

Tobacco Products Control Amendment Bill 2008

In November 2008, Independent MP Dr Janet Woollard introduced a Bill to WA Parliament which outlined a set of amendments to the Tobacco Products Control Act 2006.

1. Section 22: Display of Tobacco Products

A ban on visible tobacco displays will:

- protect children and young people from exposure to tobacco promotion;
- support smokers who are trying to quit and former smokers that are trying to stay smoke-free; and,
- be consistent with health promotion campaigns about tobacco products being dangerous and addictive.

In most cases cigarettes occupy the most valued position in the store: behind the cash register or sales point. This maximises their accessibility and profile. They are often located near confectionery items, providing a false sense of their potential danger. The tobacco industry uses point-of-sale displays to promote its products. Tobacco industry documents show the importance the industry attaches to these displays to achieve "optimal product exposure." An experimental evaluation shows that cigarette package displays increase children's perception that cigarettes are easy to obtain and facilitate their recall of brand names. Tobacco displays at point of sale 'normalise' tobacco products and advertise tobacco products, even though tobacco advertising is banned. Tobacco displays influence children, are a temptation to recent quitters and people trying to quit smoking, increase impulse purchasing, and are crucial to tobacco marketing and promotion.

The exemption for specialist tobacconists has been maintained; we are reasonably confident that this only applies to one business, with two retail outlets.

2. Section 106A: Use of tobacco products in cars with children

The health effects of passive smoking on children are well documented.

Cars are a confined space and a recent study found that concentrations of both fine respirable suspended particles (RSPs) and carbon monoxide in cars are significantly increased when smoking while driving. RSP levels reached dangerously high levels for the duration of the smoking of the cigarette and stayed elevated for at least 5 minutes after smoking. There is good evidence that children's exposure to passive smoking is strongly associated with a greater likelihood of ear infection, lower respiratory tract infections and increased asthma attacks.

3. Section 106B: Use of tobacco products in outdoor areas (eating and drinking)

There is strong scientific evidence that smoking in crowded outdoor areas, such as restaurant and hotels, can lead to harmful levels of chronic exposure by both patrons and employees. With smoking banned from indoor eating areas, there is a higher concentration of smokers and cigarette smoke in al fresco dining areas. This is a concern for non-smoking customers, diners with respiratory issues and for staff who are regularly working in these areas. *Smokers have adapted to previous changes to indoor dining, and will continue to adapt when al fresco dining is prohibited.* In addition smoke drift from outdoor areas can render indoor smoke-free areas ineffective if the indoor and outdoor areas are adjoined without adequate barriers, open windows and doors.

Increasing community awareness of the harmful effects of passive smoke has led the community to accept, and expect the availability of smoke-free al fresco areas. *This will also eliminate the problems of smoke-drift from outdoor to indoor areas where alfresco areas are immediately adjacent to indoor bar and eating areas. From a legal perspective, hotels, clubs, restaurants,*

cafes and the casino have a duty of care to protect employees and patrons from proven hazards. The tobacco industry has long been aware that its (and others') public predictions of dire consequences for the hospitality sector were unfounded.

The Hotel lobby gained an exemption for up to 50% of outdoors eating and drinking areas.

4.Section 106C: Use of tobacco products in outdoor areas (playing areas)

Passive smoking can have significant health effects on children. The benefits of this amendment will contribute to legislation and regulations that protect their health, in areas designed for the use of for children, teenagers and young adults. There is strong community support to make playgrounds smoke-free zones. Children exposed to second hand smoke are more likely to suffer from colds and ear infections; it is especially dangerous to children and adults with asthma or other chronic illnesses because it aggravates their condition. Littered cigarette butts are also hazardous to children. Young children may pick up the butts and put them in their mouths, with the risk of choking or burning themselves. The harmful chemicals and nicotine in discarded cigarettes can be toxic and even fatal to a small child.

5.Section 106D: Use of tobacco products in outdoor areas (safe swimming areas)

Patrolled beaches attract large numbers of people, particularly families with children. Smoking on beaches is problematic for several reasons. Firstly, cigarette smoke in open spaces can cause discomfort for those people with respiratory problems. Secondly, beaches are places that families with young children; and as such, should be deemed a smoke-free public place. Thirdly, cigarette butts are a major contributor to environmental damage on beaches. The Bill bans smoking between the flags on all patrolled beaches.

The Bill finally passed on Wednesday 17 September 2009. Full implementation must be completed twelve months from proclamation.