

October 2001

A club ahead of its time

When Caringbah RSL opens its new premises in April next year, it will be one of the first clubs in the state to go totally smoke-free.

Club CEO Brad Pearson said the club's decision was community-driven.

"We have tried extractor fans and other methods, but our members still had the problem of the person next to them blowing smoke in their face. I know for a fact that a lot of people – particularly the wives of our members – don't come because of the smoke," Mr Pearson said.

"I realise that we may lose a few members and that's a shame, but we will pick up a lot more custom from people who are looking for a clean, smoke-free place where they can come and enjoy themselves.

"Some managers of other clubs have said 'you'll go broke', but I know I'm right. It's what my members want and it's coming anyway, so why not do the right thing?"



Lawyer predicts more passive smoking cases

"The detrimental effect of passive smoking is now beyond dispute. The mere fact that Mrs Sharp was able to show that her cancer was caused by ETS will undoubtedly encourage other passive smoking cases."

Peter Semmler QC, lawyer for Mrs Sharp after her major court win this year against Port Kembla RSL.

Litigation and passive smoking

Legal action on passive smoking has increased over the last decade. In 1991, the landmark case Australian Federation of Consumer Organisations vs Tobacco Institute of Australia in the Federal Court found that tobacco industry advertisements disputing the harmful effects of passive smoking were misleading or deceptive. Before that case, compensation was awarded or settled out of court in ten cases nationally for health damage resulting from workplace ETS; a further twelve cases, including Marlene Sharp's, resulted in similar compensation decisions or out-of-court settlements since that time. The complaints ranged from throat and lung cancers to respiratory illnesses, such as emphysema, aggravation of asthma, pneumonia, nausea, headache, and other respiratory symptoms. Before Marlene Sharp's award, the two largest compensation payments have been \$65,000 in 1988 in an out-of-court settlement to bus driver Sean Carroll, for lung cancer after 36 years of ETS exposure, and \$85,000 in 1992 to Liesel Scholem for aggravated asthma due to passive smoking.

Source: *When smoke gets in your eyes... A guide to passive smoking and the law in NSW.* The Cancer Council of New South Wales 2001.

Editorials after Sharp decision

What the papers say

Australian Financial Review

"Government and business must work together to make all public venues smokefree."

Sydney Morning Herald

"The days of smoking in hotels and clubs in the way that now occurs are numbered."

The Australian

"Proprietors who let customers smoke on their premises do so at grave commercial risk."

The Age

"[The] landmark victory was a recognition of the dangers of passive smoking..."

Manly Daily

"Why is smoking permitted at all if we are aware that it is killing people?"

Illawarra Mercury

"Clearly hotels, pubs... will want to avoid damages claims... better disgruntled smokers at the bar than lawyers."

An information bulletin for Clubs from two of Australia's leading health organisations:

The Cancer Council New South Wales and Action on Smoking and Health

Tobacco Facts for Clubs

Can ventilation prevent passive smoking?

Air conditioning systems are ineffective in removing smoke from the air. In addition, they can undermine the value of having separate smoke-free areas by circulating contaminated air to these areas.

Whilst some systems are able to remove the visible smoke from the air, none are capable of removing the invisible gaseous components of ETS.

Going completely smoke-free is the only way to ensure that people are not exposed to ETS.

Bans: no need for smoke police

A compliance monitoring study of 78 Sydney restaurants over 2 weeks in October found that:

71% experienced favourable comments from patrons about the bans

78% of staff supported the bans

76% reported normal trade; 14% more trade; and only 9% less trade.

Chapman et al, Med J Aust 2001 174:512-515

Even surveys by tobacco companies show strong support for bans

An Auspoll national survey of 2000 people last year found that 89% of people would go more often, or make no difference, if hotel bars were smokefree.

- 91% for licensed restaurants
- 89% for nightclubs
- 91% for gaming clubs

Philip Morris, Auspoll 2000.

The LHMU, the largest hospitality union, says...

Governments must ensure the health of all hospitality workers is protected by banning smoking in enclosed workplaces.

Tim Ferrari, Assistant National Secretary, LHMU.

33 studies show bans are good for business

33 independent, published studies show no negative impact from bans on smoking in restaurants and bars, based on taxable sales receipts. Approval of the smokefree bar law in California and the importance of a smokefree environment among bar patrons increased from 1998 to 2000.

	APPROVAL	IMPORTANCE
1998	58.6	65.8
2000	72.5	75.2

Source: Bar patrons Survey March 1998 & July 2000 by Californian Dept of Health Services, Sept 2000. Contact ASH for summary of studies.

GOOD NEWS

A number of clubs in NSW have already successfully introduced smoke-free policies for their entire premises. Areas that now have a smoke-free club include:

- Kiama
- Orange
- Mosman

BAD NEWS

Apart from the threat of current and future litigation from staff and patrons, club proprietors face a number of other downsides related to smoking on their premises, including:

- Higher cleaning costs
- Higher insurance premiums
- Damage done to club property such as tables and carpets, when burned by cigarettes
- A high personal health risk

For more information and resources, contact

The Cancer Council NSW
www.cancercouncil.com.au
Telephone 9334 1900