



Public Health Association
AUSTRALIA

Tasmanian Branch

**PHAA submission addressing proposed amendments
to tobacco legislation in Tasmania**

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Attention:

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c/-o Tobacco Control
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Introduction

The Tasmanian branch of the Public Health Association of Australia (PHAA) would like to congratulate the Department of Health and Human Services on their proposed amendments to tobacco legislation in Tasmania. The continued high prevalence of smoking in Tasmania is a concern due to significant morbidity and mortality that it causes. Reducing the prevalence of smoking requires a comprehensive tobacco control strategy, including reducing exposure to environmental tobacco smoke (ETS). The proposed legislation will expand protection for members of the public from ETS. We note this is a requirement of the World Health Organization Framework Convention on Tobacco Control (FCTC), to which Australia is a signatory.

Please refer to the proforma for our responses to the proposed legislation that follow this introduction. The PHAA acknowledges that enforcement of legislation is central to its success. We propose that the person responsible for the day-to-day management of the public space should also be responsible for compliance with the proposed legislation. An offence should apply to people who smoke in breach of the legislation.

In addition to the proposed legislation, the PHAA would encourage the government to consider the following:

1. Banning smoking on all health services grounds. We acknowledge that many hospitals in Tasmania have gone 'smoke free'. However, we are aware that certain parts of hospitals, such as psychiatric wards, still allow smoking.
2. Phasing out of smoking in prisons and other judicial settings starting with no smoking within cells. This is imperative for the health of not only the prisoners but also the staff, who, under the FCTC, have a right to be protected from ETS.
3. Conducting health awareness and promotion campaigns that align with the introduction of any new legislation. Such campaigns should inform the public of the need to avoid ETS and to protect others, such as children, from ETS. The campaigns should inform of the health risks associated with ETS.

There are precedents around Australia, and indeed globally, for the actions being proposed. This demonstrates that they are worthwhile, feasible and well-accepted as a means to reduce the burden of tobacco. The PHAA are confident that the passing of the legislation in the discussion paper will see a reduction in the prevalence of smoking in years to come. While we acknowledge recent increases to funding for social marketing in Tasmania, we urge the government to further increase funding to ensure that marketing reaches the best practice level of 700 television audience rating points per month.

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Proposal Number	Proposal	Support	Do not Support	Reasons
		Please v		
1	Ban smoking in all outdoor dining areas.	✓		Second hand smoke causes premature death and disease in children and adult who do not smoke. The Public Health Association of Australia (PHAA) supports all legislation that eliminates people’s exposure to second hand smoke.
2	Remove the 3 metres exemption permitting patrons to smoke at tables within 3 metres of an entrance/exit to an eating establishment.	✓		See above
3	Ban smoking in all pedestrian malls, bus malls and covered bus shelters.	✓		See above
4	Ban smoking within enclosed children’s playgrounds or within 10 metres of any children’s playground equipment in unenclosed areas.	✓		See above
5	<u>5.1 Ban</u> smoking in all outdoor sporting stadia and cultural venues, OR	✓		The PHAA supports a complete ban in sporting stadia and cultural venues. This a way to eliminate patron and employee exposure to harmful second hand smoke. This approach fits in with the strategy of developing a change in culture regarding the acceptability of tobacco use

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Proposal Number	Proposal	Support	Do not Support	Reasons
		Please ✓		
	<p>5.2 Further restrict smoking in all outdoor sporting stadia and cultural venues by:</p> <p>5.2.1 Prohibiting smoking within 10 metres of any seating area in the stadium or cultural venue, OR</p> <p>5.2.2 Prohibiting smoking in all seating areas of the stadium or cultural venue, OR</p> <p>5.2.3 Prohibiting smoking in all areas of the stadium or cultural venue except for designated smoking areas</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>		It is important to continue to emphasise that any links between sports and tobacco are an anathema to better health outcomes
6	Ban smoking within 20 metres of the competition area at all sporting events where children	✓		See above

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Proposal Number	Proposal	Support	Do not Support	Reasons
		Please ✓		
	are participating.			
7	Ban smoking at all public swimming pool complexes.	✓		See above
8	Ban cigarette vending machines.	✓		Cigarette vending machines normalise the act of smoking, create a perception among children that cigarettes are easy to obtain and give quitters a visual cue to smoke. We therefore support the ban.
9	9.1 Ban specialist tobacconists' displays:	✓		The PHAA supports legislation that removes point of sale displays. Such displays encourage experimentation with cigarettes, 'normalises' smoking and encourages relapse in those who have quit. We support removal of this last form of advertising available to tobacco companies.
	9.2 Cap the number of specialist tobacconist to remain at the existing level:	✓		
	9.3 Phase out specialist tobacconists:	✓		
	9.4 Introduce a new category of specialist tobacco licensing.		✓	Increasing restrictive practices on the retailing of tobacco will reduce availability and with it the level of use.
10	Remove tobacco and tobacco products from reward schemes.	✓		The inclusion of cigarettes in reward schemes contributes to a perception that smoking is socially acceptable. We therefore support their removal from reward schemes.

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Proposal Number	Proposal	Support	Do not Support	Reasons
		Please ✓		
11	Ban tobacco sales at all temporary events such as music, sport or art festivals or where the majority of patrons are likely to be under 18.	✓		See reasons for bans of vending machines and point of sale displays
12	Enable confiscation of tobacco and tobacco products in the possession of a child.	✓		There is a precedent for confiscation for children in New South Wales. Cigarettes are a product intended for purchase and possession by those over the age of 18, we therefore support this legislation. We would support police officers being authorised to confiscate cigarettes from those under the age of 18. We do not support making the purchase, possession or consumption of cigarettes by those under the age of 18 being an offence.

We hope these comments have been helpful and are happy to provide further comment should it be helpful to the Government.

Dr Seana Gall
on behalf of the Tasmanian branch of the Public Health Association of Australia