




Speech By
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MEMBER FOR GYMPIE

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**TOBACCO AND OTHER SMOKING PRODUCTS (SMOKE-FREE PLACES)
AMENDMENT BILL; TOBACCO AND OTHER SMOKING PRODUCTS
(EXTENSION OF SMOKING BANS) AMENDMENT BILL**

 **Mr PERRETT** (Gympie—LNP) (5.16 pm): I rise to speak on the Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill 2015 and the Tobacco and Other Smoking Products (Extension of Smoking Bans) Amendment Bill 2015. This is about creating more smoke-free places throughout Queensland. It is about reducing people's exposure to second-hand smoke. It is about changing the way young people view smoking as a normal social activity. It is about providing supportive environments to help people quit smoking. This is about addressing the 3,700 smoking related deaths of Queenslanders.

Before I discuss my strong position and support for measures to limit smoking and people's exposure to smoking, I would like to point out the government's reluctance to provide leadership. As with so many matters facing Queensland, the government has been slow in providing leadership on this and so many other issues.

The government's bill builds on the proposals outlined by the member for Caloundra in his private member's bill—the Tobacco and Other Smoking Products (Extension of Smoking Bans) Amendment Bill 2015. The LNP bill sought to decrease smoking in Queensland by strengthening the existing smoking bans and extending smoking bans in other areas, including within five metres of all state government buildings, transport and waiting areas and pedestrian malls, public swimming pools, skate parks and pop-up sales venues. It was introduced into this parliament in July and reported on in October.

As is so often shown with this government, it is slow to act or even react. It was unable to or unwilling to follow the leadership of the LNP on this issue. What we have is that four months later the government introduced its own bill—a bill which is very similar to that introduced by the LNP.

The committee report pointed out that there are a number of similar provisions in the private member's bill and the government's bill. It is therefore unfortunate that, yet again, the government's sheer pig-headedness and refusal to recognise the merits of the legislation introduced by the LNP has meant that we lose time in the battle against tobacco related deaths.

We all know and have learnt of the devastating consequences for people's health caused by tobacco smoking. Unfortunately, while the prevalence of smoking has decreased, the rate of decrease is slowing down. The Queensland Cancer Council considers that the measures outlined in this bill will hopefully help to continue the previous rates of progress. On this issue the science is definitely in. In its submission the Cancer Council pointed out—

Tobacco smoking is a leading cause of preventable death and disease, and health inequality in Queensland. One third of smokers die in middle age losing at least 20 years of life (42% of lung cancer deaths occur in the 45-64 year old age group, and 18% of COPD—

chronic obstructive pulmonary disease—

deaths). Current smokers will die an average of 10 years earlier than non-smokers, with mortality rates increasing substantially with the increased intensity of smoking. Smoking accounts for 1 in 7 deaths in Queensland with 3700 Queenslanders dying annually from tobacco related conditions. About one-third of these were of working age. One in 10 people who die from smoking-related diseases have never smoked themselves.

Successive governments throughout Queensland have wisely taken an incremental approach to bans on smoking—from the initial bans in specified enclosed public places to phased-in bans at outdoor public places such as dining and drinking establishments, entrances to public buildings, patrolled beaches, children's playgrounds and sports stadiums. Bans have progressed to cars carrying children and to local governments regulating smoking in pedestrian malls and public transport waiting points.

The former LNP government extended the bans in 2014 to all health facilities, school grounds and prisons. An offshoot of these bans has been that people entering some buildings have to run the gauntlet of groups of smokers congregating in one spot outside. It is not unusual to have to hold your breath as you enter state government buildings as the air is thick and heavy with smoke. While it may have provided internally a smoke-free environment, it defeated the purpose for many nonsmokers who had to pass through the smoke to get to the entrance. Time and time again others were, in effect, being exposed to the dangers of second-hand smoking.

As recently as last weekend the *Sunday Mail* reported that bans on smoking within a five-metre boundary of health facilities are being deliberately ignored. It said, 'Signs warning of big fines are no deterrent,' and 'Hospital grounds are filled daily with deadly smoke putting health-compromised patients at risk.' It pointed out that, while Royal Brisbane and Women's Hospital security officers have issued more than 200 warnings and infringement notices, their priority was to tend to staff and patient safety. It quoted a Bald Hills man Alan Clarke, who said—

My daughter was recently a patient for nine weeks. When her nine-year-old friend would visit we would push my daughter in her wheelchair to the green area provided for people to get some fresh air. I had to complain several times about people puffing around us, including staff. No one listened and the smokers even got aggressive.

This goes to my final concern. As a former local government councillor and deputy mayor, I would also like to raise concerns about the enforcement of the bill's measures and its impact on local governments. The department has advised that 'enforcement is not the primary purpose of the legislation and the main focus is on changing ... behaviour'. The government will instead rely on a six-month community education campaign identifying where the new smoking bans will take place. There are a number of sites which will require administration and possibly enforcement by local government.

In a table created by the department it also notes that the state government 'may request a report from local government about the administration and enforcement on any offence which they have the option to enforce'. That list of areas of council responsibility will include enforcing nonsmoking in the buffers outside health facilities and outside school land, on patrolled and artificial beaches, four metres from a non-residential building entrance, outside children's playgrounds, aged-care facilities and early childhood education and care facilities.

Despite assurances from the government, there is legitimate concern within local governments that ultimately the buck will once again stop with them and not the state government. Enforcement will create many challenges for local councils. It waits to be seen whether there really is no requirement for local government to enforce the relevant provision of the smoke-free places. However, the Local Government Association of Queensland is concerned that attendance will be needed at 'hotspot' locations in response to complaints. The LGAQ considered that this is resource and labour intensive and 'would require additional resources and a coordinated approach across agencies'. Other challenges faced by authorised officers include 'responding to offences by minors', 'gathering of evidence', 'refusal to provide identification' and 'powers to detain or follow a given direction'.

It warned of the large number of sites at which smoking behaviour would be required to be monitored, quoting figures of transport waiting sites of more than 1,200 in Logan City Council and 1,000 in Ipswich. Brisbane City Council submitted that it considered it 'extremely difficult for authorised officers to administer and enforce the provisions'. As I said earlier, it remains to be seen whether there really is no requirement for local governments to enforce the relevant provisions of the smoke-free places in the bill.

While I have concerns about some of the implementation of this legislation, I strongly support measures which will reduce tobacco smoking in the community and I support the Tobacco and Other Smoking Products (Smoke-free Places) Amendment Bill 2015 and the Tobacco and Other Smoking Products (Extension of Smoking Bans) Amendment Bill 2015.