



**RAC members are happier**

## **ROYAL AUTOMOBILE CLUB OF W.A. (Inc)**

### **SUBMISSION TO THE EDUCATION & HEALTH STANDING COMMITTEE INQUIRY INTO THE TOBACCO PRODUCTS CONTROL AMENDMENT BILL 2008.**

#### **Introduction**

The Royal Automobile Club of Western Australia (RAC) represents more than 700,000 members across Western Australia.

Our membership base covers more than 1 in 2 Western Australian households and around 50 per cent of drivers in WA.

The RAC has been recognised as a trusted, independent voice by its members and the community at large.

We have been an advocate for road safety and motoring issues for more than 100 years.

In recent years as our membership base has grown and diversified, the RAC has also diversified its public advocacy beyond its traditional motoring issues core. The RAC is now a respected voice in a wide range of public policy issues such as the environment, community safety, home security, burglary and anti-social behaviour.

The RAC welcomes the opportunity to respond to the Terms of Reference of this inquiry on behalf of its members.

#### **Terms of Reference**

The terms of reference for the Inquiry are –

- (1) To consider the adequacy of the proposed actions in the bill to protect children and adults from the harmful consequences of passive smoking.

(2) To consider the adequacy of the proposed actions in the bill to protect children and adults from tobacco promotion.

The RAC has no relevant expertise or knowledge in regards to the Term of Reference (2).

The Explanatory Memorandum to the Bill notes that the legislation will make three amendments:

- Prohibit smoking in cars if a young person (as defined in the principal Act) is present;
- Prohibit the display of tobacco products at point of sale;
- Prohibit smoking in al fresco areas, outdoor playing areas and safe swimming areas.

The RAC has no relevant expertise or knowledge in regards to the second and third listed amendments.

This submission, therefore, will focus on the adequacy of the proposed amendment relating to smoking in cars where young children are present.

### **Health issues**

The RAC, while having no direct expertise on health issues, accepts the overwhelming weight of scientific evidence that passive smoking has harmful health effects.

The RAC also accepts the evidence that passive smoking is particularly harmful to children and that these harmful effects are exacerbated in enclosed, poorly-ventilated areas.

The RAC has no evidence or expertise in regards to whether the act of leaving a window open in a car while smoking reduces the harmful effects or risks of passive smoking.

### **Public Opinion**

The RAC is aware of public surveys which indicate strong support for the aim of this legislation in banning smoking in cars where young children are present.

The RAC does not have any specific research findings of its own in this regard.

The RAC did attempt to undertake an on-line survey of its members but the short time-frame for lodging submissions to this inquiry meant it was not possible to achieve a reliable sample.

### **Education Campaigns**

The RAC is aware that in response to a previous attempt to legislate to ban smoking in cars where children are present, a public education campaign was funded by the State government through the Cancer Council of WA to highlight the dangers posed by passive smoking in cars.

The RAC believes the Committee should review the results of this campaign to assess whether it had the necessary impact.

The RAC is not aware of any research work which would quantify the extent of the problem which this legislation seeks to remedy. We therefore cannot offer an opinion as to whether the situation has improved or become worse in the wake of the previous public information campaign.

The RAC strongly recommends that if this legislation is passed, that sufficient resources are allocated to a public information campaign to both alert motorists to the new penalties and to support the aim of reducing the incidence of smoking in cars where children are present.

The RAC also recommends that the Committee consider a phase-in period for the new laws where motorists are issued a warning rather than being hit straight up with a financial penalty.

### **Impact of the proposed legislation**

As noted above, the RAC is not aware of any research which seeks to quantify the extent of the problem this legislation seeks to remedy.

We note from the Explanatory Memorandum that similar legislation has been passed in South Australia, Tasmania, New South Wales and Victoria.

The Committee should seek information from these jurisdictions in relation to the scope of the problem in those States and whether the passage of the laws has brought about a reduction in the problem.

The Committee should also seek details as to the number of penalty notices issued in these States under their relevant legislation. This would indicate whether the laws are being actively pursued or are simply sitting on the statute books as a largely symbolic gesture.

### **Enforcing the laws**

The RAC is aware of recent commentary in the media involving the Chairman of the Committee and the Commissioner of Police in regard to the enforcement of the proposed legislation as it relates to smoking in cars where children are present.

The RAC believes that the Parliament has the right to propose and pass legislation on behalf of the people.

The WA Police Force is being called on to enforce an ever-increasing range of legislation.

The effectiveness of the proposed laws will be determined to a large extent by the ability of the Police to identify offenders and issue infringement notices.

It is therefore not unreasonable to expect the Committee to take on board the views of the WA Police in regards to this legislation.

The RAC would be deeply concerned if the added burden imposed on the WA Police by this proposed law diminished or diluted their efforts in other higher priority areas such as drink driving, speed limit enforcement or community safety.

The RAC believes the Parliament should give serious weight to the judgement of the WA Police Commissioner in terms of where the limited resources of the Police Force are best targeted to deliver maximum benefit to the community.

It is, of course, open to the Committee to include in its findings a recommendation to the Parliament that Police resources be increased to meet any additional demands imposed in enforcing this new measure.

### **Summary**

The RAC supports, in principle, Clause 6 of this Bill in relation to the proposed Section 106A provided;

- There is an adequate public information campaign to alert motorists to the new law;
- A phase-in period be established where motorists are given a warning;
- The implementation of the new law does not diminish or dilute the enforcement effort in higher priority areas such as drink driving, speed limit enforcement and general community safety; and
- Any additional resources required to enforce this new legislation should be provided for by Government

### **Contact**

Matt Brown  
Head of Member Advocacy  
(08) 9436 4594  
[matthew.brown@rac.com.au](mailto:matthew.brown@rac.com.au)