

Jodi McKay

Minister for Tourism
Minister for the Hunter
Minister for Science and Medical Research
Minister Assisting the Minister for Health (Cancer)



Embargoed until Wednesday 1 July, 2009

Tough new tobacco laws begin today

Tough new anti-tobacco laws banning drivers smoking in cars when a child or passenger under the age of 16 is present come into effect today.

Minister Assisting the Minister for Health (Cancer) Jodi McKay said any driver or passenger caught violating this new law could attract a \$250 on-the-spot fine from NSW Police.

“The NSW Government is absolutely committed to protecting children from the harmful effects of tobacco smoke and decreasing their exposure to tobacco products,” Ms McKay said.

“These new laws place NSW as the Australian leader in tobacco control.

“While other jurisdictions have some of these reforms in place, no other state or territory has the strong and responsible legislative package NSW has introduced.”

Ms McKay said the NSW Government refuses to be complacent about tobacco control, particularly the use of tobacco products around children.

“Smoking continues to be the greatest single cause of premature death in NSW, killing over 5,000 people and costing taxpayers over \$10 billion every year,” Ms McKay said.

“\$600,000 is spent each day on hospital bed costs alone before any medical or other health care treatment is provided.

“These new laws will protect those most vulnerable by limiting their exposure to tobacco products and second-hand smoke.”

Spokesperson for the Protecting Children from Tobacco coalition Stafford Sanders welcomed the commencement of the new laws.

“Today represents a significant step towards protecting those most vulnerable from second-hand smoke in NSW,” Mr Sanders said.

“Exposure to second hand smoke greatly increases the risk of childhood asthma and can lead to an increased risk of lower respiratory tract infections such as pneumonia and bronchitis as well as coughing and wheezing.

“Being in a car or a confined space with a smoker for even a short period of time can be detrimental to a child’s health.”

Ms McKay said under the new laws, all tobacco products must also be stored out of sight in shops.

“July 1 signals the beginning of the end for the advertising and promotion of tobacco products in retail outlets,” Ms McKay said.

“From today, retailers will need to make adjustments and gradually remove tobacco products from public display.

“Retailers with more than 50 employees will have six months to implement the ban and retailers with less than 50 employees will have 12 months to comply with the new legislation.

“A longer implementation period applies for specialist tobacconists and businesses which generate at least 80 per cent of their turnover from tobacco related sales.

“These businesses have 12 months to register as specialist tobacconists and a further three years to comply with the display ban.

“They will be required to reduce their display area to a maximum of three square metres within the first 12 months.”

Under the new tobacco laws:

- Retailers that employ more than 50 people have six months to store all tobacco products out of sight in shops, and other retailers will have twelve months from 1 July 2009.
- Tobacconists have twelve months to register and three years to store all tobacco products out of sight in shops.
- A negative licensing scheme applies for tobacco retailers – meaning shops that sell cigarettes to children or breach the regulations in other ways on more than one occasion in a three year period, may be stopped from selling tobacco;
- From 1 January 2010 cigarette vending machines will only be allowed in licensed venues restricted to over 18s and will be subject to tobacco product display bans. From the 1 July 2010 cigarette vending machines must be operated by staff intervention;
- Tobacco products will be removed from all shopper loyalty programs;
- Tobacco will be restricted to a single point of sale in all retail outlets;
- Smoking in cars with passengers under the age of 16 present is banned and will attract a \$250 on-the-spot fine;
- Advertising tobacco products, selling tobacco products to minors and the sale of tobacco products without health warnings will be met with significantly increased fines. Advertising and tobacco promotion offences by corporations in particular, will now attract maximum fines of \$660,000 for a first offence and \$1.1 million for subsequent offences (previously this figure was \$44,000).

