

Local and regional smokefree and tobacco-free action in New Zealand: highlights and directions

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ABSTRACT

In this viewpoint we highlight and discuss some recent local and regional level advances in tobacco control in Aotearoa/New Zealand. In this country a wide range of local actors are helping drive smokefree and tobacco-free policies, with an increasing presence of businesses in this field. There has been progress in the areas of smokefree dining, large outdoor worksites and ski fields, and parts of downtown areas such as squares and streets. In 2015 and 2016, three councils (Palmerston North, Napier and Hastings) have used pavement lease policies and bylaws to start introducing an element of requirement into smokefree outdoor dining. Elsewhere (eg, Rotorua, Ashburton, Westland and Christchurch) significant smokefree outdoor dining moves have been made by, or in conjunction with, local councils. Tobacco-free retailing continues to expand, particularly in Northland.

In the absence of meaningful central government action on smokefree places in the last decade (despite the Smokefree 2025 goal), local activity is leading the way. It is particularly important in providing models for smokefree outdoor hospitality areas, where smoking normalisation and relapse are significant health risks. Nevertheless, there is a need for the local smokefree and tobacco-free activity to be nationally evaluated, particularly for assessing the prevalence of smoking in areas covered by 'smokefree' policies. Action by central government could help local actors by providing a more definite legislative basis for bylaws, by minimum outdoor smokefree laws and by the funding of effective tobacco control mass media.

This article explores some of the *local and regional* developments during 2012–2016 in tobacco control in Aotearoa. The focus is on new activities and policies to provide better conditions for populations to quit and stay quit, and to not start smoking. It does not cover work to support individuals to quit smoking.

New Zealand local government authorities have wide duties and powers to 'improve, promote and protect public health' under the Health Act 1956 and the Local Government Act 2002. Section 23 of the Health Act states:

"It shall be the duty of every local authority to improve, promote and protect public health within its district, and for that purpose every local authority is hereby empowered and directed... (e) to make bylaws under

and for the purposes of this Act... for the protection of public health." These duties and powers are reinforced by the requirement in the Local Government Act (Section 11), where the *"role of a local authority is to,— ... (b)... perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment."*

The reference to "any other enactment" clearly includes the Health Act and specifically Section 23.

However, local authorities have been reluctant to use bylaws for such things as smokefree outdoor policies, in the absence of specific legislation as is available for alcohol-free outdoor areas. Section 147 of the Local Government Act gives local authorities the specific ability to make bylaws for regulating alcohol use or possession

in an outdoor area.¹ Nevertheless, local authorities' wish for change was reflected in the adoption of a remit at the 2015 Local Government New Zealand conference to ask Central Government to develop and implement "legislation to prohibit smoking outside cafés, restaurants and bars".² The remit was largely driven by the Palmerston North City Council.

Currently, the only central government legislation for smokefree outdoor areas is for school and pre-school grounds.³ Work vehicles and those carrying the public are required to be smokefree, but there is no law on smoking in private vehicles. The legislation on tobacco retailing covers product displays, the distribution of samples, point-of-sale health warnings, co-packaging with other products, vending machines and supply to those under 18 years of age.³ There are no laws on who can sell tobacco or where, on any safety or security provisions for retail tobacco product storage, or on the licensing of sales outlets. Despite its goal of New Zealand being 'smokefree' by 2025,⁴ Central Government in May 2017 had no plans for decreasing or restricting the number or location of tobacco retail outlets. This is despite the 2010 recommendations of the Māori Affairs Select Committee, and calls in 2012 and 2015 by the National Smokefree Working Group.⁵ The lack of action on smokefree outdoor areas is despite the Ministry of Health-commissioned 2014 Review of Tobacco Control Services reporting that:

*"Population level interventions such as expanding smokefree environments and providing strong messaging will both assist cessation and prevent uptake."*⁶

Below, we touch on various types of activity, on some local and regional actions, and then discuss some key aspects of our findings.

Regional smokefree and tobacco-free initiatives

This local action has been driven by NGOs, district health boards (DHBs), iwi authorities, local marae, local government authorities (city and district councils) and businesses. These local developments were until recently largely for smokefree greenspaces (playgrounds, parks) and sometimes

for council events. The activities have included medium-term plans by councils, smokefree council housing and innovative approaches for new types of smokefree outdoor areas and events. Local or regional work in other tobacco-related interventions has been increasing, particularly with tobacco-free retailing. The local actions include changes in some of the more remote parts of New Zealand, including South Westland and Northland. In many areas, local groups provide awards to businesses with smokefree outdoor or tobacco-free policies.

New Zealand local authority smokefree policies in 2016 have been mapped by MidCentral DHB staff.⁷

Smokefree dining

In the absence of Central Government action on smokefree outdoor dining and drinking, local authorities and their partners in Rotorua, Hawkes Bay, Palmerston North, Christchurch, Ashburton and Westland have been moving towards smokefree policies and bylaws.

The Palmerston North City Council have used the innovative approach of changing their *Signs and use of Public Places* bylaw to require the approximately 50 hospitality businesses using sidewalk seating to have smokefree signs and to not provide ashtrays. During 2016, cafés, bars and restaurants with a pavement permit were required to fill out new permit forms and were given smokefree signage.

Napier City and Hastings District Councils have adopted (late 2015, with effect in July 2016) a joint smokefree policy, for footpath areas set up primarily for café and dining purposes. As permits are renewed or issued for footpath dining, the permit conditions will include being smokefree. The Hastings Mayor has said that "businesses not wanting to comply with the policy would not get the permits to use the footpaths."⁸

The Westland District Council in April 2016 extended its smokefree policy to include outdoor dining areas on Council-controlled land. The policy explicitly requires: "Appropriate signage will be displayed. Ashtrays will not be provided."⁹

In November 2016, the Cancer Society Canterbury West Coast, in partnership with Canterbury District Health Board and supported by Christchurch Council,

launched the *Fresh Air Project*.¹⁰ This appears to be New Zealand's first evaluated pilot project for voluntary smokefree outdoor dining policies. Twenty hospitality venues in Christchurch are being supported to promote their outdoor dining areas as smokefree. The pilot project is designed to capture the first-hand experiences from businesses and patrons of moving to and operating totally smokefree outdoor venues. In the initial December 2016 evaluation, a common challenge was found to be the communication of the new smokefree policy to customers. Common benefits included positive customer comments, better air quality and "no ashtrays or smoking litter to clean up".¹¹ A May 2017 report found that 72% of the venue patrons that responded to a survey said they were "more likely to visit the venue again because [the] outdoor area was smokefree."¹² The 20 pilot venues joined at least eight other venues, which have already been operating as totally smokefree. The project has its own website (<http://freshairproject.org.nz/>) and Facebook page (see Figure 1).

Ashburton now has at least eight cafés that have adopted smokefree outdoor dining, and there is the prospect of all the town's 10 café venues being totally smokefree. The Ashburton District Council has put out a draft smokefree alfresco footpath dining policy for consultation. This policy involves a licence to use the footpath, no ashtrays and

negotiated signage. The policy is intended to be 'self-policing'—"There will be no active enforcement of [the smokefree policy] but it is up to the [holder of the] licence to occupy the footpath holder to abide by the conditions as per the licence agreement." For those businesses not complying, the license can be revoked.¹⁴

In Marlborough, on World Smokefree Day in May 2016, a local campaign *#smokefreeallday* was able to get 29 of 31 cafés and restaurants in Blenheim to go smokefree outdoors for the day. By November 2016, there were 12 smokefree outdoor premises in the province, including cafés and winery restaurants.

Elsewhere in Aotearoa, by November 2016 there were at least nine smokefree outdoor cafés in Otago (seven in Wanaka and Queenstown) and 16 in Northland. A notable Otago advance is for a smokefree pub outside area—at the Bannockburn Pub Garden Bar. Rotorua City Council intends to have smokefree outdoor paved eating places by early 2018, including the 14 bars and restaurants of Eat Street.¹⁵

Local efforts to provide information to the public and the hospitality industry on smokefree dining have helped the Health Promotion Agency (HPA) efforts at a national level. The local work includes the great 'Smokefree conversations' sheet from a partnership by the Nelson Marlborough Public Health Service and the Marlborough

Figure 1: Image from Christchurch *Fresh Air Project* media.¹³



Figure 2: Downloadable sign from the Health Promotion Agency.¹⁸



Cancer Society, which suggests ways that café managers can help their staff in introducing smokefree outdoor policies.¹⁶ Another resource, the ‘Smokefree outdoor dining: A guide for cafés, restaurants and licensed premises’ has been produced by the Auckland Cancer Society.¹⁷ The HPA resources include smokefree signs, such as the downloadable ones for smokefree dining and for smokefree workplaces (See Figure 2).

Smokefree outdoor commercial areas

The outdoor dining at the Remarkables ski field has been smokefree since 2012 or before,¹⁹ and the whole ski field has been smokefree since 2013.²⁰ The company New Zealand Ski has required all its 1,200 staff to be smokefree while at its three ski fields (Remarkables, Coronet Peak and Mt Hutt) from the start of the season in 2013.²⁰ At Treble Cone (Wanaka) the chairlifts and lift queuing areas have been smokefree since 2014.²¹

In Otago the work sites of Breen Construction Ltd have been smokefree since 2015,²² and the OceanaGold Macraes Flat goldmining site has been smokefree since 2014. There are over 400 workers at Macraes Flat. Other major smokefree work

sites include Port Taranaki and Brancott Estate. Port Taranaki appears to be the first New Zealand port to go completely smokefree outdoors, in July 2016. The policy also includes all company vehicles on or offsite.²³ The Brancott Estate winery and vineyards in Marlborough is one of the larger agricultural worksites to aim to be entirely smokefree. Tour bus operators are informed before they bring groups, and if necessary tourist smokers are ferried offsite.

Iwi-driven policies

In 2015, an alcohol and smokefree policy was approved for 14 Tūpuna Maunga (the volcanic cones such as Mt Eden) in Auckland—Tūpuna Maunga o Tāmaki Makaurau.²⁴ The maunga are governed by the Maunga Authority, made up of the 13 iwi and hapu (Ngā Mana Whenua), Auckland Council and the New Zealand Government. In Hawkes Bay, the Ngati Kahungunu iwi is a leader in holding smokefree and tobacco-free events.²⁵ These include the Matariki, Pā Sports and Waitangi Days. For instance, the Waitangi Day events, besides having entrance screening to advise and remind those entering of the tobacco-free status of the event, have a Hauora Village that includes smokefree advisors. The Ngati

Kahungunu tobacco strategy aims to “significantly reduce tobacco prevalence and consumption rates prior to elimination of tobacco from Ngāti Kahungunu as an iwi” and to “eliminate all tobacco from significant places: wāhi tapu, urupā, maunga and awa within the Ngāti Kahungunu rohe”.²⁶

Smokefree campuses

DHBs have some of the strongest outdoor smokefree policies for large non-commercial areas in New Zealand, with a 2016 review noting:

“All DHBs cover buildings, grounds and vehicles, owned, occupied or leased, in their smokefree policies... Several DHBs prohibit tobacco use at DHB business and social events. Three DHBs prohibit or discourage tobacco use in private vehicles on DHB property.”²⁷

DHBs are required to have tobacco control plans. However, work by DHBs is constrained by the nature of national tobacco control targets, which are focused on individual cessation.²⁸ One positive local avenue for them is to fund the population health efforts of primary health organisations (PHOs). Another is to advocate to local government authorities for effective outdoor smokefree policies.

Most New Zealand tertiary education campuses have some form of smokefree outdoors policy, although in 2015 only nine out of 29 (31%) were found to be 100% smokefree for the whole campus.²⁹

Smokefree vehicles

Local and regional health promotion efforts since 2013 have included work in South Canterbury, Wainuiomata and Northland. The South Canterbury campaign in May 2013 surveyed over 900 people, and distributed smokefree car stickers at early childhood centres and supermarkets. The campaign also held demonstrations outside local supermarkets using a dry-ice smoke machine in a car, to help show the effects of smoking.

In Wainuiomata, a 2013 local campaign *That’s How We Roll* worked with sports clubs, schools, Regional Public Health and other local organisations to promote smokefree cars. The campaign used “local role models, a webpage, billboards, posters, radio advertising, community newsletters,

signage at school drop-off zones, logo and branding at community and school events, smokefree car information packs and a smokefree car story competition.”^{30,31} The campaign launch in February 2013 gained national television coverage. Local smoking in vehicles appeared to reduce faster than previously during 2011–13.³¹

In Northland, the health provider Te Hiku Hauora helped lead a smokefree cars campaign during 2014–15. A petition was presented to Parliament, and in May 2016 the Health Select Committee of Parliament held hearings on the petition. The Committee recommended a smokefree vehicles law for those carrying children under the age of 18, but in April 2017 the Government rejected this recommendation.³²

Smokefree events

Besides the iwi events described above, a number of other significant events in New Zealand have become smokefree outside. For instance, the Golden Shears event in Masterton organised wardens to make the area in front of the stadium smokefree, after complaints about smoke drifting inside from the entrance area.³³ The Cancer Society has a detailed toolkit for planning and implementing smokefree events.³⁴

Because of smokefree stadia policies, many major events with outdoor seating in Auckland City and elsewhere are smokefree. However, the implementation of the policies appears to vary, with two Auckland events at Eden Park and Western Springs in February 2017 having very different attitudes to the smokefree policy from staff and management.

Tobacco-free retailing

Health promotion staff from DHBs and NGOs across Aotearoa have been working with tobacco retailers for a number of years to help them move to be tobacco-free. The activity has largely been with local dairies and stores. By November 2016, the Northland region had 22 and the MidCentral region had 12 tobacco-free retailers. A website, *Tobacco Free Retailers* (<http://www.smokefreeshops.co.nz/>) provides news, a toolkit for health promoters and communities, and related research.

Regional, city and local highlights

Northland is a model for ‘across-government’ smokefree action, going beyond the health sector. The Northland Intersectoral Forum (NIF) comprised of local and central government agencies, have signed a *Smokefree 2025 Statement of Intent*. Under this *Statement of Intent*, NIF agencies will support the smokefree vision, develop and implement individual agency plans identifying specific actions within the relevant organisations to progress the Smokefree 2025 agenda, work collaboratively with the Northland DHB Smokefree team to develop these plans as required, and support the Smokefree 2025 initiatives of other NIF partners.³⁵

During 2012–14 the Whangarei District Council made key city outdoor spaces smokefree, including bus shelters, the Aquatic Centre, Te Manawa The Hub, Central City Car Park, Clapham’s Clocks, Quarry Gardens and Kiwi North, the Library Courtyard, the Canopy Bridge, all cemeteries and walkways, the Botanica Gardens, car parks and all council events.

In 2016, Christchurch City’s smokefree policies were extended from green spaces to “principal entrances and exits of Council buildings and facilities as well as Council bus passenger shelters”.³⁶ In the city rebuild, the new ‘Bus Exchange’ has been designated smokefree and there is strong support for the Health Precinct as well as the Justice and Emergency Precincts to be smokefree when they are completed. Since 2014, the Christchurch City Council has had a smokefree social housing policy that designates all new or refurbished units as smokefree. Any new tenancy agreements issued require tenants not to smoke indoors. A partnership with Community and Public Health provides smoking cessation support for tenants where required. Although management of the Council’s housing stock has now passed to an independent trust, there has been no change in this commitment.

In 2013, Auckland City Council adopted one of the most comprehensive and long-term smokefree outdoors plan so far in New Zealand.³⁷ This included for 2013: all outdoor Council facilities (including pools, zoo and stadia), all playgrounds and skate-

parks, all sports fields (including associated spectator areas), all regional and local parks and reserves, the public outdoor areas associated with Auckland Council service centres, offices, libraries, halls, museums, recreation and arts centres, and all transport areas, including train stations, train platforms, bus stations, bus shelters and ferry terminals. However, a 2014 survey found low or very low awareness of the policies, with only 17% aware of the policy for parks and reserves.³⁸ In 2016, a further survey found that only 8% of those surveyed thought that all parks and reserves were smokefree.³⁹ There appears to have been no evaluation of the outcome of smoking prevalence at any of these types of areas (or studies of butt litter or other indicators of tobacco use). In August 2016, this City Council resolved to “commence the statutory process for investigating a draft smokefree bylaw”.⁴⁰ Auckland Council planning is also special in aiming to have a smoking prevalence for South Auckland of under 3% by 2025.

Rotorua Lakes Council has a smokefree forest, and in 2015 adopted smokefree zones around some major facilities. They include the Council’s Civic Centre, the Sir Howard Morrison Performing Arts Centre, the Council’s carpark on Arawa Street and the band rotunda and Te Rununga Tearooms in the nearby Government Gardens. The zones include footpaths.⁴¹ In February 2017, the policy extended to bus stops and the Rotorua Stadium.¹⁵ Rotorua’s 2011 smokefree policy was one of the first to cover a market: “the area within Kuirau Park utilised by the Rotary North Market be declared smokefree and this to be stipulated as a lease condition with appropriate signage clearly displayed.”⁴²

Palmerston North City Council is further along than most in adopting smokefree policies since 2013 for some centre city streets, and for the seating on those streets. The policy also included bus stops, council events and the outdoor spaces at Council-owned venues.⁴³ The Horowhenua District Council adopted an innovative Smokefree Environments policy in June 2015, which included the *footpath* directly in front of the property boundary, and all associated public outdoor areas, of early childhood centres, primary and secondary schools.⁴⁴

In 2014, the Whanganui District Council adopted a smokefree policy for the “central commercial zone” including the main street and Majestic Square; the riverfront zone, including the “River Traders” and Farmers Market; and the “Arts and Commerce Zone” (some streets back from the river).⁴⁵ This total smokefree area is the largest proportion of the downtown of any New Zealand city that we know of. The policy process was unusual, in that the business organisation Mainstreet Whanganui was a major partner with health groups in driving the adoption.

Survey data on public support

The above examples and future activity around New Zealand are being helped by the investment of time, people and resources from NGOs (eg, Cancer Society, Heart Foundation), DHBs and local authorities. In particular, large surveys of public and/or business attitudes to smokefree outdoor policies have been commissioned in Auckland, Hawke’s Bay, Wellington and Christchurch (eg,⁴⁶).

These surveys suggest public support of over 80% for smokefree entrances to buildings that the public use, over 70% for transport waiting areas and 65–80% for venues with outdoor dining. A feature of the results of these surveys is the low public awareness of the smokefree outdoor policies that they found, suggesting that sufficient investment in the communication of the policies may be essential for effective outcomes. Local authorities vary widely in this investment, and in the quality and number of the smokefree signs they use.^{47,48}

Discussion

Local population level action in New Zealand is largely driven by the lack of action at a central government level. Instead of being able to support national interventions on tobacco supply and smokefree outdoor areas, and to provide local add-ons to mass media campaigns, local work is providing much of the progress in the last 10 years on tobacco supply and smokefree areas. No new national regulation of tobacco retailing has occurred since 2012, with the removal of tobacco displays,⁴⁹ and no new national regulation of indoor and outdoor smokefree places since 2004.⁵⁰ The success of the New Zealand smokefree school

ground law,⁵¹ and of outdoor smokefree laws such as in Queensland (Australia), along with the high public support indicates that national smokefree outdoor legislation is likely to be practical.

Such legislation, for instance for hospitality areas, would provide much needed help for accelerating progress towards the Government’s Smokefree 2025 goal.⁵² Leadership from Government could avoid the inconsistencies involved when 67 local authorities act separately, and would provide a clear national level playing field. The leadership could include effective investment in smokefree mass media campaigns.

We suggest that central government amends the Smoke-Free Environments Act to require a wide range of new types of smokefree outdoor areas, including playgrounds, building entrances used by the public, transport waiting areas and outdoor hospitality areas. Government also needs to amend the Local Government Act to enable local authorities to create bylaws for smokefree outdoor areas (in a similar way to the current provision for alcohol-free areas).⁵³ Legislation is needed to provide a minimum standard for the types of places and events covered, and the buffer zones required. Buffer zones are “distances around types of places (eg, entrances, outdoor queues, school entrances) that must be smokefree.”⁵⁴ Local authorities could then provide, through bylaws, for policies for places where local needs are not met, such as some non-patrolled beaches and some large pedestrian or inner city areas.

The advances in outdoor smokefree dining and drinking policies are particularly important, due to the role that smoking in public outdoor hospitality areas has in normalising smoking and providing cues to smoke. Smokefree policies for the outside areas of bars, restaurants and cafés help those quitting and decreases smoking uptake, as well as protecting those inside and outside from secondhand smoke.^{55,56} A number of studies indicate that outdoor social areas where smoking is allowed and alcohol is served increase relapse to smoking. In Ontario (Canada), those exposed to smoking on bar/restaurant patios were less likely to have tried to quit and over twice as likely to relapse “than those who visited a patio but were not exposed to

smoking”.⁵⁷ In the US, smokefree bar policies (inside and outdoor) have been found to significantly reduce the proportion of people starting smoking, and reduce smoking relapse into daily and heavy smoking.⁵⁸

Even moderate alcohol consumption appears to play a role in contributing to smoking relapse.⁵⁹ In a 2014 New Zealand survey of late-onset smokers aged 18 to 28 years, 85% agreed to the statement: “in the last two weeks, there has been an occasion where I smoked because I was drinking”. The NZ Health Promotion Agency authors concluded that: “strong links between smoking and drinking... may act as barriers to successful cessation among young late-onset smokers”.⁶⁰ The reasons for the powerful health-positive effect of smokefree policies include the way alcohol use affects cognition and decision-making.⁶¹ Even those intent on quitting and staying smokefree may find it very difficult to resist offers of cigarettes in social situations such as bars and cafés.⁶²

Changes to tobacco retailing is another area where legislation appears to be needed urgently, to reduce cues to smoke, to decrease the convenience of buying tobacco products and to help decrease the theft of those products.⁶³ While local and regional groups have done great work highlighting the marginal value of tobacco retailing for dairies, national policy seems necessary to get major changes to tobacco supply.

Because of the lack of standardised (or any) research across New Zealand, we have relatively little idea of how much smoking there is in designated ‘smokefree’ outdoor areas. Very few of the New Zealand outdoor smokefree policies have been evaluated in any way, and virtually none have had observations for the prevalence of smoking in the areas concerned.

The exceptions include observations in Wellington City for downtown squares, parks and playgrounds,^{64,65} in Kapiti,⁶⁶ and planned observations in Palmerston North. Apart from the Christchurch *Fresh Air Project*, we know of no evaluations available of smokefree dining initiatives in New Zealand. Evaluations of the effects of the smokefree dining bylaws in Palmerston North, Hawkes Bay, Westland and elsewhere will help the design and promotion of such initiatives elsewhere.

Some research possibilities for the future include on the rate of increase of tobacco-retailing free areas, the observation of smoking in vehicles across disparate areas of cities³¹ and the perceived legal and other obstacles to local authority bylaws on smokefree areas and tobacco retailing. The perceived obstacles that could be investigated include financial costs and staff commitments, the social exclusion of smokers, the issues for vulnerable populations and the gap between the approval of policies and their effective implementation.⁵⁴ Particular research areas include: (i) how to make smokefree and tobacco-free policies a continued priority for local authorities, including investment commitments; (ii) the gap between the wide varieties of attitudes to and experiences of smokefree outdoor areas across the hospitality industry, and the rhetoric of industry spokespeople; and (iii) the design and installation of appropriate and effective smokefree signage.^{48,67} This latter area has wide international significance, due to the need to move to positive communication that helps smokers see the benefits for their communities, families and themselves.⁵³ National awards for local smokefree and tobacco-free efforts would help recognise and reward such work across Aotearoa.

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Nil.

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