



2 October 2014

The Research Director

Health and Community Services Committee
Parliament House
George Street
BRISBANE QLD 4000

Email Submission: hcsc@parliament.qld.gov.au

Dear **Director**

Thank you for the opportunity to provide our comments on the proposed amendments to the *Tobacco and Other Smoking Products Act 1998*, as contained in the Health Legislation Amendment Bill 2014.

Clubs Queensland is the peak industry association of approximately 1,000 licensed community clubs in Queensland and as such has the mandate to speak on behalf of the community clubs industry.

As licensed premises, community clubs are captured by the current smoking laws that ban smoking in all enclosed areas but allow clubs to establish one or more Designated Outdoor Smoking Area/s (DOSA) as per the needs of their patrons. This is a sensible compromise that seeks to balance the needs of club patrons who wish to smoke, against those who do not wish to smoke, on licensed premises. This framework is underpinned by the notion that patrons have a choice and can decide what is in their best interest.

We understand that the proposed amendments to the *Tobacco and Other Smoking Products Act 1998* do not seek to ban the use of electronic cigarettes on licensed premises. Instead, they deem electronic cigarettes as the same as normal cigarettes and, therefore, restrict their use to only the DOSA.

We find this proposal extremely problematic as electronic cigarettes are not a cigarette in the traditional form that has existed previously (i.e. they do not burn tobacco or contain other harmful chemicals). We understand that this is where their appeal lies and they are often chosen by patrons or prescribed to patrons by medical practitioners as a safe and effective alternative to normal smoking in their bid to quit or remove smoking traditional cigarettes.

The proposed amendments will inadvertently cause more harm than good, as they will be forcing people seeking to reduce or quit smoking to 'vape' in areas designed for traditional cigarette smokers and as such will be exposed to second hand smoke.

Another serious detrimental impact of the proposed legislation will be that Queensland clubs will be out of line with other jurisdictions. For Queensland clubs, particularly those that border with NSW, this will have a significant impact. Currently, electronic cigarettes are not banned in NSW and we are unaware of any proposed changes to this status. There is a high level of movement of patrons between NSW and Qld clubs, particularly in the Gold Coast region and well as high tourism traffic from other states. This will see clubs being required to challenge patrons who may be unaware of the different legislative framework and cause additional confusion to the issue. Clubs Queensland proposes that as the majority of smoking regulation and taxation is at a federal level, that the matter be dealt with at a national level thus ensuring a standardised legislative framework across the country so that Queensland legislation remains consistent with other jurisdictions.

Clubs Queensland's initial response to the appearance of electronic cigarettes in clubs was to treat them as a traditional cigarette. This was purely done due to the lack of information available on electronic cigarettes, their possible usages and the benefits in the treatment of reducing harmful smoking. As the level of public health information has increased and been validated by various health organisations across the globe, Clubs Queensland feels that clubs can now make a more informed choice.

In short, electronic cigarettes, despite their resemblance in name, are not the same as traditional cigarettes in look, feel, smell or use. They do not produce second-hand smoke or release other harmful toxins and can be readily differentiated from normal cigarettes. They are an alternative to smoking and are often used as a tool to assist smokers to quit smoking. **On these grounds, Clubs Queensland believes that in addition for legislative consistency across state jurisdictions, electronic cigarettes should be able to be used on all parts of club premises at the discretion of club management.**

Please do not hesitate to contact me (t: [REDACTED] or [REDACTED]) should you require more information or clarification on this submission.

Yours sincerely



Doug Flockhart
Chief Executive Officer