

TOBACCO LAW ENFORCEMENT

Wednesday 21st February 2007

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about tobacco law enforcement.

The South Australian Tobacco Control Strategy 2005-10 comprises seven strategy areas, two of which are: smoke-free legislation, regulations and policies; and regulations to minimise commercial conduct that promotes tobacco products, advertising/promotion, product toxicity, active surveillance and enforcement. A review of previous state budgets under this government since 2002 indicates that, leading up to 2004-05, complaints lodged under the act number roughly 30 per year. In that reporting year there was an unbudgeted increase of 100 prosecutions followed by 119 complaints laid in 2005-06.

No target is set for 2006-07 due to the 'difficulties to estimate the number of complaints likely to be received'. According to the government, enclosed areas in all licensed hospitality venues, including pubs, clubs and the Skycity Casino, will become completely smoke free by 30 October 2007. I note that the 2006-07 budget indicates that compliance figures for all venues are budgeted at 90 per cent. My questions relate to the real extent to which enforcement of tobacco laws figure in the government's 2005-10 Tobacco Control Strategy. My questions to the minister are:

1. How many prosecutions for breaches of the Tobacco Products Regulation Act has she commenced and secured convictions for from 2002-03 to date?
2. How many more prosecutions and expiations are anticipated for the remaining years covered by the 2005-10 strategy?
3. How many staff or FTEs are there to police breaches of tobacco laws?
4. How many extra staff or FTEs will the minister deploy to police the new laws for licensed hospitality venues commencing 31 October 2007?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his important questions. We know how important it is to reduce tobacco smoking in South Australia, because we are all well aware of the tremendous adverse effects of smoking not only on the health of South Australians but also our health system, as well as the effects of poor health amongst those people who suffer smoking-related illnesses.

This government has been very forceful and active in introducing a wide range of measures to decrease the number of people who smoke in this state. In fact, I believe some of the tough measures that we have put in place are having a very powerful effect. We have put in place a wide range of legislative changes, including the banning of smoking in pubs and clubs. We plan to increase the merchant's fee and we also plan to increase the number of expiable offences. We have been very tough on smoking in terms of banning. We stepped in straight away and banned split packet cigarettes and we were also very quick to act on fruit flavoured cigarettes, obvious marketing strategies designed to attract and lure young people into smoking. We acted very quickly there, and we are also looking at banning smoking in cars, but I am not allowed to raise that matter at present because there is a bill before this chamber.

In terms of the actual number of prosecuted offences, I do not have those details in front of me today, but I am happy to take that matter on notice and bring back a reply. I point out to the member that we have put into action a number of strategies that will help increase compliance, especially by people who choose to flout our laws and breach regulations and legislation. For instance, we plan to increase the tobacco merchant's fee, and we are in the throes of doing that at the moment. We plan to introduce a variation to the tobacco products regulation act of 2004 to raise the retail tobacco merchant's licence fee from \$12.90 to \$200 per annum as at 1 January, and we plan to use the revenue gained from this to increase compliance. This will enable there to be more inspectors on the ground to make more visits and improve compliance.

We also plan to increase the number of offences that can be covered by expiation notices under this provision. This means that we will be able to more readily and easily prosecute those offences. We think this is a very important and powerful measure in terms of increasing compliance, because people who

breach the regulations are more likely to be fined. We are well under way towards putting a number of strategies in place designed not only to decrease smoking per se but also to improve compliance with our current legislation and regulations. As I said, the proof is in the pudding. We have been able to achieve a decrease in smoking amongst our younger population. Those figures are very encouraging, and we hope to ensure that the strategies that we have put in place and will continue to roll out will continue to improve those figures.