



Speech by

Mike Horan

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TOBACCO AND OTHER SMOKING PRODUCTS AMENDMENT BILL

Mr HORAN (Toowoomba South—NPA) (4.59 p.m.): The Tobacco and Other Smoking Products Amendment Bill is a very important piece of legislation. It follows on from a number of other bills introduced into the parliament by the Beattie government. When I was the Minister for Health I introduced legislation which established certain penalties. These pieces of legislation have for a decade or more attempted to save people's lives and make the environment safer and healthier by gradually bringing in more and more restrictions concerning where people can smoke, who can smoke and how they can obtain their cigarettes.

This has always been an issue that is difficult to deal with. People are legally entitled to sell cigarettes; cigarette smoking is legal; therefore, it is legal to sell cigarettes. Likewise, it is legal to drink alcohol and it is a legal to sell alcohol. It is legal to sell certain foods that are fatty or not particularly good for people if they eat them or even eat them in moderation. There are all those sorts of issues. There is probably no doubt in the minds of the medical fraternity and health professionals—and they may have to deal with people in hospital who have driven their cars in a silly fashion and caused accidents and trauma—that cigarette smoking is probably the biggest issue of all when it comes to ill health and death. The chemotherapy, radiotherapy and surgery is very complicated for people suffering from cancer brought about by smoking, whether it is lung cancer or cancer of the mouth or tongue. They are very difficult cases to deal with. There are the other illnesses such as stroke, heart disease and other pulmonary illness brought about by cigarette smoking. That is the health issue.

Everybody in this House is unanimous in their view of the need to reduce the amount of smoking. It has been tried over and over again by advertising campaigns and promoting good health messages. We have tried to get the message across about the danger of smoking. Probably we could say that over a period of time that has worked because the incidence of smoking today is far less than it used to be.

What is of concern to us is the number of young people, in particular the number of young women, who smoke. That is one of the real areas that we have to address. If we can get young people not to start smoking, further down the track we do not have the problem of people having an addiction, trying to give up smoking and the difficulties associated with that and the health damage caused along the way.

It is a difficult issue for young people. Most members in this House could tell stories of their younger days when they perhaps wanted to experiment with smoking as young people do. If we can get the right message across by using peer role models to ensure that young people do not smoke, then the effort will be worth while. Probably one of the biggest investments we could make in the health of people and disease prevention is a consistent message regarding the dangers of smoking. It needs to be a relevant message that young people will take notice of. The message has to be brought forward by people they look up to, not necessarily adults but people of their own age. We could use young people successful in music, sport or other facets of youth endeavour to get that message across. I support, and I know that all my colleagues would support, anything the government can do to provide a good practical message before young people that would be successful in assisting young people making up their minds not to smoke and for them to understand what it will do to their bodies, their health and their overall wellbeing.

Legislation always needs to be good and sound. If it is difficult to make aspects of the legislation work, it is sometimes not good legislation. I have concerns about a couple of issues. I have made the point that we fully support whatever the government can do to reduce smoking.

I have considered the practicality of provisions like people not smoking within four metres or 12 feet of a door. I have had a look at Ruthven Street where my electorate office is located. Wherever people go to smoke they will be within 12 feet of someone's door. I have a major call centre located above my office. For some reason a large number of those people go out onto the footpath to smoke. Probably the only place they will be able to go to smoke is in the middle of Ruthven Street. They are some of practical issues that we need to deal with.

I know that this legislation has been brought in with good intent. I hope that we are not going to be faced with the ridiculous situation of having smoke police. With the green police and others around the state we have enough police.

We need to look at the issue of the retail selling of cigarettes. The first regulations were introduced in about 1917. In the whole history of it being an offence to sell cigarettes to minors and with the other regulations that have applied, I do not think one person has been charged. I stand to be corrected. If people have been charged, there must have been very few and they must have been for minor offences.

What has happened is that with the advertising campaigns, the health messages and the legislation that we have progressively brought in over time we have been able to reduce the level of smoking substantially in our community. Fifteen years ago probably 60 or 70 per cent of people were smokers and 30 per cent were nonsmokers. The percentage has probably completely reversed now.

It has reached the point where people do not want smokers in a hotel or a restaurant. The nonsmokers are in the absolute majority always. We do not have to go back too many years to a time when the reverse was the case and people wanted to be able to smoke when they were in a hotel or having a meal.

People who do not want to smoke get to a point where they hate the smell of the smoke, especially when it gets into their clothes. Overseas, smoking seems to be a heavy occupation. It does not matter where someone goes, they come out smelling of cigarette smoke. This is particularly the case if they are wearing a woollen jumper. The evening is quite unpleasant because people have to inhale smoke all the time. That is an issue for customers in hospitality places.

It is a real issue for staff. There was a time when those things were not taken into account. But for people who had to work in an environment where they inhaled significant amounts of smoke, it was distinctly unpleasant for them and has no doubt been a health hazard for them. I know that a lot of hotels and clubs have put in place special airconditioning systems and smoke extractors, but they only partially address the issue. All those in the hospitality industry have realised that it is only a matter of time before we have to address the whole issue. That is what is being done in this bill.

Until 2006 smoking will be allowed only in designated outdoor areas. Our shadow minister has spoken about the need to parallel that with what is being brought into New South Wales so that operations in areas like the Gold Coast are not disadvantaged when people go over the border because they want to smoke in the poker machine venues and so forth.

That would make sense and would provide adequate time for businesses to undertake the capital works and get together the funds they need to do that sort of thing. There may be some big hoteliers who would be in a position to do it earlier, and no doubt if they did that it would probably be good for their business. There are some smaller operators who owe money or people with small country hotels who might find it difficult to achieve that in that time frame. So there is sound sense in what our shadow minister has proposed whilst not moving away from the principle of having all smoking outside.

The other issue I want to speak about relates to small business. Constituents in my electorate who own a small shop in a growing satellite community to one edge of my electorate have come to see me. They pre-empted the meeting with me by saying that they fully support doing everything that can be done to stop people smoking. They accept that, and in particular stopping young people from smoking. But this proprietor is in a position where he has borrowed funds to go into this operation. He employs about four people on a casual basis. This little shop is important to the growing village and subdivisional area that he services, and a couple of other shops have sprung up around it. He has given me the figures relating to the cost of purchasing cigarettes compared to the cost of purchasing other goods he sells. It is quite surprising how much these small businesses and outlets depend on cigarettes. Whether one loves or hates cigarettes—regardless of one's feeling about them—cigarettes are something that people are legally able to buy and sell. They are sold in the big supermarkets down to the small shops. For these people, it is a part of their business enterprise.

This constituent of mine is concerned about the issue of the display cases. They have a great fear that the changed arrangements will not necessarily stop people from smoking but will cause people to buy their cigarettes at bigger stores such as K marts, the bigger shopping centres and big service stations

which are well set up with drive throughs and all the rest of it. We have to take some notice of these people, because they know their industry and their business. It is all right for us as politicians to say, 'We don't think it'll have any effect on their sales. We know better.' We are not the ones who are standing behind the counter for 16 hours a day. We are not the ones who are trying to repay the bank mortgage, pay the casual staff to serve the people and understand the customer profile that comes through the door.

They have spoken to me about issues of security. Their current set-up allows their staff to take the cigarettes out and provide them to the customer without having to turn their back on the till or turn their back on the customer. Everything that they said to me made sense. This is a little business that opens seven days a week. If they lose cigarette sales purely through having to change the display unit and those sales are not lost sales because fewer people are smoking but sales lost because people have moved to other major retail venues such as Woolworths or Coles that are able to get people into their venues because of attractive displays on fuel and other such products, it makes it just that much harder for the little stores in the satellite areas and subdivisional areas on the highway that are simply a mum and dad small business. I would ask the minister to give some consideration to that, because it has been an issue.

We need to ensure that retailers understand the legislation. Retailers are aware that there are major campaigns to promote the bad things about smoking and to stop young people smoking. Generally speaking, governments of all colours have the cooperation of retailers not to sell to young people. We very strongly support those aspects of this bill that enforce stronger provisions to prevent sales to young people. It is just a dreadful thing for young people to start smoking, and one would find that 99 per cent of retailers would abide by that. We need some reasonableness in this issue relating to the display cases. It enables small business operators—family businesses—with bank loans to try to develop some other form of sales within their operation to offset what is in many of those places a very substantial amount of their sales.

Members might be surprised to know this, but for many little convenience stores cigarette sales are over 50 per cent of their gross because of the convenience that they offer. People come in to buy a packet of cigarettes and a packet of chips or a drink or whatever. It is a substantial part of their business. We have to be careful that, in using our best endeavours to look after the health of Queenslanders, we do not damage the people who genuinely bought a business. If one was buying a business now knowing that this is coming into effect, they would be looking at the financials of the business in a different way, because they would know that this will make it tougher and tougher on small businesses. Bigger operations will find another way to promote other things and still get the customers. I just ask that that be given some consideration.

Let us remember that the way to make this legislation work is to do everything within our power with the unilateral support of this House to stop young people from smoking and to have smart advertising promoting health to young people so that young people understand, appreciate and respond to it.

This bill also contains provisions to try to stop people from smoking outside shops. As the Health Minister would know—this is something that he will have to face—the most dense area of smokers could well be outside the door of many of his hospitals. At the old Royal Brisbane Hospital before the new one was built, there were any number of people outside the door with drips on mobile stands smoking. It was very unpleasant for people to walk through that area to access the hospital. Whilst many of these provisions have been brought in with good intent, we do not want to see smoke police marching up and down our streets telling people to move up to the door or whatever. We support this bill. We want to see it work. We just hope that some practicality can be put in place in terms of the timing issue and compassion for small business operators. I certainly hope that this bill brings about a better level of health for Queenslanders.