

2007 Review of
Smoke-free
Laws

Discussion Paper

Preamble

Privacy and Freedom of Information

Individuals who wish their comments to be treated confidentially should indicate this clearly, by marking the appropriate box on page 19. Stakeholders who want their submissions to be treated confidentially should be aware of the operation of the *Freedom of Information Act 1992*. If a person seeks access to a particular submission, the *Freedom of Information Act 1992* requires Queensland Health to grant access to the submission, unless certain exemptions apply.

Possible Reforms are not Government Policy

The possible reforms provided in this Discussion Paper are for discussion purposes only and do not represent a formal proposal or position of the Queensland Government.

Further information

For further information please contact Alcohol, Tobacco and Other Drug Branch, Queensland Health, on 07 3234 1709.

Participation / Submission Requirements

To participate in the review, comments must reach Queensland Health by **Thursday 31 January 2008**.

Comments and responses to the submission questions can be lodged on:
www.getinvolved.qld.gov.au

Comments and submissions can also be posted to:
2007 Review of Smoke-free Laws
c/- Alcohol, Tobacco and Other Drug Branch
Queensland Health
GPO Box 48
Brisbane QLD 4001

Or emailed to:
atodsweb@health.qld.gov.au

Or hand delivered to:
Alcohol, Tobacco and Other Drug Branch
Reception, Level 8
Queensland Health Building
147-163 Charlotte Street
Brisbane QLD 4000

This Discussion Paper can be accessed at www.health.qld.gov.au. Printed copies can be obtained by telephoning 07 3234 1709, or by emailing atodsweb@health.qld.gov.au. Please be sure to give your full postal address details.

Copies of the *Tobacco and Other Smoking Products Act 1998* and *Tobacco and Other Smoking Products Regulation 1998* can be accessed at www.legislation.qld.gov.au.

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Introduction

It is just over one year since the commencement of the final instalment of new smoke-free laws in Queensland. As part the Government's ongoing efforts to address the smoking problem, regular review of the tobacco laws is essential.

Tobacco smoking is a proven risk factor for a range of fatal and debilitating diseases and conditions including lung cancer, at least 13 other cancers, cardiovascular disease, stroke, and chronic obstructive pulmonary disease. Each year, smoking causes more than 3,400 deaths in Queensland.

As the leading cause of preventable death and illness worldwide, tobacco use is a serious public health issue and warrants careful regulatory attention.

In May 1998, the introduction of the *Tobacco Products (Prevention of Supply to Children) Act* marked the establishment of strong legislation governing this harmful product in Queensland. Renamed the *Tobacco and Other Smoking Products Act 1998* in 2002, a series of amendments to the legislation have established Queensland as having Australia's toughest tobacco laws.

Following the most recent review of the *Tobacco and Other Smoking Products Act* in 2004, amendments saw the introduction of stepped changes to laws for smoke-free enclosed places and smoke-free outdoor places, and further restrictions on tobacco advertising and display in retail outlets, tobacco product promotion and sales to minors. Significant increases in fines for breaches of the legislation were also introduced.

Queensland's tobacco legislation aims to reduce the public's exposure to environmental tobacco smoke, contribute to a culture that supports smokers trying to quit, and discourage young people from taking up the habit.

Scope of the Review

The primary objective of this review is to examine the effectiveness of the *Tobacco and Other Smoking Products Act* in achieving the key objective of improving the health of members of the public by reducing their exposure to environmental tobacco smoke.

The focus of this review is **smoke-free** laws.

Queensland legislative provisions regarding tobacco sales to minors, tobacco product retail display and promotion, and prohibited products are **not** included in this review.

National legislative provisions concerning tobacco product advertising, taxation and pack labelling are also **not** included in this review.

Purpose of Discussion Paper

This Discussion Paper has been prepared to assist interested parties in making submissions to the review.

It is not intended that this Discussion Paper include a comprehensive review of the literature. Rather, brief summaries of the evidence are provided as a stimulus for submissions.

Moreover, the possible reforms provided in this paper are for discussion purposes only and do not represent a formal proposal or position of the Queensland Government.

This Discussion Paper comprises three parts as follows:

Part A – Smoke-free Enclosed Places

Part B – Smoke-free Outdoor Places

Part C – Guide for Submissions

Parts A and B give a description of the current Queensland legislative arrangements, a brief summary of the evidence, a brief description of the efficacy of the current Queensland legislation, a comparison with legislation in other jurisdictions, and possible legislative reforms.

Part C asks for a general indication of support for the possible legislative reforms. All submissions should include the detached Part C. Additional comments should be attached and reference the relevant question numbers.

Background

1. There is strong and consistent evidence concerning the negative health effects of inhaling environmental tobacco smoke (ETS). Exposure to ETS can cause chronic bronchitis, pneumonia and other chest illnesses in children, and can increase the risk of cardiovascular disease, lung cancer and other lung diseases in adults.
2. Relatively short-term exposure may be sufficient for these effects to occur (National Occupational Health and Safety Commission (NOHSC), 2003). Short-term ETS exposure can also cause 'irritant' effects on the eyes, nose, throat and airways due to irritant chemicals in tobacco smoke.
3. The world's major public health agencies have concluded that ETS is a significant hazard to the health of non-smokers and that there is no safe level of exposure to ETS. World Health Organisation (WHO) estimates indicate that four million people per year, or one person every eight seconds, die globally from ETS related disease and illness (WHO, 1999). In Australia, 1998 figures indicate some 19,000 deaths attributable to tobacco, with more than 200 considered the direct result of ETS. Furthermore, WHO has estimated that some 9–13% of all cancer cases can be attributed to ETS in a non-smoking population (NOHSC, 2003).
4. Passive smoking means inhaling ETS. ETS is the complex mixture of 4,000 chemical compounds, including 60 known carcinogens, and particles released into the air whenever someone smokes a cigarette, cigar or pipe (NOHSC, 2003). There is a continuing increase in the body of scientific evidence, endorsed in Australia by the National Health and Medical Research Council and, internationally, by the WHO, that inhalation of ETS poses the same types of threats to the health of involuntary smokers as active smoking does to smokers. This is the fundamental reason for the need to eliminate ETS in spaces shared by smokers and non-smokers.
5. WHO findings indicate that, at typical environmental exposure levels, ETS causes cancer, increases the risk of fatal and non-fatal heart diseases in non-smokers and causes substantial death and illness from other serious health effects as a result of short and long-term exposure (Department of Health, 2002). Further, recent examination of the effect of outdoor tobacco smoke, taking into account source proximity and wind, found that during periods of active smoking, peak and average levels of smoke near smokers rivalled indoor tobacco smoke concentrations (Klepeis *et al* 2007).
6. The establishment of smoke-free places significantly reduces non-smokers' exposure to ETS (Pickett *et al* 2006). Smoke-free laws also reduce the opportunity to smoke, and provide a supportive environment for smokers wanting to quit by contributing to cultural and normative change. For example, younger smokers who respond to "social cues" to smoke in bars are more likely to give up smoking when comprehensive bans are in place (Trotter *et al* 2002).

Overall Impact of Tobacco Laws

7. To date, the general impact of the new Queensland laws has been positive, with independent research undertaken after the final commencement of the smoking bans on 1 July 2006 (MCR, 2006) showing an increase in the number of smokers making a quit attempt, and a decrease in the number of cigarettes being smoked overall.

8. Two randomised, representative population surveys have been conducted -

After the 1 January 2005 changes were introduced, results showed that:

- 76% of people **wholeheartedly** supported the new laws, with total support at 90%
- Total opposition to the new laws amongst smokers was 14%, compared to an average of 5% amongst all people.
- 85% of smokers claimed they had ‘completely stopped smoking in all areas where it is illegal to smoke at all times’ and two-thirds (67%) were ‘smoking less in public spaces’
- One-third of smokers reported they were ‘thinking about quitting’ (33%) or had ‘decreased the number of cigarettes they smoke’ (29%) because of the introduction of the new laws (MCR, 2005)

After the 1 July 2006 changes were introduced, results showed that:

- 22% of smokers reported they had attempted to quit because of the new laws. This equated to an estimated 123,000 Queenslanders
- 2% of smokers said that they had successfully quit as a result of the new laws. This equated to an estimated 14,000 new ex-smokers
- 27% of ex-smokers reported that the new tobacco laws had helped them remain non-smokers (MCR, 2006).

Part A

Smoke-free enclosed places

Current Legislation

9. The *Tobacco and Other Smoking Products Act* has reduced the public's exposure to ETS by making it an offence for a person to smoke in most enclosed public places¹.

10. The most recent changes to the smoke-free enclosed places laws are as follows:

From 1 January 2005

- One third of enclosed places in licensed venues must be non-smoking (including one-third of gaming machines).

From 30 September 2005

- Smoking bans increased to cover two-thirds of enclosed places in licensed venues (including two-thirds of gaming machines).

From 1 July 2006

- Smoking banned in 100% of enclosed places in licensed venues.

11. However a number of exceptions remain, namely, a person may smoke in the following enclosed places:

- an individual's home (except for that part of the home being used for business purposes and another person, such as an employee, is present)
- a vehicle being used privately or a business vehicle where only one person is in the vehicle
- a private living area in a hostel or other multiple unit dwelling (e.g. a motel room)
- premium gaming (or 'high roller') rooms in casinos
- a secure facility
- a person (e.g. an actor) who smokes during a performance if the smoking is part of the performance.

Public Opinion

12. The majority of Australians are aware of the health risks of ETS and support measures to control exposure to tobacco smoke in enclosed public places and workplaces.

13. Specifically, a survey conducted in 2005 reported that over three-quarters of Queenslanders wholeheartedly supported the new laws and over 90% of people state-wide were in total agreement that 'being exposed to passive smoking is a serious health issue' (MCR, 2005).

14. Recent research shows strong community support for prohibiting smoking in cars where children are present, with 80% of Queenslanders surveyed supporting such a ban (The Cancer Council Queensland, 2007).

¹ "Enclosed" means having a ceiling or roof and, except for doors and passageways, is completely or substantially enclosed whether permanently or temporarily.

Current Legislation in Practice

15. Since the commencement of the first instalment of the new tobacco laws on 1 January 2005, over 4,000 venue inspections of liquor licensed premises have been conducted. Compliance rates for the smoke-free enclosed places provisions of the Act have been high, with around 90% of premises compliant.
16. Almost half (48%) of smokers say the introduction of the new tobacco laws have had a flow-on effect leading them to stop smoking at other people's homes. Over a quarter of smokers (26%) report having stopped smoking in their own vehicle or the household's vehicle and 22% say they have stopped smoking in their own homes, as a result of the tobacco laws being introduced (MCR, 2006).
17. There has been some concern about the impact of smoke-free enclosed places legislation on the hospitality industry, specifically with regard to gaming revenue. Initial decreases in revenue have been seen both nationally (Victoria) and internationally (Ireland) coinciding with the introduction of smoking bans. An initial drop in revenue has also been evident in Queensland, however it is likely that this will be temporary. Reflecting the experience in Victoria and overseas, an initial decrease in gaming revenue following the introduction of smoking bans is likely to be followed by a steady increase and a return of sales.
18. Overall, while 10% of people have reportedly reduced their frequency of visiting liquor licensed premises, 21% report they have increased their visitation frequency – resulting in a net gain of 11 percentage points in those visiting liquor licensed premises more often as a result of the introduction of the new laws in July 2006. It is also younger Queenslanders (under 40 years) who are more likely to report visiting liquor licensed premises more often as a result of the new laws (MCR, 2006).

Current issues

19. The subject of smoking in cars with children present has received recent attention. There are health benefits of banning smoking in cars. Exposure to ETS, especially in confined areas such as cars, is known to be hazardous to health. Children and babies are especially vulnerable. However, several factors need to be considered:
 - The prevalence of people who smoke is reducing and in particular the number of smokers who smoke in cars. A majority (87%) of car owners surveyed in 2005 reported that smoking does not occur in their cars (Hickling *et al* 2006). Of smokers, only 31% with children below 14 years reported that they still smoked in their cars. This represents less than 6% of the whole adult population in Queensland.
 - Banning smoking in cars may be perceived as an intrusion into an individual's private domain, particularly considering the small proportion of the community who engage in this activity. Furthermore, similar to the prohibition of mobile phone use while driving, enforcement of a smoking ban in cars would be challenging.

- Public education campaigns and existing smoke-free legislation are likely to result in further decreases in the prevalence of smoking in cars due to further de-normalising of smoking.
20. Premium gaming rooms in casinos are also exempt from smoke-free enclosed places laws. There are concerns that a ban on smoking in these rooms could have an adverse effect on the competitive position of Queensland's casinos in the interstate and international markets. Currently, casino operators with premium gaming rooms (there are 10 rooms across the State), are implementing risk assessment and management programs to reduce the hazard posed by ETS. However, staff and patrons in premium gaming rooms continue to be exposed to ETS, and this has been raised as an ongoing concern by health groups and members of the public.

Other Jurisdictions

National situation

21. The arrangements for smoking bans in enclosed public places and workplaces across Australia are becoming increasingly consistent. Smoking is now prohibited in enclosed public places and enclosed workplaces in all jurisdictions. Seven out of eight jurisdictions ban smoking in licensed premises. A brief summary of the current legislative arrangements in States and Territories is presented below.

Australian Capital Territory (ACT)

22. Smoking is prohibited in all enclosed public places, including clubs, pubs, licensed venues and high roller rooms. The legislation followed an examination of indoor air quality in exempt premises in the ACT which found that reliance on mechanical ventilation systems was insufficient to prevent ETS exposure in non-smoking areas.

New South Wales

23. Smoking is prohibited in enclosed public places, licensed and unlicensed venues and gaming tables of casinos. Premium gaming rooms are exempt, however this is reviewed annually. Voluntary bans at gaming tables in some premium gaming areas have been enacted.

Northern Territory

24. Smoking is prohibited in enclosed public places, however smoking areas are permitted in licensed premises (not restaurants); subject to conditions of 'equal amenity' for all services (dance floors must be non-smoking).

South Australia

25. Smoking in many enclosed public places is prohibited. A total ban on smoking in enclosed licensed hospitality premises will commence on 1 November 2007. Enclosed places in all licensed hospitality venues, including pubs, clubs and high-roller rooms at casinos will be completely no-smoking from this date.

26. On 31 May 2007, South Australia prohibited smoking in vehicles when children under 16 are present. This ban, the first of its kind in Australia, applies to the driver and passengers and when the vehicle is either moving or stationary. Police Officers and Tobacco Control Officers have the authority to enforce this law by issuing fines up to a maximum of \$200. In practice, South Australia police officers are the primary enforcers of this provision and 14 fines were issued between June and September this year.

Tasmania

27. Smoking is prohibited in all licensed premises and gaming areas, as well as enclosed public places and workplaces.

Victoria

28. Smoking is prohibited in enclosed public places, licensed and unlicensed venues. Exemptions on smoking bans for premium gaming rooms are conditional on six-monthly reports to the Victorian Minister for Health.

Western Australia

29. Smoking is prohibited in all enclosed public places and licensed premises. An enclosed public place used exclusively for private functions (e.g. weddings, birthday parties) to which attendance is 'by invitation' only, is not considered a public place during the period of hire or use.
30. Premium gaming rooms exempt from the smoking bans are subject to adequate ventilation via either compliant mechanical ventilation or natural ventilation as prescribed by the Building Code Australia.

International trends

31. The international trend favours the strengthening of legislative restrictions on smoking in enclosed public places and workplaces, with such legislation enacted in New Zealand, the Republic of Ireland, Italy, Norway, France, Spain, Portugal, Bermuda, Uruguay, England and Scotland.
32. Smoking is prohibited in restaurants, nightclubs and bars in a number of US States and hundreds of municipalities in the US and Canada. These include major cities such as Ottawa, New York, Los Angeles, San Francisco, Boston, Dallas, and Miami. California has had smoke-free bars since 1998, and studies of the California experience have found that the law has become increasingly popular and has led to improvements in bar-workers' respiratory health.

Possible Reforms - Smoke-free Enclosed Places

A1 Are the current smoke-free enclosed places provisions of the *Tobacco and Other Smoking Products Act* meeting the Act's objective to "reduce public exposure to smoke from tobacco and other smoking products"?

A2 Are further reforms required?

Possible reforms could include, for example:

A3 Prohibiting smoking in vehicles where children under the age of 16 years are present

A4 Removing the current exemption for premium gaming rooms, resulting in a total smoking ban

A5 Do you have any further comments regarding smoke-free provisions for enclosed places?

You are invited to comment on these possible reforms and to provide other ideas by completing and returning the submission form in **Part C** of the Discussion Paper.

Part C also allows for feedback on the timing of possible reforms.

Part B

Smoke-free outdoor places

Current Legislation

33. Queensland is a world leader in smoking bans for outdoor public places. The *Tobacco and Other Smoking Products Act* has reduced the public's exposure to ETS by making it an offence for a person to smoke in a number of outdoor places² including the following:
- major sports facilities
 - patrolled beaches or at prescribed outdoor swimming areas (e.g. an artificial beach)
 - within four metres of non-residential building entrances
 - within ten metres of children's playground equipment
 - outdoor eating or drinking places where persons may consume food or drink provided by an on-site food service.
34. All of the above provisions commenced on 1 January 2005, except smoke-free outdoor eating or drinking places which commenced on 1 July 2006.
35. Premises with a general or club liquor licence and a number of prescribed outdoor pedestrian malls in Queensland (including the Queen Street Mall, Brisbane) are exempt from the ban on smoking at non-residential building entrances. The malls are listed in Schedule 1 of the *Tobacco and Other Smoking Products Regulation 1998*.
36. Premises with a general or club liquor licence may choose to have a designated outdoor smoking area (DOSA) no larger than 50% of the total outdoor liquor licensed area, for drinking and smoking only. Prohibited activities in a DOSA include the consumption of food, food or drink service, offering any form of entertainment or gaming machines. A smoking management plan and dedicated signage is also required for premises choosing to have a DOSA.

Public Opinion

37. Following the successful introduction of comprehensive smoke-free laws for enclosed places, the focus of communities and tobacco control organisations has shifted to increasing smoking bans in outdoor places. There is strong and growing support throughout Australia for extending outdoor smoking bans, particularly to include parks, sidewalks and car-parks (The Cancer Council NSW, 2007). A local council in New South Wales has become the first municipality in Australia to include beaches, parks, playgrounds and public events in its smoke-free by-laws (Dickens 2007).
38. A number of letters have been written to the Minister for Health since July 2006 regarding the smoke-free outdoor places provisions of the Act. A range of suggestions have been made, including:
- Banning smoking in the Queen Street Mall, Brisbane
 - Banning smoking at all public transport waiting points (e.g. bus stops, ferry wharves)
 - Extending the building entrances smoking ban.

² An outdoor place is defined in the Act as one which is not "enclosed". See also enclosed definition on page 6.

39. Support for banning smoking at all public transport waiting points has also been expressed by the Brisbane City Council and the Minister for Transport.

Current Legislation in Practice

40. Since the commencement of the first instalment of the new tobacco laws on 1 January 2005, over 125,000 inspections of outdoor places have been conducted. Compliance rates for the smoke-free outdoor places provisions of the Act have been high, with around 88% of sites compliant.
41. According to recent research, 9% of Queensland respondents say they are visiting outdoor eating or drinking places less often compared to 30% who report they are visiting more often. This represents a net gain of 20 percentage points in those visiting outdoor eating or drinking places more often, as a result of the new tobacco laws (MCR, 2006).
42. Despite a number of possible breaches reported since the final stage of smoke-free outdoor laws on 1 July 2006, the smoking bans for outdoor eating or drinking places appear to have been largely successful, with compliance rates from over 1,000 inspections at 98%.
43. An area of concern, evidenced by the number of possible breaches reported by members of the public since 1 January 2005 (over 50% of all breaches reported) is smoking near building entrances. While compliance rates upon opportunistic inspection were very high at 99.8%, the transient nature of this breach makes this a difficult smoke-free law to enforce.
44. Very few possible breaches were reported for patrolled beaches, outdoor swimming areas, or major sporting facilities.
45. Some definitions in the Act have caused concern for industry, in particular the definition of an outdoor place and consequently what constitutes “enclosed” and “substantially enclosed”. Under the Act, in order to determine if a place is outdoors (or ‘non-enclosed’), the definition of enclosed applies. An enclosed place is one that “has a ceiling or roof, and, except for doors and passageways, is completely or substantially enclosed, whether permanently or temporarily”. This definition is broad in nature because of the infinite number of possible building configurations. Queensland Health enforcement officers have provided printed material and advice to licensees to assist with the practical application of the definition. Queensland Health’s Tobacco Hotline (a free-call telephone service to assist people with questions about the legislation) has also provided assistance to licensees regarding the definitions of enclosed and outdoors.
46. Confusion about what is considered an “outdoor” or “enclosed” place affects the location of DOSAs and patron exposure to ETS.

Current issues

47. The application of the smoke-free outdoor places law at golf courses has been raised by industry. Currently, golf courses are captured by the outdoor eating and drinking places provision of the Act because they provide on-site food service. In practice, a golf course with a club licence can elect to make their entire golf course ‘no smoking’, have ‘smoking only’ areas across the grounds, or establish DOSAs comprising of no more than 50% of the grounds.
48. Feedback from industry choosing the DOSA option is that this is impractical and unenforceable.
49. There has also been a request by industry to allow for some relaxation of the prohibited activities in DOSAs such as the provision of snack foods and passive entertainment. Another request has been to modify the 50% rule for DOSAs based on the claim that many venues are experiencing overuse of smoking areas and underutilisation of non smoking areas.
50. Health groups have expressed concerns that children are currently allowed in DOSAs and are therefore exposed to ETS. Similarly, health groups and community members have highlighted that there are no compulsory requirements for smoke-impervious buffers around DOSAs and other outdoor areas of the premises, and no requirements for buffers between DOSAs and enclosed areas of the premises.
51. Community and health groups have also raised the issue of smoke drift and continued exposure to ETS, particularly with regard to outdoor pedestrian malls (specifically the Queen Street Mall, Brisbane), at public transport waiting points, in areas adjoining DOSAs, and around building entrances.

Other Jurisdictions

National situation

52. The arrangements for smoking and non-smoking in outdoor public places across Australia are varied. Currently, Queensland has the most extensive outdoor bans, and is the only jurisdiction to have complete bans in outdoor eating or drinking places for both licensed and unlicensed venues. Queensland is the only state to legislate smoking bans within 10 metres of outdoor children’s playground equipment and to ban smoking in patrolled beach areas. A summary of the current legislative arrangements in States and Territories is presented below.

Australian Capital Territory (ACT)

53. There are no restrictions on smoking in outdoor places.

New South Wales

54. There is no restriction on smoking near building entrances and ventilation intakes; however occupiers are required to take reasonable steps to prevent the spread of smoke from smoking to non-smoking areas.

55. Some local councils have enacted bylaws to ban smoking near children's playgrounds, sporting fields and in alfresco dining areas.

Northern Territory

56. There are no restrictions on smoking in outdoor public places; however smoking is not permitted near air-conditioning inlets or entrance areas and half of fixed seating in outdoor venues (eg, stadium seating) must also be non-smoking. Educational facilities must be smoke-free.

South Australia

57. There are no smoking restrictions in outdoor eating and drinking areas, outdoor public places, building entrances, ventilation intakes, or sporting stadia.

Tasmania

58. Outdoor dining areas must be 50% no-smoking. Smoking is prohibited within 3 metres of an entrance or exit to a non-domestic or multiple-use building and within 10 metres of an air-conditioning intake. Reserved seating areas of sporting stadia are no-smoking.

Victoria

59. Smoking is prohibited in all covered areas of train platforms, tram stops and bus shelters.

Western Australia

60. There are no restrictions on smoking in outdoor places.

International trends

61. Sweden prohibits smoking in schoolyards and other outdoor places for children. California has banned smoking and disposing of any tobacco-related waste within 7.5 metres of outdoor playgrounds and sandboxes since 1 January 2002.
62. Many cities and counties in California are taking the next step to protect their communities by creating outdoor smoke-free ordinances (Bloch *et al*, 2000). Examples include smoke-free public events (Davis), smoke-free recreation areas (Rancho Cucamonga), and completely smoke-free parks (San Fernando). South Korea has smoking bans at outdoor subway platforms and South Africa has banned smoking at outdoor sports stadiums. Japan has some local level legal restrictions on outdoor smoking in designated portions of urban centres.

Possible Reforms – Smoke-free Outdoor Places

- B1** Are the current smoke-free outdoor places provisions of the *Tobacco and Other Smoking Products Act* meeting the Act’s objective to “reduce public exposure to smoke from tobacco and other smoking products”?
- B2** Are further reforms required?
- Possible reforms could include, for example:
- B3** Clarifying the definition of an outdoor place
- B4** Giving local government the power to regulate smoking in pedestrian malls
- B5** Increasing the distance from building entrances where smoking is banned
- B6** Removing the building entrances exemption for premises with a general or club licence, resulting in no smoking within four metres of an entrance to a hotel or club
- B7** Giving local government the power to prohibit smoking at public transport waiting points, including for example bus shelters and ferry wharves
- B8** Clarifying existing outdoor smoking bans as they apply to golf courses
- B9** Modifying the designated outdoor smoking area (DOSA) provisions of the legislation (eg. what can and cannot be taken into a DOSA; who is allowed access to a DOSA, including children; the size of the area used for DOSAs; buffers; phased removal of DOSAs)
- B10** Do you have any further comments regarding smoke-free provisions for outdoor places?

You are invited to comment on these possible reforms and to provide other ideas by completing and returning the submission form in **Part C** of the Discussion Paper.

Part C also allows for feedback on the timing of possible reforms.

Part C

Guide for Submissions

Guide for Submissions

To assist individuals and organisations to make submissions to the review a number of possible reforms have been presented throughout this Discussion Paper. These are not intended to be exhaustive or prescriptive, or in any way limit the content of submissions.

Please use the forms on the following pages to indicate in general terms whether you support, partially support, or do not support the possible reforms. Detach these pages and return to Queensland Health by the due date. If you would like to make further comment on any or all of the possible reforms, please attach separate pages, using the numbering system as listed to frame your comments. General comments are also welcome. It is preferred that these additional comments be typed.

Electronic copies of the Discussion Paper can be accessed at www.health.qld.gov.au. Printed copies can be obtained by telephoning 07 3234 1709, or by requesting them via email atodswb@health.qld.gov.au. Please be sure to leave your full postal address details.

Copies of the *Tobacco and Other Smoking Products Act 1998* and *Tobacco and Other Smoking Products Regulation 1998* can be accessed at www.legislation.qld.gov.au.

Only written submissions will be accepted. All submissions should contain the completed cover sheet on the next page, clearly indicating a contact name and details, and noting if the submission is to be treated confidentially. Anonymous submissions will not be accepted.

To participate in the review, submissions must reach Queensland Health by Thursday 31 January 2008

Comments and responses to the submission questions can be lodged online at: www.getinvolved.qld.gov.au

Comments and submissions can be posted to:
2007 Review of Smoke-free Laws
c/- Alcohol, Tobacco and Other Drug Branch
Queensland Health
GPO Box 48
Brisbane QLD 4001

Or emailed to:
atodswb@health.qld.gov.au

Or hand delivered to:
Alcohol, Tobacco and Other Drug Branch
Reception, Level 8
Queensland Health Building
147-163 Charlotte Street
Brisbane QLD 4000

Submission to the 2007 Review of Smoke-free Laws

Name	
Organisation	
Mailing Address	

Confidential yes no

Please indicate if you are:

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> a person under the age of 18
<input type="checkbox"/> an owner or manager of a business that sells tobacco products
<input type="checkbox"/> an employee of a business that sells tobacco
<input type="checkbox"/> a professional association or non-government organisation
<input type="checkbox"/> involved in the tobacco industry other than by retailing
<input type="checkbox"/> other (please specify) | <input type="checkbox"/> a health or medical professional
<input type="checkbox"/> a teacher, educator or youth worker
<input type="checkbox"/> a union
<input type="checkbox"/> involved in the advertising industry
<input type="checkbox"/> an interested member of the public |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

.....

Additional comments included? yes (please attach) no

Please continue on the next page.

PART A - Smoke-free Enclosed Places

A1 Are the current smoke-free enclosed places provisions of the *Tobacco and Other Smoking Products Act 1998* meeting the Act's objective to "reduce public exposure to smoke from tobacco and other smoking products"? yes no somewhat

Why? / Why not?

A2 Are further reforms required? yes no

Why? / Why not?

A3 Do you support the prohibition of smoking in vehicles where children under the age of 16 years are present? support partially support don't support

If supported, when should the new laws commence?

- 3 months after passing of law
- 6 months after passing of law
- 12 months after passing of law
- Other. Please specify _____

A4 Do you support removing the current exemption for premium gaming rooms, resulting in a total smoking ban? support partially support don't support

If supported, when should the removal of the exemption commence?

- 3 months after passing of law
- 6 months after passing of law
- 12 months after passing of law
- Other. Please specify _____

A5 Do you have any further comments regarding smoke-free provisions for enclosed places? yes no

Please give detail _____

PART B - Smoke-free Outdoor Places

B1 Are the current smoke-free outdoor places provisions of the *Tobacco and Other Smoking Products Act 1998* meeting the Act's objective to "reduce public exposure to smoke from tobacco and other smoking products"?

yes no somewhat

Why? / Why not?

B2 Are further reforms required? yes no somewhat

Why? / Why not?

B3 Do you support clarifying the definition of an outdoor place? support partially support don't support

If supported, how should the definition be clarified?

B4 Do you support giving local government the power to regulate smoking in pedestrian malls? support partially support don't support

If supported, when should the new laws commence?

- 3 months after passing of law
- 6 months after passing of law
- 12 months after passing of law
- Other. Please specify _____

B5 Do you support increasing the distance from building entrances where smoking is banned? support partially support don't support

If supported, when should the new laws commence?

- 3 months after passing of law
- 6 months after passing of law
- 12 months after passing of law
- Other. Please specify _____

B6 Do you support removing the building entrances exemption for premises with a general or club licence, resulting in no smoking within four metres of an entrance to a hotel or club? support partially support don't support

If supported, when should the new laws commence?

- 3 months after passing of law
- 6 months after passing of law
- 12 months after passing of law
- Other. Please specify _____

B7 Do you support giving local government the power to prohibit smoking at public transport waiting points, including for example bus shelters and ferry wharves? support partially support don't support

If supported, when should the new laws commence?

- 3 months after passing of law
- 6 months after passing of law
- 12 months after passing of law
- Other. Please specify _____

B8 Do you support clarifying existing outdoor smoking bans as they apply to golf courses? support partially support don't support

If supported, how should they be clarified?

B9 Do you support modifying the designated outdoor smoking area (DOSA) provisions of the legislation (eg. what can and cannot be taken into a DOSA; who is allowed access to a DOSA, including children; the size of the area used for DOSAs; buffers; phased removal of DOSAs)? support partially support don't support

If supported, how should the provisions be modified?

B10 Do you have any further comments regarding smoke-free provisions for outdoor places? yes no

Please give detail

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