

Tobacco

FACTS

Autumn 2006

For MPs (NSW)

NSW caves in to gambling lobby over "smokefree" pubs

Staff forced to work in mostly enclosed smoky rooms – indefinitely!

At a time when the NSW government is awash with gambling and hotel lobby money, thousands of bar workers, entertainers and gaming workers are being forced to work in hazardous, smoky workplaces – indefinitely!

The government in 2004 promised us we'd have all indoor areas of pubs and clubs "totally" smokefree by July 2007. But wealthy gambling interests have used their financial clout to secure a proposed "health" regulation that will **allow smoking to drag on past 2007 in fake "outdoor" rooms up to 75% enclosed.**

If this happens, we won't get the smokefree pubs and clubs we expected – and even some of the smokefree eating areas we've come to enjoy will be threatened.

Capitulation to the hospitality industry's powerful influence reveals contempt for the occupational health rights of staff – who like Marlene Sharp and Phil Edge (below) will continue to suffer from secondhand smoke diseases.

NSW has fallen way behind other states like Queensland and Tasmania which have earlier deadlines and more effective measures to protect staff from the smoke.

NSW LAGS BEHIND

Australian states:

- **Tasmania:** total indoor bans already in force; outdoor smoking areas separate and unserviced.
- **Queensland:** total indoor bans from July 2006; outdoor smoking areas separate and unserviced.
- **WA:** total indoor ban from July 2006; outdoor smoking areas must be substantially unenclosed.
- **ACT:** indoor smoke ban has same 75% loophole as NSW but in force earlier (end-06).
- **Victoria:** same July '07 deadline, same 75% loophole – but unlike NSW, gaming areas smokefree.

Overseas:

- **NZ, Irish Republic, Norway, 10 US states, 9 Canadian provinces:** total indoor bans in licensed venues already in force or will be by April this year.
- **All of UK:** pubs and clubs will be indoor-smokefree by mid-2007.

FAKE "OUTDOOR" AREAS WILL NOT BE SAFE



"Outdoor" room of a NSW club that will continue to allow smoking – with staff exposed.

BAR WORKER LOSES TONGUE TO SMOKY PUB



"Losing a hiccup of gaming revenue is not in the same league as losing a tongue, a lung or a life"
– cancer victim of smoky workplace

Phil Edge, a young non-smoking barworker who recently won a three-year battle for compensation after losing half his tongue to cancer caused by working in a smoky Adelaide pub. His case mirrors the earlier case of Marlene Sharp, another non-smoking barworker who in 2001 won a half-million-dollar payout from her smoky NSW club after developing throat cancer. OH&S laws impose a legal duty on employers to eliminate health hazards – but WorkCover authorities are refusing to order the removal of secondhand smoke in bars.

An information bulletin for MPs from Australia's leading health organisations:



THE VOICE OF THE PROFESSION



Tobacco Facts for MPs (NSW)

COMMUNITY WANTS QUICK BANS AND NO LOOPHOLES

A large majority of Australians want faster and tighter bans in licensed venues, says latest survey.

- 65% feel the smoke bans are too slow (in NSW, 43% say "much" too slow).
- 64% say it's "unacceptable" for up to 75%-enclosed rooms to be called "outdoor" and allow smoking (in NSW, 73% see this as unacceptable – unpublished finding).

"Australians & Smoking", Stollznow Research for Pfizer Aust, June 2005 at www.ashaust.org.au/pdfs/PfizerPoll0506.pdf



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WHAT'S BEHIND THE DELAYS AND LOOPHOLES?

One guess...

The AHA and Clubs NSW have lobbied for the past decade to delay, weaken and undermine smokefree venues laws.

Tobacco and gambling industry donations to NSW major political parties

have averaged almost a million dollars a year in recent years.

Wealthy gambling interests – long allies with tobacco companies – are estimated to be drawing \$5 billion a year from the pockets of NSW punters – at the same time as complaining they "can't afford" to protect their patrons' and employees' health!



BENEFITS OF CLEARING THE AIR:

See the health and economic evidence and legal cases at www.ashaust.org.au/SF'03

- Saving lives and health of workers and patrons – including gamblers.
- Reducing costs – hospitals, health care and insurance payouts.
- Encouraging quitting – especially among young people.
- Medium-long term gain in business for pubs and clubs – research confirms many more would be attracted than deterred by smoke bans.
- An end to confusion over partial bans and mathematical formulas that invite evasion.
- Strong community approval.
- An end to discrimination against many thousands of people with disabilities including heart disease and asthma and pregnant women, barred from access and employment in smoky venues.
- Reduced risk of legal action against venues by workers suffering health harm.
- Allowing WorkCover NSW to do its job of consistently enforcing the OH&S Act.

What needs doing NOW:

Health leaders and employees want party leaders and all MPs to ensure that:

- No bar worker, entertainer or gaming worker should be expected to work in any area while smoking is happening – however enclosed/unenclosed. Qld and Tas have done it – why can't NSW?
- **Proposals to allow mostly-enclosed, staffed smoking areas in licensed venues or any other workplaces should be disallowed.**
- Smokefree areas policy should be clear, unambiguous and uncomplicated; and determined by objective research, public health and occupational health and safety principles – not by a wealthy, myopic industry group.

More information: www.ashaust.org.au/SF'03 or call (02) 9334 1823