



**Joint Select Committee on Tobacco Smoking
Inquiry into Tobacco Smoking in New South Wales
*Report Tabled***

NSW Parliament’s Joint Select Committee on Tobacco Smoking has released its report, which comprehensively examines the full range of tobacco control strategies being implemented in New South Wales.

The Committee Chair, Richard Torbay MP, stated today “It is clear that the NSW Government needs to renew its leadership role in tobacco control in Australia by doing more to reduce smoking. The Committee heard, particularly at its public forum in May, that the community is ready for greater action to address smoking rates and save lives.”

“This report is the culmination of public consultations with key stakeholders, experts and members of the community. The key message from this inquiry is that more needs to be done to further reduce the prevalence of smoking in this State. The economic costs of smoking for New South Wales are estimated at \$6.6 billion per year and tobacco smoking is the single greatest cause of premature death. Further reductions in smoking will save money, enable better use of scarce health resources and most importantly, will save many lives.”

The Committee called for greater Commonwealth funding for states and territories as the Commonwealth raises over \$5 billion per year from tobacco excise, yet has allocated only \$24 million over four years for tobacco control. In addition, the NSW Government should also increase its funding to recommended levels of per capita spending, advised Mr Torbay.

Mr Torbay commented “Other significant recommendations in this report include:

- restricting display of tobacco products in stores to one square metre
- a licensing system for wholesalers and retailers
- a review of current provisions for sales to minors aimed at significantly reducing young people’s smoking rates
- improving funding for smoking clinics in every area health service
- a statewide ban on smoking in or near children’s playgrounds
- examination of legislation in other states intended to protect the health of workers serving smoking areas in pubs and clubs.”

“The Committee has concluded that the NSW Government can further reduce smoking rates by maintaining tobacco control as a policy priority, and ensuring additional and sustained funding to implement the *NSW Tobacco Action Plan 2005-2009* and to deliver the required multifaceted approach to tobacco control. On behalf of the Committee, I thank each of the inquiry participants for their time and expertise” Mr Torbay said.

The executive summary and list of the Committee’s recommendations are attached. The report can be obtained via the Committee’s website at www.parliament.nsw.gov.au/tobaccosmokingcommittee or by contacting the secretariat on 9230 3554.

**For comment please contact Mr Richard Torbay MP,
Committee Chair, on 0427 635 029.**

Executive summary

Chapter 1 – Conduct of the inquiry

The inquiry into tobacco smoking in New South Wales emerged out of discussion in the Legislative Council of the Smoke-free Environment Amendment (Motor Vehicle Prohibition) Bill and the Smoke-free Environment Amendment (Removal of Exemptions) Bill. A resolution to establish the Committee was passed in the Legislative Council on 28 February 2006 and the Legislative Assembly on 8 March 2006. As a joint select committee it is comprised of members of both Houses of the NSW Parliament and was established only for the life of this inquiry.

The Committee received 70 written submissions to the inquiry, conducted four public hearings with 40 witnesses, and held a public forum that provided an opportunity for direct input from members of the community. The Committee also conducted two site visits, to the respiratory unit at Concord Hospital and a licensed venue, the Old Fitzroy Hotel at Woolloomooloo.

Chapter 2 – The costs and other impacts of smoking

During the course of the inquiry the Committee was presented with substantial evidence on the adverse health effects of smoking and the accompanying costs to the health system and broader society. It is clear to the Committee that smoking carries with it very substantial costs, including economic costs of \$6.6 billion annually, these most notably include health costs, as a result of tobacco smoking being the single greatest cause of premature death in New South Wales. The details of these costs, both quantitative and in human terms, are important as they form the context and potential rationale for government policy in relation to tobacco smoking.

The Committee is convinced of the major financial gains associated with tobacco control, again, most notably in terms of the health system. However, more important still than these financial gains are those to be made from improving health, reducing death and disease, freeing up scarce health resources and improving equity as a result of reducing tobacco use. The evidence is very clear that by reducing smoking we can improve the health and lives of individuals, families and communities in New South Wales.

The Committee recognises that the NSW Government, and in particular NSW Health, has a tobacco control plan in place and notes that smoking rates in New South Wales have continued to decline in recent years, from 22.3% in 2003 to 20.1% in 2005. However, the Committee believes that more can and should be done to further reduce the prevalence of smoking and to cut through the barriers to further reducing tobacco use. We note that an estimated 45% of the total costs of tobacco smoking are avoidable, that is, they could be reduced as a result of further government policy and activity.

Chapter 3 – Tobacco control

The Committee examined tobacco control measures in Australia and specifically New South Wales, as provided for under the *NSW Tobacco Action Plan 2005-2009*. Tobacco control includes such diverse activities as educational initiatives, restrictions on access to tobacco, tobacco advertising bans, the imposition of taxes to raise the price of cigarettes, and health warnings on tobacco packages.

The NSW Government has allocated an estimated \$12.1 million for tobacco control in 2005-2006, while the Commonwealth has allocated \$24 million over four years. Given that the latter raises \$5.237 billion from tobacco excise each year, we consider that it is obligated to allocate much more

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of this revenue to the states and territories for tobacco control. At the same time, we consider that in light of the estimated impact of tobacco on the community and the high rates of spending in other jurisdictions, the current NSW Government expenditure of \$1.90 per capita per year is not adequate. We recommend that it be increased to between \$2.90 and \$8.50 per capita per year.

The Committee considers that further reductions in smoking rates can be achieved by the NSW Government maintaining tobacco control as a policy priority and increasing measures to ensure people and policy makers do not become complacent about the impact of smoking on the community. It is clear that this will require additional and sustained funding from the NSW Government and the Commonwealth, to further implement the *NSW Tobacco Action Plan* and other tobacco control measures. Not only will this reduce the costs on the health system and to the community; it will save people's lives.

Chapter 4 – Strategies to reduce tobacco use

The NSW and Commonwealth Governments have developed and implemented strategies aimed at reducing tobacco use in the population. As part of the *NSW Tobacco Action Plan*, strategies used in New South Wales to reduce tobacco include media campaigns targeted at the broad population, educational campaigns targeted at school children, community initiatives run by area health services and non-government organisations, and medically-based strategies such as nicotine replacement therapy.

In order to further progress the decline in smoking rates, the Committee recommends the NSW Government continue mass media campaigns and educational campaigns. Due to the extremely high smoking rate in the Aboriginal community, the Committee recommends that this group be a priority, with increased resources for targeted programs.

Another concern of the Committee was the affordability of nicotine replacement therapy (NRT), which has been shown to improve quitting rates, and on this basis the Committee recommends that the NSW Government and the Cancer Institute NSW initiate further discussions with the Commonwealth Government on this issue. The Committee also recommends that there be an enhancement of resources for smoking clinics and/or smoking cessation therapists within area health services in order to better assist chronically dependent smokers.

The evidence presented to the Committee is clear that tobacco control needs to be comprehensive, well funded, multifaceted and long term. Strategies aimed at the broad population must also be appropriate and accessible to high risk groups. At the same time, certain population groups, including Aboriginal people, young people and culturally and linguistically diverse communities, will necessarily require a tailored and targeted approach. The Committee believes that this has been recognised by the NSW Government and that its comprehensive strategies should continue to be developed and implemented. The Committee concludes that the declining smoking rates for New South Wales suggest that tobacco control strategies have generally been effective. However, we recommend that more evaluation of the individual strategies be undertaken by the NSW Government.

Chapter 5 – The packaging, sales and display of tobacco products

With tobacco advertising in the traditional sense having been banned for some years, a number of inquiry participants highlighted that the retail environment is now the primary vehicle for the marketing of tobacco products. The Committee considered a range of issues in relation to the sales and display of tobacco.

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30 June 2006

As part of a multi-faceted approach, the Committee believes that there is a need for an increased focus on the supply side of tobacco control. Currently in New South Wales there is no restriction on point of sale display and the Committee has recommended that there be a restriction of one square meter for retailers, excluding tobacconists. The implementation of a licensing system for wholesalers and retailers of tobacco products and a review of current provisions and activities in relation to sales to minors have also been recommended.

The Committee also examined issues with shopper loyalty programs for customers buying cigarettes and recommends that these be prohibited to discourage purchasing of cigarettes.

Chapter 6 – Smoke-free venues

The Committee has documented inquiry participants' comments in relation to the impact of the smoke-free legislation, the *Smoke-free Environment Act 2000* and related regulations, on proprietors of licensed venues, workers and patrons. Building on the personal stories of Mrs Marlene Sharp and Mr Phil Edge, two hospitality workers who developed cancer as a result of exposure to environmental tobacco smoke (ETS) in their workplaces, the overwhelming view expressed to us was that the legislation in New South Wales needs to go further in protecting people from the damaging effects of ETS in licensed venues.

Of the many issues documented in this chapter, the Committee concluded that the need to protect the health of workers is paramount. The Committee has concerns about employees being required to work in any smoking areas including outdoor areas such as beer gardens and other outside areas in and around licensed venues. Because of the importance of maximising the protection of workers' health and in order to ensure optimal compliance with the *Occupational Health and Safety Act 2000*, the Committee considers that legislative provisions relating to this matter in other jurisdictions are worthy of further examination by the NSW Government. The Committee further considers that smoking in children's playgrounds should be restricted on a statewide basis.

Chapter 7 – Smoking in cars

As part of its terms of reference the Committee was required to consider the Smoke-free Environment Amendment (Motor Vehicle Prohibition) Bill, which seeks to ban smoking in cars, introduced to the Legislative Council by Revd the Hon Fred Nile MLC.

The Committee outlines the proposed provisions of the bill and its policy intentions, documenting the research evidence presented in relation to these intentions, and considers the views of a range of inquiry participants both in support of and against the bill. We also note the findings of the educative 'Car and home: smoke free zone' project that ran in New South Wales between 2001 and 2005. We conclude that on balance, an educational approach is more desirable than a legislative one and recommend that a sustained educational campaign drawing on the model and lessons of the 'Car and home: smoke free zone' project be implemented.

Chapter 8 – Conclusions

Throughout the inquiry the Committee heard evidence on tobacco control measures in other states and territories and we strongly encourage the NSW Government to take on board the positive steps taken in other jurisdictions to reduce tobacco use. Indeed, we consider that the NSW Government should renew its efforts to become a leader in tobacco control in Australia. The key message from the inquiry for the NSW Government is that the New South Wales community is ready for greater tobacco control to further reduce smoking rates and save lives. The public is looking to the Government to take on this leadership role.

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Summary of recommendations

- Recommendation 1** 30
That the NSW Government enter into discussions with the Commonwealth Government, via the Council of Australian Governments, to increase the funding allocation for tobacco control to states and territories, in light of the amount of tobacco excise the Commonwealth Government receives.
- Recommendation 2** 35
That the NSW Government increase funding for tobacco control in line with the recommendations of the National Tobacco Strategy 2004-2009 from \$1.90 per capita to between \$2.90-\$8.50 per capita per year.
- Recommendation 3** 41
That the Cancer Institute NSW continue to invest in and develop mass media campaigns aimed at reducing smoking rates.
- Recommendation 4** 43
That the Cancer Institute NSW evaluate a “cold-calling” approach for the Quitline.
- Recommendation 5** 43
That the Cancer Institute NSW specifically examine use of the Quitline by rural communities and other disadvantaged groups, and if necessary, develop specific strategies to improve their access to the Quitline.
- Recommendation 6** 46
That the NSW Government continue to implement tobacco education strategies in schools to help young people understand the risks of smoking.
- Recommendation 7** 50
That the NSW Government:
- increase resources to develop and implement targeted tobacco smoking health promotion and prevention and cessation program (including nicotine replacement therapy) across Aboriginal communities in New South Wales
 - coordinate the formation of collaborative research and evaluation projects to measure the effectiveness of community strategies to allow more evidence to be collected
 - provide more funding and resources to provide training for all Aboriginal community controlled health service staff and briefings in interventions regarding tobacco smoking.
- Recommendation 8** 53
That NSW Health consider adding people in rural and remote areas to the target groups for smoking cessation services identified in the NSW Tobacco Action Plan 2005-2009.
- Recommendation 9** 55
That NSW Health give consideration to ways of ensuring that area health services deliver anti-smoking programs, with specific reference to ensuring access by the full range of disadvantaged groups.
- Recommendation 10** 58
That NSW Health increase resources for smoking clinics and/or professional smoking cessation therapists in every area health service.

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- Recommendation 11** 61
That the NSW Government and the Cancer Institute NSW initiate discussions with the Commonwealth Government focussing on the need to make nicotine replacement therapy accessible and affordable for all smokers.
- Recommendation 12** 63
That the NSW Fire Brigades continue its work to pursue an Australian standard for reduced fire risk cigarettes.
- Recommendation 13** 63
That the Commonwealth be requested to introduce legislation to allow only reduced fire risk cigarettes in Australia.
- Recommendation 14** 65
That the NSW Government continue to take a comprehensive, multifaceted approach to further reduce the prevalence of tobacco smoking in New South Wales.
- Recommendation 15** 67
That the NSW Government undertake more evaluation of individual tobacco control strategies to establish how effectively and efficiently they are reducing tobacco use in the New South Wales community.
- Recommendation 16** 67
That the NSW Government, through the Council of Australian Governments, request the Commonwealth Government to analyse and publish comprehensive national data on tobacco use over time, including sales and consumption data.
- Recommendation 17** 67
That the Commonwealth Government invest in a research strategy that investigates and compares the impact of each jurisdiction's policies upon prevalence rates.
- Recommendation 18** 72
That the Commonwealth Government give further consideration to the effectiveness of generic packaging of tobacco products.
- Recommendation 19** 78
That NSW Health undertake a formal review of current provisions to address the sales of tobacco products to minors, with a view to significantly reducing smoking rates among young people. This review should encompass both legislative and operational provisions and should include consideration of:
- the efficacy of current levels of monitoring of retailers
 - the number of prosecutions being initiated and of successful prosecutions, and mechanisms to improve both
 - the potential for higher fines and use of on-the-spot fines
 - the adequacy of current resources for area health services to properly fulfil their monitoring and compliance role
 - the potential value of further retailer education initiatives
 - further strategies to reduce the prevalence of smoking
 - the potential for requiring employers to provide ongoing training to employees in retail outlets.

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- Recommendation 20** 79
That the Minister for Health raise the issue of banning overtly fruit flavoured cigarettes with the Commonwealth Government through the Council of Australian Governments.
- Recommendation 21** 83
That the NSW Government upgrade its intended nomination scheme for retailers to a licensing system for tobacco wholesalers and retailers which facilitates better compliance with and enforcement of the legislation. In doing so, it should consider the best practice model of licensing set out in the report to the Commonwealth, Licensing of Tobacco Retailers and Wholesalers - Desirability and Best Practice Arrangements.
- Recommendation 22** 91
That the NSW Government amend the Public Health Act 1991 to restrict point of sale display to one point of sale per venue and one square meter (excluding tobacconists).
- Recommendation 23** 92
That the NSW Government introduce legislation to prohibit the inclusion of tobacco products in retailer, and specifically supermarket, shopper loyalty programs.
- Recommendation 24** 121
That the NSW Government examine legislation in other jurisdictions intended to protect the health of workers servicing smoking areas.
- Recommendation 25** 124
That the NSW Government amend the Smoke-free Environment Act 2000 to include children's playgrounds as smoke-free areas.
- Recommendation 26** 134
That NSW Health fund and implement a sustained educational campaign aimed at reducing smoking in cars, based on the 'car and home: smoke free zone' project and drawing on its evaluation findings. The initiative should:
- target the broad community and diverse groups within it
 - be supported by strategies delivered through the broad range of health and community services utilised by families and children
 - be developed and implemented in partnership with the Roads and Traffic Authority, the NSW Police Service and motoring organisations.

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