

Date: 12 August 2015
Contact: K Soegaard
Location: Surfers Paradise
Telephone: [REDACTED]
Your reference:
Our reference: LG222/354/42(P1); mw #50681592



Submission No: 004
CITY OF
GOLDCOAST.

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

Dear Ms Linard

**TOBACCO AND OTHER SMOKING PRODUCTS (EXTENSION OF SMOKING BANS)
AMENDMENT BILL 2015**

Thank you for your correspondence dated 17 July 2015 inviting submissions on the *Tobacco and Other Smoking Products (Extension of Smoking Bans) 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 section 26ZM(2) of the *Tobacco and Other Smoking Products Act 1998* stating that there is no duty on a local government to enforce these 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. The new proposed service is considered to be a state government responsibility, whereby significant funding is received through tobacco taxes and hence the proposed laws are considered to be cost shifting from the State government to local government. Accordingly, HR&LSB recommend that local governments be removed from having the ability to implement smoking bans in public places.
- *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.

Should you require any further information with regard to the concerns identified above, **please contact Coordinator Policy and Program Development Stuart Patrick on 07 5581 6464.**

Yours faithfully

John Cohen
MANAGER HEALTH, REGULATORY & LIFEGUARD SERVICES
For the Chief Executive Officer
Council of the City of Gold Coast