

17 August 2015

Ms Leanne Linard MP
Chair
Health and Ambulance Services Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Ms Linard

The Queensland Catholic Education Commission (QCEC) thanks the Chair of the *Health and Ambulance Services Committee* for the opportunity to provide comment on the Inquiry into the *Tobacco and Other Smoking Products (Extension of Bans) Amendment Bill 2015*.

QCEC is the peak body at state level for twenty Catholic school employing authorities with 146,000 students and 17,000 staff and is committed to working collaboratively with the government to achieve its commitment to have schools that provide for the safety, wellbeing and best interests of all children.

QCEC notes that the Bill does not appear to have direct impact on Catholic schools in Queensland. However, QCEC supports the intent of the Bill to decrease the incidence of smoking in Queensland and offers a number of comments on the Explanatory Notes of the Bill to indicate the nature of this support. These comments are provided as Attachment 1.

QCEC appreciates the opportunity to provide these comments to the *Health and Ambulance Services Committee* and would be pleased to provide further comment if required.

Yours sincerely


Dr Lee-Anne Perry AM
Executive Director



QCEC Comments on the Health and Ambulance Services Committee Inquiry into Tobacco and Other Smoking Products (Extension of Bans) Amendment Bill 2015

17 August 2015

QCEC General Comment:

It is noted that the Bill is for an act to amend the *Tobacco and Other Smoking Products Act 1998*, the *Tobacco and Other Smoking Products Regulation 2010* and the *State Penalties Enforcement Regulation 2014* for particular purposes.

QCEC notes that this Bill is designed to extend the amendments to the *Tobacco and Other Smoking Products Act 1998* which were achieved by the *Health Legislation Amendment Act 2014*.

In September 2014, before the Act was passed, QCEC was pleased to make a submission to the Parliament's Health and Community Services Committee in relation to these amendments.

It is noted that the current Bill does not appear to have a direct impact on Catholic schools.

With this in mind, QCEC offers the following response which consists of comments in relation to the explanatory notes of the Bill rather than a detailed analysis of the text of the Bill itself.

Explanatory Note to the Bill:

Policy objectives and the reasons for them

The objective of the amendment to the Bill is to:

Decrease the incidence of smoking in Queensland. While prevalence has decreased by 26% over the decade since 2004 – the rate of decrease has slowed over recent years – new measures are required to continue historical rates of progress and therefore propose the following amendments to the Tobacco and Other Smoking Products Act 1998 to strengthen smoking bans in Queensland.

QCEC Response:

QCEC is supportive of initiatives which would reduce the incidence of smoking in Queensland particularly among children and young people. The Commission takes the view that the extension of smoking bans may be helpful in achieving this intention but, in the case of school-age children and young people, the provision of effective education programs and the example of significant adults will continue to be more powerful factors in preventing them from acquiring the smoking habit.

Explanatory Note to the Bill:

Achievement of policy objectives

Each year more than 3,400 Queenslanders die from smoking related illnesses. The Qld Cancer Council estimate that smoking accounts for approximately \$6.1 billion every year in health costs resulting from 36,000 hospitalisations, lost productivity and premature death in Queensland.

Strong tobacco legislation is one element of a multi-strategy approach for reducing smoking rates.

This Bill will assist in achieving these objectives. This Bill proposes to;

Ban Smoking with 5 m of all State Government buildings

Ban smoking at all transport waiting areas and pedestrian malls

Ban smoking at public swimming pools and skate parks

Ban sale of cigarettes at pop up sales venues

1. Smoking banned within 5 metres of entrances to Queensland Government buildings occupied either wholly or in part. – An extension of Hospitals and Schools introduced last year including Parliament, Queensland Courts, public service bodies, Queensland Government departments.
2. State-wide ban on smoking at public transport waiting points and pedestrian malls. Local councils have the ability under 2010 legislation. A state-wide ban provides a clear consistent and enforceable message about passive smoking. Including ferry terminals and taxi ranks.
3. State-wide ban of smoking at Public swimming pools and skate parks. Similar to the pop up sales outlets to stop young people taking up smoking at an early age
4. Ban sale of cigarettes at “pop up” sales outlets. Tobacco companies market their products to young people by using temporary stands offering cigarettes for sale at major outdoor events. It is important to prevent advertising to this age group as the majority of smokers make the transition from experimental to regular smoking during their early twenties. Queensland is the only State without a regulatory mechanism to prevent sale of cigarettes at “pop up” outlets.

QCEC Response:

QCEC is supportive of these strategies to achieve the policy objectives but notes that such strategies need to be complemented by proactive strategies to encourage children and young people to develop habits which lead to good health and a state of wellbeing.

Explanatory Note to the Bill:

Alternative ways of achieving policy objectives

The Queensland Cancer council was consulted in ways in which further reduction in smoking rates could be achieved. Some of their recommendations are contained within this Bill.

QCEC Response:

QCEC commends the process of consulting with the Queensland Cancer council in the development of the Bill and would encourage the State Government to ensure that the Queensland Cancer Council is adequately resourced to continue its proactive strategies to reduce the incidence of smoking in the community including education programs suitable for schools.

Explanatory Note to the Bill:

Estimated cost for government implementation

Cost estimates have not been included in this.

QCEC Response:

QCEC notes this matter.

Explanatory Note to the Bill:

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles.

QCEC Response:

QCEC notes this matter.

Explanatory Note to the Bill:

Consultation

The Queensland Cancer Council was consulted on the preparation of this Bill

QCEC Response:

QCEC commends the process of consultation.

Explanatory Note to the Bill:

Consistency with legislation of other jurisdictions

This Bill will bring Queensland in line with other jurisdictions in Australia. Queensland is the only State without a regulatory mechanism to prevent sale of cigarettes at “pop up” outlets
New South Wales prohibits smoking at all public transport waiting areas. South Australia & Victoria, prohibit smoking in covered transport waiting areas. Australian Capital Territory and Western Australia have no specific legislation. Tasmania is the only jurisdiction with a state-wide ban on smoking in all pedestrian malls

QCEC Response:

QCEC commends the alignment of Queensland legislation with other Australian states.

Explanatory Note to the Bill:

Notes on provisions

Insertions

1. Part 2 Division 1A Particular restrictions on sales by suppliers
Insert new ss13c and 13D
 - 1) A supplier must not sell smoking from products from a vehicle,
 - 2) Vehicle includes a trailer, caravan or other similar thing
- 2 Division 2B Government Buildings
26ZGG A person must not smoke on land within 5 metres of a government buildings
Replacement of
S 26ZI (person must not smoke at prescribed outdoor swimming area
26ZKA A person must not smoke at an outdoor pedestrian mall
26ZKB A person must not smoke at public transport waiting point.
26ZKC A Person must not smoke at a skate park
13D must not sell from a pop up store a temporary store or a retail outlet where smoking products are available for sale during a public event

QCEC Response:

QCEC notes these insertions.

QCEC Conclusion:

A key issue in the enforcement of this proposed legislation is the matter of who has the power to direct a person to stop smoking.

In the case of government buildings, it would seem that the usual security officers on duty would exercise this power.

In the case of swimming pools and skate parks, it is not clear who would have the power to direct a person to stop smoking.

It is presumed that the manager of a swimming pool would have that authority but many skate parks usually do not have managers on site.

If schools use either of these facilities it will be important to have clarity around who has the power to direct a person to stop smoking if this occurs in the presence of students.



**Dr Lee-Anne Perry AM
Executive Director**