



Speech by

Miss FIONA SIMPSON

MEMBER FOR MAROOCHYDORE

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TOBACCO AND OTHER SMOKING PRODUCTS (PREVENTION OF SUPPLY TO CHILDREN) AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (4.54 p.m.): I rise to support this legislation, which is debated the day after an historic court decision in New South Wales where a former barmaid successfully sued her employer for suffering the effects of passive smoking. The ramifications of this decision go far beyond the detail of this amending bill that we are considering today, because this bill does not apply restrictions to smoking indoors at bars in licensed premises. It provides a range of restrictions in regard to banning smoking indoors in certain settings.

In many ways, the significance of this court case overtakes some of the provisions of this legislation in regard to indoor smoking bans. However, it highlights my view that further bans on smoking in certain places will come about not only through government-enacted statute but also through civil litigation and consumer demand. I envisage that yesterday's court ruling will actually force many premises to consider their legal liability in regard to allowing smoking indoors in areas not covered by this bill and that the insurance industry will also have a role to play in advising their customers as to the circumstances under which they will cover their clients.

In practice, consumers have already driven many changes, and we see many responsible shopping areas and theatres not allowing smoking inside their premises. In revising statute law, it is important to note that those new laws apply equally to businesses. So they are on the same footing. That appears to have been achieved in regard to the clubs, pubs and restaurant industry. Certainly to this point, that is the feedback I have received from the industry, which is important given some interstate problems with the implementation of their laws.

It is the role of the government to act in the public good and to educate the public on the considerable dangers of smoking, the dangers of passive smoking and particularly to discourage juvenile uptake of smoking through strict legislative prohibitions and education. I wish to place on the record the National Party's strong commitment to reducing the widespread impact of tobacco-related illnesses and particularly the early uptake of smoking by young Queenslanders.

In 1997, the coalition introduced into parliament legislation relating to smoking, which was since 1905 the first significant update of the previous legislation that was known as the Juvenile Smoking Suppression Act. In April 1999, I raised the issue of the dangers posed to people using herbal cigarettes. A new product called Ecstasy came onto the market. That highlighted particularly how people were trying to target people—once again, mainly juveniles—by calling these herbal cigarettes the name of an illicit drug and, obviously, trying to get a fair bit of publicity over it. I was pleased to see the Health Minister, at the end of that year, move to enact a ban on those types of smoking products as well, because these types of smoking products, in addition to tobacco, are harmful to people's health.

It is interesting to note that a lot of people do not realise just how carcinogenic other smoking products, in addition to tobacco, are—and that includes marijuana. In fact, when people take up smoking, regardless of whether it is tobacco or not, the adverse impacts on people's health are quite considerable. We know that respiratory tract infections and asthma are not uncommon in those people. Obviously, the inhalation of carbon monoxide has other negative impacts. So I was pleased that, after I

raised that issue, later in that year the Health Minister moved to amend that legislation so those products were brought within the scope of this legislation and also banned from sale to juveniles.

The opposition thoroughly supports the general thrust of this legislation now that it has been tabled in the House, although three areas, which I will be raising, are of concern. Of course, the primary one is the issue of education and health promotion. There is also the issue of enforcement for retailers or other individuals who are doing the wrong thing—in other words, the issue of implementation of this legislation, the issue of the policing of the penalties that are in the existing act and those that are being enhanced through this amending legislation. I also have some questions about the choice of exemptions in this amending bill.

Currently, the state government receives about \$521 million in tobacco taxes and spends very little of this on prevention. In Queensland, it is estimated that the state spends an appallingly low 30c per person on anti-smoking measures, which is just half the national average expenditure. I ask members to consider that in light of the fact that, in some parts of America, governments spend about \$6 per person on prevention.

The Heart Foundation has suggested that to have any real impact on reducing smoking uptake, particularly among teens, spending would need to be increased to about \$12 million in Queensland. It is vital that we adopt more effective preventive campaigns and other education measures designed to discourage or at least delay the uptake of smoking. Research shows that to be effective there needs to be continuous advertising rather than one-off advertising campaigns.

The urgent need for increased education efforts cannot be overstated. The Queensland Cancer Fund study estimates that 65,000 teenagers now smoke. This represents an increase of about 10,000 in three years. That increase related specifically to students in years 11 and 12 where the prevalence of smoking exceeds that of the adult population.

In order for education and promotion campaigns to be effective, they need to work in tandem with a support structure of legislation that forces cigarette retailers to do the right thing. While this bill legislates to increase maximum penalties for offences, it is a paper-only entry. The police numbers and resources that are needed to implement it must be provided.

This government will make statements about increasing the penalties for selling a smoking product to a child from \$975 to \$5,250. As I have said, we support those provisions and we welcome them. However, the real test of the effectiveness of the legislation will be in how resources are allocated to educate the retailers and how the responsible authorised officers will be resourced so that they can ensure that the laws are implemented. Only one conviction has been recorded against a vendor for selling cigarettes to juveniles in Queensland. I understand that that happened towards the end of last year.

The issue of education and health promotion is vitally important. California has proved how effective laws can be when money is spent on educating young people about the dangers of smoking. In our election campaign, the coalition announced that we would significantly increase funding for promotion campaigns to target juvenile smoking and to discourage it.

The real test of the effectiveness of the legislation will be whether it will catch those who are preying upon young children who are impressionable and want to look trendy. They do not realise that sometimes that can have a fatal cost. It can come at a heartbreaking cost for young women, who may not realise that if they get hooked on the habit it can affect their fertility and their ability to have children. If a woman smokes at the time that she is carrying a child, obviously the birth weight and consequent health of the child is affected. Passive smoking has also been documented as having quite a significant detrimental impact upon the development and growth of children who live in the homes of smokers.

In addition to placing restrictions upon the advertising of tobacco and other smoking products, the banning of smoking in enclosed places is a primary thrust of the legislation. The legislation does not ban smoking in all public places or in all areas where food is served, as one can still be served food outdoors and smoke. It does not ban smoking in all enclosed areas because one can smoke at the bar of a licensed premises and high rollers can smoke in premium gaming rooms as defined under the new bill.

What restrictions does the bill apply to smoking? Essentially, the bill bans smoking indoors with certain exemptions. One can smoke in a multi-unit residential dwelling, one's own home or a nursing home, but not in a common area. One cannot smoke in a home business where persons who do not reside at the premises are present in that part of the premises. Premium gaming rooms are exempted. Vehicles are exempted. A secure facility under the Corrective Services Act 2000 is exempted and licensed premises are exempted except where there are gaming tables and dining areas. In other words, one can smoke in a licensed premises as long as one is not at a gaming table or in a dining area. The legislation provides quite a clear definition of a dining area. It also provides for the enforcement of a penalty if the owner of the premises does not provide very clear signs to mark the dining area.

That raises the interesting irony that premium gaming rooms have been excluded from the smoking bans. In other words, they are considered not equal to all other gaming areas. I ask the minister to explain why premium gaming rooms have been excluded from the ban. The high rollers have been excluded. I presume that workers are still—

Mrs Edmond: They are the same thing. They just have different names in different places.

Miss SIMPSON: So the high rollers—

Mrs Edmond: Some casinos call them premium rooms, some call them high roller rooms.

Miss SIMPSON: That was also my understanding, but the legislation allows someone to smoke in a premium gaming room which, in some places, is called a high roller room.

Mrs Edmond: And at the machines and everywhere else, except at the gaming tables and in the restaurants.

Miss SIMPSON: Right. There are exemptions where people are still allowed to smoke indoors. According to the legislation, if people gather in a hall or a shed that is not a residential property or a licensed premises, and they have a poker game and are smoking, that would be illegal under the act. However, a premium gaming room or high roller room would be exempt.

Mrs Edmond: It's a licensing issue and that means that it is age restricted. You can't get in there unless you are over 18. If you look at this, what we have really focused on is anywhere where under 18s can access.

Miss SIMPSON: Right, but the anomaly that I am referring to is a point of interest. People can smoke in premium gaming areas which have an exemption, but if they smoke during a poker game in the back shed, which is not a licensed premises, they would in fact be in breach of the act.

In summary, the bill beefs up penalty provisions relating to the sale of tobacco to children and it tightens provisions in relation to advertising. However, the bill has not come before the Scrutiny of Legislation Committee, which was only constituted officially yesterday. That is unfortunate, because I would be interested in seeing its legal advice in regard to some of the provisions of the bill, particularly as they relate to the application of fundamental legislative principles. As has been mentioned, there is a mixture of objectives in the bill.

Before the election and before any draft legislation was presented for public consultation, I was asked for a comment about bans on smoking in public places. I expressed the view that it was impractical to ban smoking in all public places, as I was not asked to comment about enclosed public places where food was served. It seems that the Premier agrees that it is not practical to ban smoking in all public areas. In a press release of 2 April 2001, Premier Peter Beattie stated—

We cannot legislate for dining areas which are outside but I would urge all restaurateurs and cafe owners to set aside a nonsmoking area if they have outdoor tables.

I agree with that. He said—

The legislation will ban smoking in most public places, including restaurants and other public dining areas which are indoors.

This legislation is restricted to enclosed public places with a number of very interesting exemptions, as I have already mentioned.

For the information of the parliament, I note that in Singapore, an Asian nation that has a very high standard of living and very prescriptive laws, smoking bans are extended into outdoor public areas to include people standing in queues. Throughout the world some rather interesting laws and legislative approaches—sometimes a lot more prescriptive approaches—have been taken to ban smoking in public areas, even outdoor areas. However, this bill does not seek to ban smoking in outdoor areas, which I understand would be impractical.

At this stage I wish to acknowledge a very exciting development in the past few weeks. I think it is appropriate that the parliament takes note that the federal government is providing \$20 million towards a comprehensive cancer research centre here in Brisbane to help put Brisbane and Queensland on the map in regard to world-class biotechnology research. We already know that a primary risk factor for lung cancer is in fact smoking, that smoking tobacco and other types of non-tobacco products significantly increases people's risk of lung cancer. The irony is that, as people research what causes various types of cancer, in this community and in this day and age a lot of people are aware that there is a significant link between smoking and cancer. That is why, even though the research is there, the education and promotion to highlight that and bring it home to people is so critically important.

This comprehensive cancer research centre is something that the coalition in government supported, prior to the Beattie Labor government coming to power. I was pleased to see that that support has continued under the Beattie government as well. About \$10 million in state government funds was committed to that project.

Mrs Edmond: \$20 million.

Miss SIMPSON: \$20 million. Significant additional funding has come in from private sources. I was delighted, though, to see the federal government putting in the \$20 million. I was very disappointed to see the Premier bag the federal government for this money being allocated to anything other than his pet project, which was the busways.

Mrs Edmond: interjected.

Miss SIMPSON Mr Deputy Speaker, I am not taking interjections. I would ask you to bring the House to order.

Mr DEPUTY SPEAKER (Mr Poole): Order!

Miss SIMPSON: Research into cancer is so absolutely important that I believe it is appropriate that it is raised during a debate which is about one of the significant causal factors, that is, smoking and the fact that Brisbane is really going to be at the forefront of such research. Some extremely exciting research has already been undertaken by Brisbane-based researchers at the QIMR and also at other facilities. This enhancement of the \$20 million from the Centenary of Federation funding should be absolutely welcomed. I know that it was not the Premier's pet project; he wanted it spent on the busways. However, I think it is unfortunate that in the furore this very significant project did not receive the attention that it should have received. I will continue to support this wonderful facility. I think it is going to be more than we expected it to be, given the significant enhancement of funds, and that will also attract funds from other corporate sectors.

One of the other issues I wish to raise as it is relevant to the bill is glamorising smoking. The bill tries to address certain aspects of how tobacco products are promoted or advertised. However, there are other issues which I believe that we as a community need to debate and question the government about. Those issues include how we are addressing the fact that the entertainment industry, particularly the movie industry, is one of the most influential areas in terms of glamorising smoking among young people. We see that that industry promotes smoking as being cool, or as a way to cope in times of stress, without countering that with the fact that it kills people. I think that is most unfortunate.

The fact is that the commercial placement of objects such as tobacco in movies by tobacco companies does happen. We already see that other non-carcinogenic products are placed through special deals done with movie companies. I understand that it is quite common also for tobacco products in general to be placed by the cigarette industry in order to promote that product and to maintain a market that sees smoking as desirable. However, there is not that counterbalancing argument in a lot of programs presented on television or in the movies about its impact on people's health. Perhaps we should see some of the medical programs showing a few more people dying from lung cancer and why they contracted lung cancer in the first place.

There are a number of matters that I wish to raise during the committee stage of the bill, and I hope the minister will be able to address them at that point. Unfortunately, because of the way this bill is drafted, some of the most important elements of the bill—some 10 and a half pages—are all included within one clause, which seems quite extraordinary. This is an interesting issue of drafting. I ask the minister to take note that a number of questions arise within that one clause, despite the fact that it covers 10 and a half pages.

Mrs Edmond: Which clause?

Miss SIMPSON: It is clause 26.

For the benefit of new members and those who read *Hansard* regularly, I point out that one of the important stages of legislation in the parliament is obviously the committee stage. In many ways, I regard it as the best forum for debate. It deals with individual clauses and allows members to ask questions and supplementary questions of the minister relating to a specific issue, such as the penalty within the clause or whatever, within a defined time frame. I hope that the minister will be able to graciously cover a number of these matters that fall within clause 26, which does cover 10 pages.

At this point I will conclude my speech at the second reading stage and continue my remarks later during the committee stage of the debate. I would like to quote a poster I saw in a doctor's surgery recently. A person was asking a wise man the answer to giving up smoking. The wise man's reply was, 'Quit while you're alive.'
