
 - this could create potential issues with Gold Coast Commonwealth Games venues (if declared a major sporting facility), as smoking will be permitted picnic areas and parklands at these venues;
 - there will be a large proportion of the GC600 Motor Racing event where smoking will be permitted (Macintosh Island is all parklands, and the 'Hill' area is grassy and could be considered parklands also;
 - it is recommended that smoking at major sporting facilities only be permitted at 'nominated outdoor smoking places'.
3. Clause 9 – S26VL – the intent of allowing 'nominated outdoor smoking places' (NOSP) at major sporting facilities is supported, however, we recommend that the Act provides:
 - that the nominated outdoor smoking places is adequately signed as such a place and that no food or drink is permitted; and
 - the provision of entertainment should be banned, similar to S26ZB in designated outdoor smoking areas in liquor licensed premises; and
 - it is recommended that the NOSPs are not situated in prime locations, and no provisions are provided other than 'waste bins' for butts.
4. Clause 9 – Division 6 (Public Swimming Pools), Division 7 (Early Childhood Centres), Division 8 (Residential Care Facilities) are supported.
5. Clause 10 – S26W (4) – requires amendment as there is no offence for people to consume food and drink at tables designated as 'smoking' tables, which effectively means people can smoke, eat and drink at tables signed as 'smoking tables/no food or drink allowed', and we have evidence this is occurring.
6. Clause 11 – S26ZD - the ban on people smoking within a government precinct is supported, however, further clarity on what is meant by 'land' that adjoins a government building is required, for example, does it include car parks (which are excluded from smoking bans in major sporting facilities), what is the size of the adjoining land if the property is not fenced? Does this include state owned housing that is occupied by state employees?
7. Clause 13 – S26ZKC – the ban on smoking at or near skate parks is supported, however, suggest add 'inline skates' to (3) (a).
8. Clause 13 – S26ZKD – the ban on smoking at a sporting ground is supported.
9. Clause 21 – Dictionary – the amendments to the definitions of 'hookah' and 'smoke' are supported.

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