

Tobacco **FACTS**

100% SMOKEFREE DINING: healthy and popular

WHY DOES NSW NEED A NEW SMOKEFREE DINING LAW?

Most indoor workplaces and public places are free of tobacco smoke under NSW law.

But many *al fresco* dining areas, some partly enclosed, are still thick with this toxic, carcinogenic workplace contaminant – a health hazard for staff, and patrons including children.

100% smokefree dining laws will improve workplace and public health, protect children, improve disability access and world treaty compliance, and assist quitting – with no harm to dining trade.

NSW should amend the Smoke Free Environment Act 2000 to remove exemptions and make all public eating areas 100% smokefree.

A PUBLIC HEALTH ISSUE

Health evidence strongly supports making crowded outdoor or partly-enclosed areas 100% smokefree. Of most concern are working areas with staff repeatedly exposed.

SHS is a highly toxic, carcinogenic workplace contaminant, causing heart disease, strokes, cancers, chronic respiratory illness and more. There is no safe exposure level.

Especially vulnerable to SHS harm in *al fresco* dining areas are employees, children, pregnant women and people with underlying health conditions.

Smokefree policies immediately improve health, including significantly reducing heart attack hospital admissions wherever they have been implemented.

Summary: www.ashaust.org.au/lv4/OutdoorHealthEvidence0706.doc

Latest studies: www.ashaust.org.au/SF'03/health.htm

PROTECTING CHILDREN

In Australia, one child under 14 dies every ten days from *in utero* or secondhand smoke exposure. Children are particularly susceptible to SHS health harm – including clogged arteries, even at low exposure levels; SIDS; chronic respiratory illness; gastroenteritis; ear infections; and meningococcal disease. Smoke exposure of pregnant women also leads to their babies suffering health harm. And smoking in public dining areas normalises it in children's eyes, associating it with friends and fun.

Latest evidence: www.ashaust.org.au/lv3/Lv3informationparents.htm

OCCUPATIONAL HEALTH AND SAFETY

Dining area staff face heightened health risk from repeated smoke exposure. Studies show this can cause cell and cardiovascular harm in minutes, can double lung cancer risk, raise meningococcal disease risk; can cause reproductive harm; and more.

All workers are entitled to safe workplaces - including *al fresco*s. Workplaces should be 100% smokefree irrespective of enclosure.

Employees, especially casuals, are often reluctant to complain for fear of losing jobs or shifts. Safe workplaces are the proactive duty of employers. Individual complaint processes or voluntary "opt out" provisions do not fully protect and they exploit the most vulnerable workers www.ashaust.org.au/SF'03/health.htm



DISABILITY DISCRIMINATION

The Human Rights Commission has found that people with underlying health conditions - including heart disease, asthma and other chronic respiratory conditions (estimated at least 10% of the community) - are effectively barred from working in or entering areas where smoking is permitted or into which it drifts. Smoky *al fresco* dining areas discriminate against these people in both employment and access. Pregnant women are especially at risk, both in terms of their own health and that of the foetus. www.ashaust.org.au/SF'03/law.htm

INTERNATIONAL TREATY OBLIGATION

Australia in 2004 ratified the WHO Framework Convention on Tobacco Control (FCTC) – committing all governments under Article 8 to comprehensive action to protect all people from secondhand smoke exposure. Only 100% smoke-free workplaces of **any** enclosure meet the treaty commitments.

FCTC guidelines: www.who.int/fctc/cop/art%208%20guidelines_english.pdf

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NO HARM TO DINING TRADE

All independent studies show impact of smokefree policies on dining trade is neutral to positive.

This includes parts of Canada and the US with smokefree dining in force for some years. No independent objective evidence shows any harm to dining trade from smokefree policies, either in Australia or overseas. Examples:

- 2001 study after NSW smokefree indoor restaurant laws found few ongoing staff concerns; favourable patron response; no trade harm: 76% of venues said trade normal, 14% increased, only 9% said reduced (no actual evidence of any trade loss).
- 2008 *Adult Health in NSW* report shows over seven times more people attracted than deterred by smokefree venues. Over 80% of the community are non-smokers. People are rightly concerned for their children's health.
- 2009 survey of 36 Manly dining venues' attitudes : 85% found the change not difficult; most felt customers liked the smokefree policy, and saw no adverse trade impact.

100% smokefree dining laws may also reduce risk of legal action over health injuries.

Despite this, the tobacco industry and its allies have tried to mislead governments and businesses with unsupported claims of "unforeseen consequences" of smokefree dining.

Evidence: www.ashaust.org.au/SF'03/economic.htm and www.quit.org.au/article.asp?ContentID=6694

ENVIRONMENTAL IMPACT



Cigarettes are the world's most littered item - almost 50% of urban litter. Butt litter policies should include extending smokefree areas. Evidence from NSW Dept of Environment & Conservation says public education/ "responsible disposal" strategies, pushed by tobacco companies to derail smokefree laws, do not in themselves reduce butt litter.

"One thing is certain....: when cigarette consumption decreases as a result of reduced prevalence of smoking, butt waste decreases." Novotny (2009), *IntJEnvironResPublicHealth*

SUPPORT FOR QUITTING

www.ashaust.org.au/pdfs/Outdoor09sheet1.pdf

Evidence shows smokefree policies support quit attempts and reduce overall consumption. 2006 study: 54% of smokers said seeing others smoking encouraged relapse.

COMMUNITY SUPPORT

www.ashaust.org.au/SF'03/support.htm

- 94% NSW support for smokefree workplaces *Cancer Institute NSW 2007*
 - 7 people attracted to smokefree dining for every 1 deterred *NSW Adult Health report 2009*
 - 97% say current smoky part-enclosed licensed dining areas should be fully smokefree *Newcastle Uni / Cancer Council NSW*
- 47 broadly-based community organisations – health, parent, educational, child welfare, church, indigenous, disability, social equity and more - support 100% smokefree dining areas laws. Full list: www.ashaust.org.au/lv4/SFalfrescoBriefNSW.doc

COMPLIANCE AND ENFORCEMENT

With such strong support, and clear signage, smokefree laws are largely self-enforcing - no major compliance issues, heavy enforcement unnecessary; penalties opportunistically imposed, as for littering, seatbelts, driving with mobiles.

STATEWIDE CONSISTENCY

Some NSW councils have adopted 100% smokefree dining policies; most have not. This leaves an inconsistent patchwork of policies across LG areas. And councils only have control over dining on public land, not within premises.

LIBERTY AND LEGALITY

Some argue for "free choice" to smoke. But staff, children and those of limited mobility are not free to avoid the smoke. There is no right to harm others. NSW Council for Civil Liberties (policy 2008) says:

It is a person's right to use any legal substance, but.... dependent on the comfort of others. Smoking should only be allowed where there is no possibility of passive smoking causing harm or discomfort to others. The onus should be on the smoker to prove no discomfort or irritation to non-smokers.

Many legal activities are quite properly restricted to certain areas for health or safety reasons – such as driving and operating dangerous machinery.

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