

Submission

No 64

**INQUIRY INTO TOBACCO SMOKING IN
NEW SOUTH WALES**

Organisation:

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Theme:

Summary

SUBMISSION TO NSW INQUIRY RE TOBACCO SMOKING APRIL 2006

From: Brian McBride,

Introduction

I make this submission as a private citizen previously involved in voluntary work to curb tobacco smoking damage in society. I was the founding President of the Non Smokers' Movement of Australia in 1977 but at age 74 have now retired from active campaigning.

To be fair at the outset I must give credit to the many members of Parliament who have supported the legislation which has been implemented to date and which has given some relief to the long suffering public. However there is still a long way to go. I urge this Parliamentary Committee to continue that effort.

I would particularly mention the great work of Dr Arthur Chesterfield-Evans, Mr. Peter Macdonald and the Rev Fred Nile in the NSW Parliament. I must admit that great progress has been made and it is more than I would have predicted given the hostility I faced at every turn in the fight for smoke free buses, taxis, trains and aircraft in the 1970s & 1980s. I lived through the days when I had to share an office with a smoker and had to fight for years before even my union would support me.

To achieve a smoking bans in workplaces and restaurants was a major victory for clean air and common sense. To achieve a real total ban in all indoor areas of all hotels and clubs must now be the next major objective.

I would commend the following comments to the Committee according to the terms of Reference.

a) Costs and other Impacts of Smoking

In addition to the budget comments below under (f) these costs continue to be horrendous for Australian society. The Committee should note that one of the underlying causes of no corrective action is the fact that political parties continue to accept tobacco industry donations and patronage of their annual conferences etc. Self-regulation is not working and the Committee should recommend legislation to ban these quasi sponsorships by the tobacco industry and their fellow travellers.

b) Effectiveness of Strategies to Reduce Smoking

The most effective strategies are those which stop young people from taking up the habit. There is an urgent need for new initiatives in this area. Every school day around the shopping centres in my area I can see school children smoking. They can tough out any criticisms that "they shouldn't be doing it" or questions about "where did you illegally buy them?" What is needed is a requirement to hold a license to be smoking. They could not tough that one out and boldly flaunt their habit with impunity.

New Smokers Should Be Licensed

That is the proposal put forward by the Non Smokers Movement of Australia many years ago. It is entirely logical that young immature and inexperienced persons should be required to show that their decision to engage in the worlds most common cause of preventable disease and death is a fully informed one.

The argument is exactly analogous to the requirement to obtain a book of rules and demonstrate their competence before they are allowed to drive a car. The licensing requirement is to protect the public as well as themselves in both cases.

This is not bureaucratic overkill because you even need a licence for the relatively harmless activity of fishing so why not for the extremely dangerous pursuit of smoking? There are issues of policing and costs but these could be readily handled by allowing councils to retain the fines achieved by their inspectors in the same way that they benefit from parking fines. The financial rewards would make the system self-funding and sustainable at least in the medium term. I will not elaborate further because the Non Smokers' Movement formal submission will suffice.

I urge the committee to take up this suggestion as a real initiative to put a dramatic new importance of the issue of preventing young people from being seduced by the tobacco companies and peer pressure as currently occurs.

c) Effects of Smoke Free Indoor Venues

There is no doubt that the general availability of smoking in all and every social venue in past years has been the major reason that many people have continued to smoke. We all know from our own experiences of ex-smokers saying – yes, I did quit for a while but each time I went out to a pub or a club the smoking environment eventually caused me to start again.

The committee should recognize the importance of making a strong stand on the need for total bans on smoking in all indoor venues with absolutely **no exceptions**.

d) Initiatives For Smoke Free Areas

Owners of Pubs and Clubs are always motivated first by the profit issue. If some semi-indoor 75% smoking rooms are allowed there will always be pressure to match the bigger and better smoking venue down the street. However if no such quasi smoking rooms are allowed this source of competition will be eliminated and owners will have incentive to improve and expand their venues without have to play a dual game of providing two types of venue.

Need For Better Enforcement of Laws

I draw strong attention to the historical and current lack of proper enforcement of no smoking laws. As one example there have been laws banning smoking on railway stations and ferries going back to the Transport Act of 1920. However there has never been any meaningful enforcement of such laws. I found out the hard way when I tried to insist on enforcement in the 1970s. I was arrested as a troublemaker and subjected to interrogation by smoking inspectors reporting to smoking bureaucrats reporting ultimately to a smoking Transport Minister (the late Peter Cox). The whole suggestion of any enforcement was an absolute joke. Hopefully we live in more enlightened times but I urge the Committee, above all else, to make sure that real penalties are proposed and real enforcement is intended for all current and future anti- smoking legislation such as in hotels and clubs.

Need for Better Enforcement of Workplace Bans

In a similar way to above the Dept of Industrial Relations has been criminally negligent in its past failures to act on complaints of smoke pollution of workplaces. In spite of thousands of breaches the Department has never successfully prosecuted a single case to my knowledge. The requirement that no third party could initiate a prosecution without the Minister's permission meant that all requests were refused by smoking Ministers like the late Pat Hills. The Committee should recommend that direct access to prosecutions should ***not*** require Ministerial approvals.

e) Effectiveness of Media and Education

These are important and should be better funded in the future.

f) Adequacy of the Budget for Smoking Control

The fact that money spent on anti smoking measures is less than 0.01% of the revenue received by government continues to be a national disgrace. The health damage alone represents some 20% of the cost of hospitals treating tobacco related illness. No committee of Inquiry will have credibility if it does not try to change that situation. The way to change it is to vastly increase the budget in proportion to the damage being done to society.

g) Motor Vehicle Bans

This is a logical move to eliminate the very common damage to children and other occupants in the confined space of motor vehicles. It also will eliminate the danger of road accidents caused by the distractions associated with hand movements not having full control of the vehicle. The Committee should fully endorse this commendable initiative by Revd Fred Nile.

Submitted by:

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Brian McBride