

Tobacco and Other Smoking Products Amendment Bill 2023

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Attachments:

Submitter Comments:

30 March 2023

Committee Secretary
Health and Environment Committee
Parliament House
George Street
Brisbane QLD 4000

By email: HEC@parliament.qld.gov.au

Dear Secretary

Tobacco and Other Smoking Products Amendment Bill 2023

Clubs Queensland (**CQ**) thanks the Queensland Government for the opportunity to provide feedback on the *Tobacco and Other Smoking Products Amendment Bill 2023 (the Bill)*.

CQ supports the intention of the Bill which seeks to reduce the smoking rate in Queensland and provide the community with further protections from second-hand smoke and the illicit tobacco trade. CQ does not support some of the suggested proposals in relation to licensed venues as it considers that these proposals will not materially reduce the negative effects of smoking within licensed venues.

However, CQ reiterates that it supports proposals that have practical benefits on the health of Queenslanders and considers that government should be taking further action in relation to high rates of e-cigarette use, 'vaping' and the like by younger Queenslanders.

Clubs Queensland

CQ is the peak industry body for registered and licensed community clubs in Queensland. CQ engages in a range of professional activities such as the provision of expert policy and operational advice and the representation of industry interests to government, media and other bodies.

CQ represents registered and licensed clubs across Queensland, including sporting clubs, surf life saving supporters clubs, RSL and services clubs and other general interest and cultural clubs. A large majority of our members permit smoking in outdoor areas, in Designated Outdoor Smoking Areas (**DOSAs**) and also sell smoking products.

Licensing scheme for supply of smoking products

CQ is of the view that licensed venues should not be required to submit a retail licence (liquor) application and fee. Rather there should be a simplified registration process whereby a liquor licensed venue can be deemed a licence holder for the purpose of supplying smoking products, without a need to reapply for such, in the absence of any change in the Club's circumstances.

Clubs already operate within a significant legislative framework and are vetted as licensees who are 'fit and proper' to hold a liquor licence under the *Liquor Act 1992* (Qld).

Further to this, many clubs are also licensed to operate gaming machines, lottery and wagering outlets. As responsible licensees, Clubs are subject to audit by Queensland Health, the Office of Liquor and Gaming Regulation, Queensland Police Service, Office of Fair Trading Queensland and Local Government.

Accordingly, CQ is of the view that any process around a proposed licensing scheme should be simplified to the extent possible. Clear messaging should be provided to industry regarding the need to make this application and also the timeframes for requiring such.

Supply or handling of smoking products by minors

CQ does not support the proposal that minors be banned from selling or handling tobacco products in licensed venues.

Minors who work in Clubs already work in a strict regulatory environment and in almost all circumstances have training in the Responsible Service of Alcohol and Responsible Service of Gaming, so are acutely aware and trained in compliance obligations as they relate to the provision of restricted products such as liquor and gaming.

Restricting DOSA access to adults

CQ supports proposals that have practical benefits on the health of Queenslanders, such as the proposed banning of minors in DOSAs.

Most clubs in Queensland have always proactively had house policies in place which ban minors from DOSAs. This form of self-regulation by the majority of industry has, over time, resulted in this being broadly accepted by patrons.

CQ represents a large number of sporting clubs who have unique DOSA structures, such as golf clubs and bowls clubs. It follows that CQ seeks to work with Queensland Health in relation to how such restriction will apply to DOSAs in larger sporting areas within such clubs, in collaboration with other sporting peak bodies.

Supply of smoking products at liquor licensed venues

With reference to the proposal that smoking products be only made available for purchase from behind a service counter, CQ does not support this proposal.

In past submissions, CQ highlighted that the sale of smoking products from licenced venues only makes up 0.199% of total sales in Australia. CQ is of the view that this, coupled with the discreet nature of tobacco vending machines and purchasing habits of patrons, will result in the proposal to restrict supply to a behind counter having no material impact.

Buffer zone requirements for DOSAs

CQ notes the proposal to extend buffer zone requirements to include a perimeter of the DOSA adjacent to an enclosed area of a liquor licenced premises.

In some instances, Clubs may be required to undertake significant construction or remedial work in order to comply with these changes.

CQ would propose that Clubs be provided with an option to seek an extension to the twelve month timeframe for implementation should circumstances arise through no fault of the licensee. Potential delays could be incurred through necessary approvals by the Office of Liquor and Gaming Regulation, shortages of trade, material and labour.

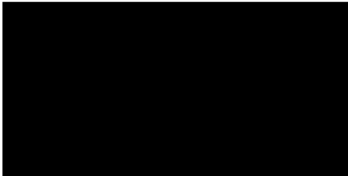


Clubs Queensland

Strengthening Clubs.
Benefitting Communities.

If you have any questions or concerns regarding this, please get in touch with Dan Nipperess on [REDACTED] or at [REDACTED] or Clear Henderson on [REDACTED] or at [REDACTED].

Yours sincerely



Craig Harley
CEO
Clubs Queensland