

## AMA Queensland Submission

### *Tobacco and Other Smoking Products Amendment Bill 2023*

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AMA Queensland thanks the Health and Environment Committee (HEC) for the opportunity to make a submission on the *Tobacco and Other Smoking Products Amendment Bill 2023* (the Bill).

Smoking is the number one risk factor contributing to preventable death and disease in Queensland. Doctors see the devastating effects smoking has on patients, their families and loved ones first-hand. They also fear the emergence of alternative smoking products, such as e-cigarettes, is creating a new generation of victims amongst children and young people. In fact, Queensland received the Australian Council of Smoking and Health's Dirty Ashtray Award for its embarrassing failure to prevent the sale of e-cigarettes to children in July 2022.

Given these serious concerns, AMA Queensland has continued to call on the Queensland Government to act urgently by:

- establishing a licensing regime for tobacco product retailers; and
- properly enforcing the existing regulations.

We therefore strongly welcome the Bill's proposed amendments to introduce a licensing scheme and require licensees to be fit and proper persons. Likewise, we recognise that a licensing regime combined with new offences and increased penalties will enhance the ability of Queensland Health to monitor and enforce compliance with the current and amended laws. This is urgently needed.

AMA Queensland makes the following submissions in relation to the Bill's other proposed reforms. This feedback is also to be read in consideration of the joint submission to the HEC inquiry into the Bill, signed by AMA Queensland, the Lung Foundation Australia, Heart Foundation, Public Health Association Australia, Asthma Australia and The Thoracic Society of Australia and New Zealand.

- Prohibiting the supply of smoking products by children

Whilst AMA Queensland welcomes the amendment to prevent persons under 18 years of age from handling or selling tobacco products, we note the Bill provides for commencement of the provisions on 1 September 2024 for large retailers, and 1 September 2025 for small businesses.

Given the potential for smoking to be normalised for children involved in the sale of tobacco products and lack of sufficient justification for delaying implementation of the provisions, AMA Queensland suggests these reforms should commence within 6 months of assent.

The Bill also alarmingly includes an exemption for children working in pharmacies. There is absolutely no justification for this exemption and it must be removed. To continue with such an amendment would completely undermine the object of the Act, set out in Section 3:

*The object of this Act is to improve the health of members of the public by reducing their exposure to tobacco and other smoking products.*

Further, these exemptions would directly endanger the health of children working in pharmacies by normalising smoking products. AMA Queensland calls on Queensland Health to release the reasons this amendment has been included and the parties who have advocated for its inclusion.

To emphasise this point, AMA Queensland also notes that last year an investigative journalist exposed a secret proposal by tobacco companies to pay pharmacies incentive fees to stock vaping products. Such attempts to compromise health practitioners' integrity via inducements and incentives must be condemned, not supported by Queensland Health, especially not at the expense of children working in pharmacies. The proposed amendment raises serious questions about the integrity of the Bill's development which Queensland Health must answer. We reiterate that the amendments must not be progressed.

- Prohibiting the supply of smoking products to children by parents and guardians

AMA Queensland welcomes the statement in the Bill's Explanatory Notes that 'the intended enforcement approach will focus on monitoring, prevention and education, rather than prosecution of the parent or guardian'.

The data shows smoking rates are highest amongst First Nations people and lower socio-economic and regional or remote communities who are likewise overrepresented in our criminal justice system. It is imperative that these groups are supported to treat their addiction and other health problems (including mental health issues) and not further targeted by law enforcement agencies.

- Limit the supply of smoking products at liquor licensed premises to service areas

AMA Queensland supports these reforms to limit access to smoking products at liquor licensed premises by only allowing the supply of smoking products from a service area. All actions that may reduce, slow or discourage purchasing of tobacco products are supported, particularly the restriction on their sale in publicly-accessible vending machines.

- Prohibit the supply and possession of illicit tobacco

AMA Queensland notes the statement in the Explanatory Notes that it will be a defence to establish that 'the product was for personal use, although this defence does not apply if the product was present in a commercial quantity (as prescribed by regulation)'.

Consistent with our recent submission to the Legal Affairs and Safety Committee on the proposed drug law reforms, AMA Queensland reiterates that persons using smoking products and/or suffering from smoking addiction must be supported via health responses, not punished. The target of punitive measures in the Bill should be suppliers of illegal smoking products, not consumers.

- Modernise advertising, display and promotion provisions

AMA Queensland has raised the fact that aggressive marketing campaigns have been used, including online, to imply e-cigarettes are a safe alternative to smoking, despite links to serious lung disease and many containing known carcinogens. Manufacturers have also deliberately used bright, colourful packaging and fruity flavours to target children.

We therefore welcome all measures to reduce the visibility of tobacco products, including those in the Bill. We note, however, that these measures must be evaluated to ensure take-up rates are not increasing and further actions taken if they are shown to be ineffective.

- Requirements for smoke-free buffer zones, designated outdoor smoking areas and outdoor markets

AMA Queensland supports the proposals relating to smoke-free buffer zones, DOSAs, outdoor markets and the prohibition of children in DOSAs. These measures will assist in reducing social activities involving smoking and, potentially, the frequency and duration of smokers' visits to DOSAs. The prohibition on children being present in smoking areas is also essential to limit children's exposure to smoking and the harmful effects of second-hand smoke.

AMA Queensland submits that physical spaces for DOSAs must ensure other patrons are protected from any drifting second-hand smoke and screened or sufficiently removed from view so children cannot witness smoking behaviours. This will also assist people wishing to reduce or quit smoking by being protected from incidental triggering via smelling smoke or seeing others smoking.

- Prohibition on smoking at children's organised activities or carparks adjacent to schools

Whilst not part of the previous consultation on the Bill, AMA Queensland welcomes these proposed amendments. Given the increasing rates of smoking, particularly e-cigarettes, amongst children and young people it is essential that reforms are introduced urgently to reverse this trend.

Schools and adjacent areas are reported as key settings in which children are purchasing and using e-cigarettes. Prohibiting smoking at children's organised activities and around schools will assist in addressing this development and reduce children's exposure to smoking.