

Explanatory Notes - Tobacco and Other Smoking Products Amendment Bill 2015

Short title

Tobacco and Other Smoking (Extension of Smoking Bans) Products Amendment Bill 2015

Policy objectives and the reasons for them

The objective of the amendment to the Bill is to:

Decrease the incidence of smoking in Queensland. While prevalence has decreased by 26% over the decade since 2004 – the rate of decrease has slowed over recent years – new measures are required to continue historical rates of progress and therefore propose the following amendments to the Tobacco and Other Smoking Products Act 1998 to strengthen smoking bans in Queensland

Achievement of policy objectives

Each year more than 3,400 Queenslanders die from smoking related illnesses. The Qld Cancer Council estimate that smoking accounts for approximately \$6.1 billion every year in health costs resulting from 36,000 hospitalisations, lost productivity and premature death in Queensland.

Strong tobacco legislation is one element of a multi-strategy approach for reducing smoking rates. This Bill will assist in achieving these objectives. This Bill proposes to;

Ban Smoking with 5 m of all State Government buildings

Ban smoking at all transport waiting areas and pedestrian malls

Ban smoking at public swimming pools and skate parks

Ban sale of cigarettes at pop up sales venues

1. Smoking banned within 5 metres of entrances to Queensland Government buildings occupied either wholly or in part. – An extension of Hospitals and Schools introduced last year including Parliament, Queensland Courts, public service bodies, Queensland Government departments.
2. State-wide ban on smoking at public transport waiting points and pedestrian malls. Local councils have the ability under 2010 legislation. A state-wide ban provides a clear consistent and enforceable message about passive smoking. Including ferry terminals and taxi ranks.
3. State-wide ban of smoking at Public swimming pools and skate parks. Similar to the pop up sales outlets to stop young people taking up smoking at an early age

4. Ban sale of cigarettes at “pop up” sales outlets.

Tobacco companies market their products to young people by using temporary stands offering cigarettes for sale at major outdoor events. It is important to prevent advertising to this age group as the majority of smokers make the transition from experimental to regular smoking during their early twenties. Queensland is the only State without a regulatory mechanism to prevent sale of cigarettes at “pop up” outlets.

Alternative ways of achieving policy objectives

The Queensland Cancer council was consulted in ways in which further reduction in smoking rates could be achieved. Some of their recommendations are contained within this Bill.

Estimated cost for government implementation

Cost estimates have not been included in this.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles.

Consultation

The Queensland Cancer Council was consulted on the preparation of this Bill

Consistency with legislation of other jurisdictions

This Bill will bring Queensland in line with other jurisdictions in Australia. Queensland is the only State without a regulatory mechanism to prevent sale of cigarettes at “pop up” outlets

New South Wales prohibits smoking at all public transport waiting areas. South Australia & Victoria, prohibit smoking in covered transport waiting areas. Australian Capital Territory and Western Australia have no specific legislation. Tasmania is the only jurisdiction with a state-wide ban on smoking in all pedestrian malls

Notes on provisions

Insertions

1 Part 2 Division 1A Particular restrictions on sales by suppliers

Insert new ss13c and 13D

- 1) A supplier must not sell smoking products from a vehicle ,
- 2) Vehicle includes a trailer, caravan or other similar thing

13D must not sell from a pop up store a temporary store or a retail outlet where smoking products are available for sale during a public event

2Division 2B Government Buildings

26ZGG A person must not smoke on land within 5 metres of a government buildings

Replacement of

S 26ZI (person must not smoke at prescribed outdoor swimming area

26ZKA A person must not smoke at an outdoor pedestrian mall

26ZKB A person must not smoke at public transport waiting point.

26ZKC A Person must not smoke at a skate park

Notes: