




Speech By
Hon. Cameron Dick

MEMBER FOR WOODRIDGE

Record of Proceedings, 10 November 2015

**TOBACCO AND OTHER SMOKING PRODUCTS (SMOKE-FREE PLACES)
AMENDMENT BILL**

Message from Governor

 **Hon. CR DICK** (Woodridge—ALP) (Minister for Health and Minister for Ambulance Services) (12.36 pm): I present a message from His Excellency the Governor.

Madam DEPUTY SPEAKER (Ms Farmer): The message from His Excellency recommends the Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

TOBACCO AND OTHER SMOKING PRODUCTS (SMOKE-FREE PLACES) AMENDMENT BILL 2015

Constitution of Queensland 2001, section 68

I, PAUL de JERSEY AC, Governor, recommend to the Legislative Assembly a Bill intitled—


“A Bill for an Act to amend the Tobacco and Other Smoking Products Act 1998 for particular purposes”

GOVERNOR

Date: 10 November 2015

Tabled paper: Message, dated 10 November 2015, from His Excellency the Governor, recommending the Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill 2015 [[1595](#)].

Introduction

 **Hon. CR DICK** (Woodridge—ALP) (Minister for Health and Minister for Ambulance Services) (12.36 pm): I present a bill for an act to amend the Tobacco and Other Smoking Products Act 1998 for particular purposes. I table the bill and the explanatory notes. I nominate the Health and Ambulance Services Committee to consider the bill.

Tabled paper: Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill 2015 [[1596](#)].

Tabled paper: Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill 2015, explanatory notes [[1597](#)].

The Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill 2015 amends the Tobacco and Other Smoking Products Act 1998 to strengthen Queensland’s tobacco laws. This bill is part of a continued multistrategy approach aimed at reducing the cost of smoking to Queensland individuals, families and the community. To reduce rates of smoking and involuntary exposure to second-hand smoke, the tobacco act has progressively banned smoking in many outdoor public places. Strong smoke-free laws, in conjunction with retail restrictions, quit smoking campaigns and targeted services to help people stop smoking have reduced smoking rates in Queensland by 30 per cent since 2001, when the Beattie Labor government commenced initiatives to expand the number of smoke-free

places in Queensland. Even though that has occurred, every day almost 10 Queenslanders die from a smoking related illness. One of these 10 people will be a nonsmoker who has died from an illness related to inhaling other people's smoke. This is why smoking is a key health priority of the government and why I am introducing the Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill 2015 into the House today.

This bill amends the tobacco act to create more smoke-free places, which the government believes will reduce exposure to second-hand smoke, reduce the normalcy and social acceptability of smoking behaviours, and provide smoke-free environments to help people quit smoking. There is a growing community expectation in our state that people, especially children, will be protected from second-hand smoke. Young people are particularly vulnerable to the harmful effects of second-hand smoke and are more likely to view smoking as desirable the more often they see people smoking. Therefore, this bill will ban smoking within 10 metres of sporting grounds during an organised under-age sporting event or training session, where children under 18 years are the main participants.

It will also ban smoking within 10 metres of any part of a skate park. Other amendments prohibit smoking at a swimming pool that is owned or operated by a local government, including all areas associated with the swimming pool, such as the kiosk, viewing areas and diving platforms. The smoke-free places bill will continue to protect young people from exposure to second-hand smoke by banning smoking at early childhood education and care services, providing a five-metre smoke-free buffer around the land from which the service operates. This ban will apply to long day care services, kindergarten services, family day care, limited hours services and outside school hours care.

Public transport waiting points are another area where nonsmokers are regularly exposed to second-hand smoke. This bill will enable bus stops, taxi ranks and ferry terminals to achieve the same smoke-free status as railway, busway and light rail platforms have under state transport legislation. All outdoor pedestrian malls are also set to become smoke-free areas. This is consistent with community expectations that people will not be exposed to second-hand smoke at busy public outdoor areas. Currently local governments have the ability under the tobacco act to create local laws banning smoking in these places. To date, only five local governments have prohibited smoking at public transport waiting points and outdoor pedestrian malls in their local government area. The Ipswich City Council and the Fraser Coast Regional Council have declared all bus stops and taxi ranks on local government or state controlled roads in their local government areas to be smoke-free areas. Redland City Council prohibits smoking at each jetty and ramp that is considered a public transport waiting point within their local government area. Brisbane City Council, Ipswich City Council and Logan City Council also took the initiative to use the earlier provisions to declare particular malls to be smoke-free places in their local government area. To ensure consistency across Queensland when the bill commences, local laws banning smoking at public transport waiting points and outdoor pedestrian malls will no longer be valid. The bill will, however, explicitly empower local governments to make local laws prohibiting smoking in other outdoor public places where statewide smoking bans do not apply. This will allow a local government to create areas, like restaurant precincts, boardwalks or picnic grounds, to be smoke free in line with the needs and expectations of their local community.

In 2014 the tobacco act was amended to prohibit smoking at and within five metres of outdoor areas of public and private health facility land. The smoking bans applied to residential aged-care facilities on state hospital and health services land, but did not apply to all residential aged-care facilities. To provide smoke-free environments for all residents, visitors and staff at residential aged-care facilities, the bill will prohibit smoking at all residential aged-care facilities. The bill does, however, provide residential aged-care facilities with the option of establishing nominated outdoor smoking places. This acknowledges the needs of the elderly residents and recognises that residential aged-care facilities are their homes.

The bill also provides for smoking to be prohibited at national parks or a part of a national park where prescribed in regulation. National parks are significant places for Queensland, both as areas to protect and conserve nature and to encourage active and healthy lifestyles. Smoking bans at national parks would increase community enjoyment and safety by preventing exposure to second-hand smoke, particularly in areas of the parks where there are a high number of visitors.

The bill provides that a person must not smoke at a prescribed government precinct. Areas which may be considered a government precinct and prescribed in a regulation can include land around a state government building, buildings occupied by the state, the Legislative Assembly, a court or tribunal, an entity that represents the state or another entity established under an act. In addition to creating more smoke-free places, the bill will prohibit the sale of smoking products from temporary retail outlets. Smoking products are marketed to young people through temporary stalls at major arts, music and sporting events. The bill also includes a number of other minor and technical amendments to strengthen and clarify the tobacco act.

This bill is an important step in Queensland's tobacco legislation, targeting outdoor public places that protect and promote healthy lifestyles, particularly for children, young people and their families. I acknowledge the Health and Ambulance Services Committee's recent report into the private member's bill introduced by the member for Caloundra, the Tobacco and Other Smoking Products (Extension of Smoking Bans) Amendment bill. I note that this bill has some elements in common with the private member's bill. However, the government's bill goes much further than the private member's bill. It also addresses a number of drafting issues identified by the Health and Ambulance Services Committee. I will welcome bipartisan support.

I also note that the government has taken the time to consult with the community since I announced our intention for this bill on 17 October. Feedback from stakeholders on the proposals in the smoke-free places bill has been supportive, acknowledging the importance of strong and consistent tobacco laws. Our government will continue to work with stakeholders in relation to enforcement and education, which are important components for the successful implementation of these legislative changes. I would like to thank our stakeholders for their support on this important issue and their well-considered feedback which helps make these reforms successful. These reforms reflect the government's commitment to continue the momentum of Queensland's tobacco control efforts. I commend the bill to the House.

First Reading

Hon. CR DICK (Woodridge—ALP) (Minister for Health and Minister for Ambulance Services) (12.44 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Health and Ambulance Services Committee

Madam DEPUTY SPEAKER (Ms Farmer): In accordance with standing order 131, the bill is now referred to the Health and Ambulance Services Committee.