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NSW Legislative Assembly Hansard

SMOKE-FREE ENVIRONMENT AMENDMENT BILL

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Bill introduced and read a first time.

Second Reading

Mr FRANK SARTOR (Rockdale—Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts) [10.03 a.m.], on behalf of Mr Morris lemma: I move:

That this bill be now read a second time.

This bill amends the Smoke-free Environment Act 2000 to phase out smoking in enclosed public places in licensed premises. It follows years of consultation and planning, including formal discussions with industry, health groups and the community as part of the joint working party process between November 2003 and June 2004. Several compelling reasons shape the decision to bring in further smoking bans. Since 1986, 34 scientific studies have been published in leading health journals throughout the world showing the harm done by environmental tobacco smoke.

One study showed that working one eight-hour shift in a smoky bar is equivalent to smoking half a packet of cigarettes. Myriad eminent research bodies and health bodies have affirmed that passive smoking causes harm, including the United States of America Surgeon General, the British Medical Association, the Australian Medical Association, the American Heart Association, the United States of America Environmental Protection Agency, the World Health Organisation, the Royal Australian College of General Practitioners, the National Heart Foundation and the National Health and Medical Research Council. There have been 20 successful Australian prosecutions for passive smoking in the workplace. Tobacco-related illnesses account for 54,000 hospital admissions annually at a cost of \$180 million per annum or \$500,000 per day.

Smoking is already banned in other Australian workplaces, including shopping centres, government buildings, restaurants, airports, airlines and so on. With similar bans in other States, we have a consistent national approach, protecting workers while giving proprietors time to adjust. The New South Wales plan has been carefully crafted to achieve 90 per cent of the health benefits from 1 July 2005 when smoking is banned in thoroughfares, dance floors, auditoriums, toilets, and all but one bar or gaming area in each premise. Partial bans will become law from the commencement of the legislation, including those restrictions that are currently part of the voluntary agreement which will come into effect on 1 January 2005, and then with increasing restrictions from July 2005 and July 2006, and a complete ban from 1 July 2007.

The phased approach considers the health of workers and the concerns of business proprietors who own and operate licensed premises or enclosed public spaces. Smoking bans have been debated in New South Wales since the formation of the Passive Smoking Task Force in 1996. In 2000 the Smoke-free Environment Act banned smoking in enclosed public places but exempted non-dining areas of licensed premises. The removal of these exemptions is the key part of this legislation. Similar smoking bans will be introduced in other States and Territories: Tasmania from January 2006, Queensland from July 2006, the Australian Capital Territory from December 2006, South Australia from October 2007 and Victoria from July 2007.

Following the commencement of the New South Wales Smoke-free Environment Act 2000 an industry working party was formed to deal with practical implementation issues. This resulted in the issue of guidelines to prevent the spread of smoke to smoke-free zones. A further working group was convened in 2002 to develop measures to further reduce smoking in licensed venues. This led to Share the Air, a voluntary agreement with a two-year transition period for licensed premises to agree to ban smoking at counter areas, make one bar non-smoking in multibar venues and make one gambling or activity room non-smoking in multiroom venues with more than one room for each activity. The agreement also noted in-principle support for future legislation to mandate the restrictions.

There has been substantial compliance with the Share the Air agreement, and I commend New South Wales pubs and clubs for their willingness to change the culture of smoking in their premises. The restrictions in this bill that are proposed to commence on 1 January 2005 are substantially the same as the restrictions that were voluntarily implemented through the Share the Air agreement. The restrictions are: no smoking at a counter where drinks are ordered or served; in venues that have more than one bar room, one room must be smoke free and in venues that have more than one gaming room or recreation room, at least one of each room offering a particular activity must be smoke free.

From 1 July 2005 smoking will only be permitted in one room of a venue. That room must not exceed 50 per cent of the total area of bar, gaming and recreation area. If there is only one room in the venue, from 1 July 2005, smoking will be permitted in 50 per cent of that room. Smoking will not be permitted in toilets, lobbies, thoroughfares, dance floors, auditoriums or counter areas. From 1 July 2006, the smoking area will be reduced to one room not exceeding 25 per cent

of the total area of the bar, gaming and recreation rooms. In single room venues, smoking will only be permitted in 25 per cent of that room. From 1 July 2007, smoking will not be permitted in enclosed public spaces in licensed premises.

A minor exemption will remain for certain sections of the private gaming or high roller rooms in Star City Casino. This exemption does not diminish the responsibility of the casino or any other licensed premises that is owed to employees under occupational health and safety legislation. The casino exemption will be reviewed every 12 months to determine whether it is justified to maintain parity with smoking restrictions in interstate casinos. The bill allows for regulations to be made about the issuing of guidelines to industry in relation to areas that are considered to be enclosed spaces. It is anticipated that some sections of the hospitality industry may require guidance on building renovations and arrangements to comply with the legislation.

The Government will continue to work co-operatively with the hospitality industry to help ensure compliance, just as it has worked with the restaurant industry to assist with compliance with earlier bans on smoking in enclosed dining areas. The provision for regulations and guidelines will allow for greater clarification, if necessary, of the terms set out in the legislation. The bill also makes it clear that the smoking bans do not apply to private residential accommodation in motels or hostels. It protects the Government from any claims for compensation arising from the enactment of the bill relating to the regulation of smoking in public places.

This bill builds upon the incremental steps the Government has been taking for almost a decade to reduce the prevalence of tobacco smoke in the environment. It is a vital public health measure that will save lives by reducing the exposure of workers and the public to environmental tobacco smoke. Implementation of the legislation will be accompanied by an extensive advertising campaign. Not only will the campaign advise people about the provisions of the legislation, it will encourage them to give up smoking. Support for the Quitline, media campaigns to induce quitting behaviour and the promotion of pubs and clubs as smoke-free work and recreation places are key strategies to reduce smoking-related harm in the New South Wales community. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire.

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