

Submission

No 30

INQUIRY INTO TOBACCO SMOKING IN NEW SOUTH WALES

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Theme:

Summary

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Submission by The Non-Smokers' Movement of Australia (NSMA) to the NSW Parliament's Joint Select Committee Inquiry into Tobacco Smoking in NSW

Dear Chairman Torbay and Members of the Committee,

Thank you for this opportunity to make a submission to this Inquiry.

We will base the majority of our submission on a combination of most of the stated Terms of Reference.(TR's)

We will also make several suggestions regarding stronger legislation in several areas and especially with regard to the protection of children and others who cannot speak up for themselves to defend themselves against the deadly effects of passive smoking.

The **Non-Smokers' Movement of Australia (NSMA)** has been fighting for people's rights to clean air, free from the poisons in tobacco smoke, since our organisation was formed in 1977.

This submission about Tobacco Smoking in NSW is based on our primary aim:

"To uphold the rights of all people to breathe air free of tobacco smoke".

We believe that we can only achieve our aim by approaching tobacco smoking in two ways:

By removing tobacco smoke from non-smokers' lives

By reducing the rate of smoking in the community.

It is difficult to believe that over 50 years ago it was discovered that smoking kills and that more than 10 years ago it was found that passive smoking (secondhand, or environmental tobacco smoke) kills non-smokers. Tobacco is the greatest cause of preventable deaths in NSW and Australia. Tobacco causes 6,000 deaths in NSW each year and 150 hospital admissions per day.

These deaths were and are entirely preventable with strong, enforceable legislation.

For much of the time, silent and defenceless children, the frail aged and the less vocal disabled members of the community have been left behind and forgotten - they should certainly have been the first to be protected from deadly secondhand smoke.

Understanding Tobacco-Caused Disease

Tobacco diseases are best seen as the inhalation of toxic substances, some of which act immediately, and some of which have effects in the longer term. The toxic ingredients are:

1. Hot gases, which directly irritate and harm mucosa.
2. Tar, which contains substances that cause cancer.
3. Carbon Monoxide, which inactivates red cell oxygen carrying capacity, and is directly toxic to cells especially those lining both the airways and the blood vessels.
4. Nicotine, which resets the nervous system excitability, and the tone (tension) in the blood vessel walls. It is responsible for addiction.
5. Particulate matter, which may be deposited as soot.

These five ingredients are inhaled actively or passively, causing death and/or disability in smokers and/or non-smokers.

Information from NSW Dept. of Health.

Passive smoking is breathing in other people's smoke. It affects smokers and non-smokers. Passive smoking, sometimes known as Environmental Tobacco Smoke (ETS), is a combination of exhaled mainstream smoke (smoke breathed out by the smoker) and sidestream smoke (smoke that drifts from the burning end of a cigarette).

ETS is made up of over 4,000 chemicals and more than 60 of these are known to cause cancer in humans.

Research indicates that there is no safe level of exposure to environmental tobacco smoke.

Other aspects of tobacco and smoking.

1. There is no good purpose or productivity in tobacco smoking. The so-called pleasure from smoking stems from the highly addictive nature of nicotine and can be likened to the pleasure gained when a person stops hitting one's head against a wall - it's good when the hurting stops. Similarly, for the smoking addict - he or she feels better when the pressure of the addiction is relieved.
2. Nobody dies from **not smoking** tobacco.

However, many people die or suffer disease and disability from smoking and tobacco smoke also cause others' deaths and disabilities.

Misconceptions and other Obstacles which add to the Deadly Harm caused by Tobacco Smoking.

1. Community Complacency.

That, with the majority of the adult non-smoking population enjoying relatively smoke-free lives, they simply think that the "job is done" and everything is fine. The "job" is by no means finished, while children and other dependants continue to be subjected to highly dangerous levels of secondhand smoke in their homes and in vehicles.

2. Role Models who Smoke.

Children's role models such as parents, older siblings, pop stars, film stars, continue to smoke and some even defend smoking in front of them, "badmouthing" all governments for excessive tobacco taxes, for giving tobacco to troops during the War, for not doing enough to stop vehicle emissions and for allowing gambling and alcohol and for not signing the Kyoto agreement.etc etc etc. All are distractions from the basic issue - that smoking kills.

Children then see smoking as grown-up, cool or glamorous and a normal adult activity, but one form of rebellion which can be indulged in without too much difficulty, subterfuge or expense and it "really gets up the wowsers' noses!!".

3. That Prohibition wouldn't work -

It is generally accepted by tobacco control experts, by governments (and of course by the tobacco industry), that prohibition of tobacco products would force production and marketing underground into a totally uncontrollable black market. This perception (of the futility of prohibition) should be questioned, challenged, and examined regularly.

Governments should consider pilot projects with total tobacco bans in a number of communities. Prohibition in small, controlled communities might work. Prohibition of alcohol seems to work in some communities.

It's interesting to note that all governments agree that, if tobacco smoking were introduced now, it would be banned immediately.

4. Lack of Conviction about Everyone's Clean Air Rights.

There is a widely-held perception that because tobacco is a legally available product, smokers have rights to smoke wherever they wish.

This perception is even held by many non-smokers despite their hatred of being assaulted by tobacco smoke . NSMA claims that smokers may have a right to smoke but not where it affects others. Their rights stop at their own bodies.

NSW Council for Civil Liberties Policy Statement : "This Council believes that any individual's liberty should only be curtailed when it impinges on the liberties of others. We do not oppose the sale of tobacco products to adults. It is a person's right to use any legal substance, but the context of use should be dependent on the comfort of others. Smoking should only be allowed where there is no possibility of passive smoking causing harm or discomfort to others. The onus should be on the smoker to prove no discomfort or irritation to non-smokers. We support the decision of institutions to declare enclosed public areas smoke free. Similarly we support the right of private ownership to declare "smoking permissible" areas providing such areas are well signposted"

5. Complicity.

Some politicians and their advisers are influenced by either addiction to tobacco or by close association with or vested interests in the tobacco industry or closely-related industries to the extent that they cannot remain unbiased in the decision-making process.

Also, it is impossible for any politician to remain unbiased while his/her party continues to accept donations and/or sponsorship and favours from the tobacco industry or from closely related industries (such as those which are suppliers or marketers for the tobacco industry).

6. Discrimination

With its knowledge of the dangers of secondhand (environmental) tobacco smoke, the Government promotes widespread discrimination by allowing smoking to continue indoors.

Non-smokers (potential workers, patrons) cannot enter smoking-allowed premises either because they cannot risk aggravating a chronic condition, or because they sensibly wish to protect themselves and avoid tobacco's harm. Either way, they are victims of blatant discrimination by Government and Proprietors , just as blatant as a set of steps in front of a person in a wheelchair.

Major Recommendation:☺

TR(a)

We call on The Premier and the NSW government, with its successive long-term knowledge of the dangers of passive smoking and of the poisonous nature of environmental tobacco smoke, to enshrine in legislation everyone's rights to clean air free from the poisons in tobacco smoke.

These rights would ensure that any legislation which follows must provide complete protection from tobacco smoke for all who wish for it and/or need it.

When the Smoke-free Environment Act 2000 was introduced it failed to provide protection for the worst affected workers - those in the hospitality industry. These workers can be engulfed in smoke for their entire shift, smoke in such crowded spaces that it can be difficult to walk through the crowd, with not even dining tables or office-desks to separate them, no barriers to protect them from the relentless assault from secondhand smoke.

The so-called Smoke-free Environment Act 2000 also failed to protect anyone from the inevitable smoke-drift which happens because the smoke simply doesn't know how to stop at doorways or behind white lines marked between smoking and non-smoking areas.

However, when the Act of 2000 was introduced, we were told that if the exemptions caused problems, we could always depend on the following:

a. Common law action

Owners or licensees of establishments are at risk of being subject to legal action if smoke causes harm to employees or visitors. This is generally expressed as a duty of care owed to those who may suffer harm from a person's negligent acts or omissions. This is the same basis that people risk being sued if others suffer injury by being negligently exposed to slippery or dangerous floors.

b. Occupational Health & Safety Act 2000 (NSW)

This Act places a duty on all employers to ensure the health, safety and welfare at work of their employees. The Act also places obligations on employers for the health, safety and welfare at work of the public while on the employer's premises. These extend to patrons, guests and contractors

The drawback (sic.) with any action taken under these areas of law is the action can only be taken if the victim of secondhand smoking were almost dead and was prepared to submit to a series of long-drawn out and harrowing court processes to prove this had been caused by the negligence of an employer or a proprietor.. .

The Smoke-free Environment Act 2000 should have provided immediate protection in all indoor public places. Instead, tobacco-friendly amendments and exemptions flourished and now, in April 2006, we are still waiting for a complete ban indoors and workers can look forward to mostly enclosed "outdoor" smokers' comfort lounges.

As stated previously, "**there is no safe level of, environmental .(secondhand).tobacco smoke**".

Unless the government is prepared to refute this statement, it should ensure that everyone is protected from such smoke, whether or not tobacco is a legal product. Cars and guns may be legal products but nobody has the right to use them where they may harm others. Similarly, with secondhand smoke, smoking may be allowed but not where it harms others.

The tragedy in this matter is that it is so very simple and inexpensive to protect non-smokers from secondhand smoke, but successive Governments

have failed to do so. With its knowledge in the 1990's of the dangers of secondhand smoke, the Government should have immediately banned smoking indoors, not only in all public places and workplaces but also ensured that homes and cars were smoke-free for children and other dependants.

Outrageous Definition of "Outdoor Space"

The "Definition" below of outdoor space is a prime example of how Lives are considered cheap and dispensable, but Democracy costs dear. The definition was agreed by members of one party which accepts tobacco industry funding and members of another party which accepts hotel industry funding.

"Powers under Section 23 (2) (e) of the amended Smoke-free Amendment Act allow for guidelines to be issues on determining what is an enclosed public place and when a covered area is considered substantially enclosed for the purposes of the Act. The Smoke-free Environment Amendment (Enclosed Places) Regulation 2006 was gazetted on Friday 10th February 2006. Premises whose total actual surface area of ceiling and walls comprise 75% or more of their notional total surface area of ceiling and walls are considered to be enclosed and therefore non-smoking. At least 25% of the venue is to be open to the outside, and no more than 3/5 of these openings may comprise doors and windows which are locked open. Proprietors are advised to consult this Regulation before making structural changes to their venues. "

Designated Outdoor Smoking Areas - a logical follow-on from successful indoor smoking bans.

In order to protect non-smokers from secondhand smoke in crowded outdoor areas , and to prevent smoke from drifting indoors from openings such as doorways and windows. Governments should provide Designated Outdoor Smoking Areas.

(This concept has been suggested over several years, not to condone or promote smoking, but as a way to restrict and contain secondhand smoke and to de-normalise smoking in the eyes of children.)

Basics for Designated Outdoor Smoking Areas (DOSA)

1. Limited to a few spaces.
2. Well-signposted.
3. Providing some shelter
4. Well-distanced from entrances and thoroughfares
5. Furnished with ash-cans
6. Preferably posted with Quit messages
7. Out of sight of children(de-normalising)

The most obvious need for DOSAs is in crowded Central Business Districts, at crowded sporting and cultural events, especially those which are devised for children such as Christmas Carols, Outdoor Concerts, and the Royal Easter Show.

We call on the government to support the concept and to provide, where required, Designated Outdoor Smoking Areas. TR (d)

Smoking in Vehicles TR (g)

Under NSW law, a driver can be penalised for not being in full control of a vehicle.

Pressure is mounting to ban smoking in vehicles as well as to protect children from the well-known hazards of secondhand (environmental) tobacco smoke in vehicles. Here and overseas, various reasons are given for such a ban; for child protection, for improved road safety, to reduce the number of bushfires, to protect the environment, and to reduce smoking prevalence.

Mobile phone users are prosecuted for driving while using their phones but we have yet to hear of smokers being charged for the far more dangerous practice of smoking while driving.

Smoking is already banned in all public transport and in commercial vehicles as well as in instances where private vehicles are being used for business purposes. Non-Smokers' Movement of Australia aims to have smoking banned from cars and other vehicles for several very important health reasons. Obviously, we are calling for passengers as well as drivers to be banned from smoking in vehicles in order to eliminate secondhand tobacco smoke in such confined spaces.

1. If children or disabled people are in the vehicle they will then no longer be subjected, in confined spaces, to secondhand tobacco smoke. Unfortunately, the Cancer Council message "Car and Home, Smoke-free Zone" still hasn't reached some diehard smokers who continue to subject their young passengers to physical child-abuse, similar to dropping poison in their milk-bottles.

2. Other road users will be safer, as drivers who smoke won't have the distractions of the smoking process. We have asked the NSW Government:"

Would a driver be considered to be in full control of a vehicle whilst carrying out the following actions? :-

- A. Removing a cigarette from a packet, or rolling a cigarette, or filling a pipe?
- B. Lighting a cigarette, either with an inbuilt lighter, a match or a regular lighter?
- C. Holding the cigarette, smoking it and disposing of the ash?
- D. Extinguishing and disposing of the cigarette, cigar or putting the pipe away?"

In addition, we have asked if the driver would be in full control of the vehicle if he or she were carrying out any normal smoking actions **during an emergency.**

Similarly, how would a **new, inexperienced driver** cope?

Smoking is a complex operation, and the potential for disaster in the case of a smoking driver is enormous. If you drop your mobile phone in your lap, it's a nuisance - think of what can happen if you drop a lit cigarette into your lap!!

3. There will be far less possibility of bushfires - we are advised that butts tossed from vehicles start approximately 4500 bushfires per year.

4. Cleaner environment, with far less butts on the roads being washed down stormwater drains and poisoning our land, oceans and rivers. Last but not least, drivers and passengers will smoke less and will find it easier to quit, with one less venue for smoking available to them.

We call on the government to specifically ban smoking in all vehicles.

Smoking in the Home TR (d)

The recent education campaign "Car and Home, Smoke-free Zone" is to be commended but smoking continues in the home, with many smokers holding the argument that "A man's home is his castle"

Pity the poor fellow residents of the smoker(s).

Smoking in the home is extremely dangerous for several reasons:

1. Secondhand smoke affecting other residents, especially children, dependant elderly, and non-vocal disabled fellow residents.

2. Increased fire risk especially when smoking in bed or when dozing in front of the television.

3. Children playing with matches, lighters, and tobacco products left around the home..

4. Children and intellectually disabled regarding smoking as a normal part of grown-up life and emulating the smoker(s).

Australian children suffer from the highest incidence of asthma in the world. Asthma kills. Tobacco smoke is a well-known and preventable trigger of asthma and SIDS (Sudden Infant Death Syndrome), cystic fibrosis, and other respiratory illnesses. The Government should declare smoking near children as **physical child abuse**, more deadly and dangerous than spanking a child. A spanking is unlikely to kill a child but a report of a spanking usually leads to serious child abuse accusations.

We call on medical professionals, social workers and childcarers to fulfil their responsibilities to their clients and to either warn and advise smoking parents/guardians about the dangers of smoking near their children or to take more drastic action/prosecution to protect the children.

Smoke invading the Home - Neighbours smoking. TR(d)

Nobody should have to barricade themselves into their own homes to protect from a substance which is preventable and which can kill and/or aggravate deadly and distressing diseases and conditions. Everybody has the right to clean air in their own homes.

The Government should support householders in their quest for smokefree homes.

Just as a householder can complain of excessive noise from a neighbour and have an Environmental Protection officer examine the complaint and request that the noise stop, so should a complaint of secondhand smoker invading another home be accepted as a serious and valid complaint.

Nobody dies from loud noise, but it is possible for the secondhand smoke from one cigarette to trigger several life-threatening conditions.

Smoking in Community Housing, Flats and Home Units

NSMA has made several requests for public housing to be declared smokefree, especially for the sake of children and other dependants.

In addition, NSMA has prepared (with experienced legal advice) a series of sample **Strata Corporation By-Laws** which call for various combinations of home units to be declared smoke-free.

Smoking in Public Transport Queues and Waiting Areas TR(a)

Bus, train, taxi and ferry users have smoke-free transport in which to travel. They 'do the right thing' by using public transport, but they should not suffer from secondhand smoke assault whilst standing in transport queues. Some commuters stand in line for longer than their bus or train journeys.

Smokers should not join a queue whilst smoking and they should move away from the queue if they wish to smoke.

NSMA has called for waiting areas for public transport to be declared smoke-free for many years.

Smoking on Stage - Lift the Exemption TR(d)

We have called on the NSW government to immediately lift the Exemption to the Smokefree Environment Act which continues to allow smoking on stage.

Smoking on stage should be banned for the following reasons:

1. Actors contribute to their own ill-health by smoking on stage. Some non-smoking actors may be coerced into smoking on stage by directors who are unaware or uncaring of the dangers of smoking and who insist it is necessary for "authenticity".
2. Secondhand smoke in confined spaces on stage is extremely dangerous to fellow actors, especially those who may have conditions such as asthma and heart problems which can be triggered by smoke.
3. Secondhand smoke spreads quickly around theatre spaces and, especially in small community theatres can be extremely dangerous to patrons, including children, disabled and elderly. With smoking already banned in all public places in NSW (except of course, the "hospitality industry"), theatre patrons would sometimes be unaware that they may be subjected to the poisons in secondhand smoke - it is far too late to provide warnings at performance time.
4. Smoking on stage is a potential fire hazard, especially in confined and darkened spaces, with large areas of fabric, such as stage curtains, painted backdrops and flimsy props.
5. Smoking on stage is unnecessary for authenticity, as good actors can simulate smoking just as they simulate drinking, alcohol, dying, shooting, driving, and sexual acts. Smoking was recently portrayed very authentically by several very professional actors at Sydney Opera House Theatre during performances of "Rosie's Last Dollar". Alternatively, smoking was recently portrayed very poorly by several actors at a local theatre in suburban Sydney - this was probably due to the fact that none of them are actually smokers, but they were expected to smoke for "authenticity".
6. Smoking on stage sends the wrong message to young actors and patrons - it is often presented as glamorous and "cool" We should do as much as possible to de-normalise smoking in the eyes of young people, in light of the fact that tobacco products kill more Australians than anything else.
7. Smoking on stage breaches Occupational Health and Safety regulations which call for all known hazards to be removed from the workplace. There is no safe level of environmental tobacco smoke, therefore no smoking should be allowed on stage or anywhere in a theatre.

NEW SMOKERS SHOULD BE LICENSED

TR(b) and (f)

(Summary of talk by Brian McBride to NSMA Annual General meeting 1 November 2005)
Article previously written up in our Newsletter UPDATE 31 in NOVEMBER 2001.

This talk was prompted by Tobacco Control Journal in May 2005 by Professor Simon Chapman, Professor of Public Health, Sydney University also mentioning "***the idea of a smoker licensing scheme***"

In 2001 400,000 Australian school children were experimenting with smoking each year and at least 100,000 in NSW taking up smoking on a regular basis and spending more than \$36 million on these illicit purchases of tobacco. Governments were raking off millions in taxes which made them willing participants in the promotion of death and disease in our next generation.

Health agencies did studies over six years in the nineties, which suggested that a licensing system for tobacco retailers would reduce teenage smoking by more than 30% by curbing the actions of sellers.. The tragedy of all this is that a child who starts smoking at 14 years or younger is five times more likely to die of lung cancer than a person who starts aged 24, and 15 times more likely than someone who has never smoked. The health agencies were united in plugging for licensing of sellers so they had a more effective means of punishing those who sold cigarettes to minors.

At NSMA, we felt that a campaign to introduce licensing of the **consumers** rather than the **sellers** would place a far more effective barrier in front of young persons thinking of taking up smoking.

It would be more effective because it attacked the **two major root causes of the problem**.

1. It would raise ***awareness of the seriousness*** of the issue to a new level. Young people would not just drift into smoking their first cigarette as a casual decision taken very lightly. They would know there is a licensing process which they must go through and it is not as simple as just deciding to "give smoking a try". It would give them a legitimate defence against the very persuasive influence of peer pressure. Their eligibility to buy cigarettes would also become a matter of showing a license and hence their compliance would no longer be a matter of someone's judgment about their age.

2. It would help break the ***government's addiction to tobacco revenue*** by changing the nature of tobacco taxes and their impact on annual budgets. That is, the money in future would come from Licence fees paid annually by both new and continuing smokers instead of as a tax on every packet of cigarettes sold. The buzz word with government agencies is **Tobacco Control**, not prohibition, but control of the damage done by the industry. What better way to **Control** the problem than to **Licence** it. That gives a complete mechanism for identification of those involved and making sure that the **User Pays** all associated costs and is not subsidized by other taxpayers. The scheme would remove the incentive for government **inaction** by breaking their addiction to tobacco taxes.

HOW WOULD IT WORK?

Like drivers licences – Young people at 18 would apply for a licence to smoke in the same way they apply for a driver's licence. They would be given a Handbook of Essential Information on the dangers to themselves and their responsibilities to the community before they were let loose to inflict damage on society. They must be thoroughly tested on their knowledge of the dangers to health so they are **"informed smokers"**. If they show ignorance or immaturity or have any special predisposition to the health dangers they should not be granted a licence until they rectify the condition.

Ideally the process should require them to sign an indemnity stating they are prepared to forgo taxpayer funded medical services for smoking related diseases. But this may be a refinement to be added later after the principle of licensing is well established and accepted. Doctors would be required to notify the incidence of smoking related disease and it would be separately declared and paid for out a statutory fund much like workers compensation claims are handled out of insurance funds. The scheme would create a clear, unambiguous, restriction on young smokers which they could not easily ignore or get around for sustained periods of time.

Funds Quarantined - This idea of quarantining all government income from taxes/licence fees would be an essential element of weaning government budgets off tobacco taxes. The money should be kept in a dedicated fund a bit like the old lotteries revenue was supposed to be spent only on hospitals. The idea is to make the tobacco industry **revenue neutral** to government budgets. What is more, the total money they receive from smoking should be spent on reducing the cost, or repairing the damage, to the nation of smoking related disease. This would fund a major increase in better education and more effective tobacco control. Of course there will be opposition to this because the politicians hate anything that reduces their flexibility to juggle funds in and out of consolidated revenue to suit their political agendas. The proposed scheme would make them more clearly accountable for what they are receiving and what they are spending on controlling the impact of smoking on the community. The doubters should be told that more radical approaches and a bit of lateral thinking can be very successful as shown by the funding of **Quit Victoria**. That radical scheme allocated a percentage of tobacco taxes to buying out and competing with tobacco companies in sponsorships and promotions and has proved extremely effective.

When government budgets are no longer adversely affected by tobacco sales the Government might actually be persuaded to get serious about dismantling the industry so that it fades into insignificance at some time in the future. We can be sure this will never happen while tobacco taxes are such a central budget issue for the government.

Licence Fees To Equal Tax Revenue Eventually.

Licence fees should be calculated to replace lost tax sales revenue phased in over, say, ten years. E.g. If the average smoker normally pays \$1000 per year on taxes on the product consumed then all smokers should pay an annual fee of \$1000 so the revenues impact on both the government and the smoker is

neutral. This of course means the cost of cigarettes would become much cheaper and this is certainly a worry. However, it would put the product back in its proper *real value* context as being a cheap rubbish product, preferably sold in a brown paper wrapper, which no one wants to sell or promote, instead of being the glamorous top dollar product in every glitzy supermarket, as it is now.

Back in 2001/2 surveys showed that the top ten items purchased in your average supermarket were, Coca Cola, Longbeach Cigarettes, Winfield Cigs, Peter Jackson cigs, Horizon cigs, then at *number six* you start to get milk and bread etc. That is a total distortion of the consumer market caused by the disproportionate high tax regime on tobacco products. If the revenue is raised on consumer license fees instead of product sales that distortion will be removed. Hence cigarettes will no longer be a star product for supermarkets and they will have no incentive to facilitate their promotion.

Some Will Not Get Licences

There will always be the rebels, just as there are many unlicensed car drivers out there. But the majority will comply and the overall benefits will far outweigh the cost of compliance. Cost should never be an issue because it can be self-funding from the vast revenue available to the scheme.

Make Them Realise The High Cost Is Not The Product.

At present young smokers don't see the high component of tax and just think it is an expensive product and they will have to pay for their enjoyment just like every other expensive indulgence. However when they begin to realize it is really a cheap product with high government fees attached, hopefully, they won't be so happy to waste their hard earned money.

Problems of Enforcement

Critics will say it will be impossible to police the licensing system. However if revenue from fines for non-compliance are allowed to be collected and retained by local councils in the same way that they benefit from parking fines it would be a nice little revenue earner for them. I'm sure they would soon provide the necessary policing staff and strategies to make the system work effectively, particularly when a licence must be carried and shown for every purchase of tobacco products. It could be added to anti littering efforts where any person seen discarding a cigarette would provide a reason to be challenged to show their licence.

Too Many Licences

There will be some who will say we are over-governed by big brother requiring licences for everything etc., etc. These are nevertheless accepted as part of modern day living where you even require a licence for fishing. If there is a case for licensing and controlling a relatively harmless pursuit like fishing there must surely be a case for licensing and controlling the world's greatest cause of avoidable death and disease, with its devastating impact on non-users and on the cost of our health system.

Professor for Public Health, University of Sydney, Simon Chapman also advocates licensing smokers.

Protection through Occupational Health and Safety Laws

TD(d)

Workcover has failed to protect workers and the public from this well-known and deadly mix of poisons.. With laws which protect everyone from asbestos dust, we question Minister's statement which says one is protected by his dept. With No safe level of secondhand. Tobacco smoke. why are there no barriers? Why no hard hats, steel capped boots? What is the difference between tobacco smoke and asbestos? Many people cannot enter premises where tobacco smoke is present - discrimination continues every day against those who may wish to work in "hospitality" industry.

Workcover must provide protection to all from the deadly toxins in tobacco smoke.

Smoking in Prisons and other residential institutions - TD (f)

Prisoners are entitled to clean air just as much as other citizens. Their rehabilitation in a relatively healthy environment is important to themselves and to society.

Addicted prisoners should only be allowed to smoke in designated outdoor areas. Some claim that because of their addiction, prisoners should be allowed to smoke. If they are addicted to alcohol are they allowed to drink? Quitting alternatives should

The same argument applies for all residential institutions.

It is claimed by some that because these are residential institutions, smoking should be allowed. The reverse argument applies - smoking should not be allowed indoors because these are residential institutions and non-smoking residents as well as carers and other workers are entitled to clean air, free from the poisons in tobacco smoke in such establishments.

Smokers should be directed to go outside to Designated Outdoor Smoking areas to smoke.

Examples of smoking instances which are particularly offensive

Hospital Grounds/ Entrances where new babies are brought out into a world where people stand at entrances, assaulting the newborns with dangerous, deadly tobacco smoke on their first breath outdoors.

School Entrances and Perimeters where parents and others smoke in full view of students.

Crowded Outdoor Family Events, such as- Children's Christmas Carols, Royal Easter Show - (limited signage - no announcements)

TAFE (Training and Further Education) Grounds which incorporate childcare centres but where staff and students smoke on balconies and in the grounds..

Youth concerts - with subversive tobacco promotions.

Smoking in Films - blatant product placements and "glamorisation" of smoking.

Butt Tossing everywhere - in the bush, out of vehicles, at the beach.

Finally, we remind the Premier and Government of NSW, now and in the future, that they have the power and the responsibility to enact and enforce strong legislation to protect everyone in this State from the deadly impact of tobacco smoking.

The complacency, ignorance and hypocrisy exhibited by successive Members of Parliament within Australia's governments in regard to preventing deaths from tobacco has been shameful and disgraceful.

NSMA will not allow another inquiry to be left smouldering in another filthy ashtray full of the tobacco Industry's murderous detritus.

Here is an opportunity, with this inquiry and its recommendations, for the Government to accept responsibility and lead Australia with legislation which can save thousands of lives. It will also reduce the Tobacco Industry's stranglehold on its victims (both smokers and non-smokers).

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