



All enquiries

Telephone: (08) 6213 2218
Email: louise.atherton@ccyp.wa.gov.au
Our Reference: 09/763

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The Principal Research Officer
Education and Health Standing Committee
Legislative Assembly
Parliament House
PERTH WA 6000

Dear Dr David Worth

Inquiry into the Tobacco Products Control Amendment Bill 2008

Thank you for the opportunity to respond to your inquiry into the Tobacco Products Control Amendment Bill 2008.

I was appointed as Western Australia's (WA) inaugural Commissioner for Children and Young People in December 2007 pursuant to the *Commissioner for Children and Young People Act 2006* (the Act). Under this Act, I have responsibility for advocating for the half a million Western Australian citizens under the age of 18 and for promoting children and young people's entitlement to live in a caring and nurturing environment and to be protected from harm and exploitation.

In performing all functions under the Act, I am required to have regard to the United Nations Convention on the Rights of the Child (UNCRC), and the best interests of children and young people must be my paramount consideration.

I must also give priority to, and have special regard to, the interests and needs of Aboriginal and Torres Strait Islander children and young people, and to children and young people who are vulnerable or disadvantaged for any reason.

It is with these responsibilities in mind that I submit comment on the inquiry into the 'Tobacco Products Control Amendment Bill' and to ensure the needs and views of children and young people are considered.

I would also emphasise the importance of consultation in this process, particularly with children and young people. One of my primary roles as Commissioner for Children and Young People is to encourage the participation of children and young people in the making of decisions that affect their lives and to encourage government and non-government agencies to seek the participation of children and young people appropriate to their maturity.

I have considered the adequacy of the proposed actions in the Bill, to protect the health and wellbeing of children and young people, and comment as per the terms of reference of your inquiry as follows:

1. I, as Commissioner for Children and Young People, fully support the proposed amendments in the Bill that:
 - Prohibit smoking in cars if a young person is present;

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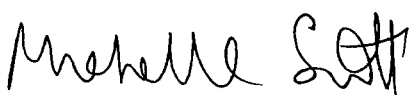
- Prohibit the display of tobacco products at a point of sale; and
 - Prohibit smoking in al fresco areas, outdoor playing areas and safe swimming.
2. I am strongly in favour of these proposed actions as they consider the rights, health and best interests of children and young people in relation to passive smoking and tobacco promotions. Research¹ has shown that exposure to second hand smoke can be detrimental to the cardiovascular system as well as increasing the frequency and severity of asthma in children. It also shows that smoking is associated with fertility problems including miscarriages, stillbirths, low birth weights and death in infancy. The suggested actions also address the inequity in Australian legislation between the States so that wherever a child resides they are entitled to the same levels of protection.
 3. I propose no changes to your amendments but ask that future consideration be given to other public spaces that could be included in the legislation to further protect children and young people from exposure to third party smoking such as sporting venues, family events and other community settings.

Although there has been significant progress made in the reduction of tobacco smoking rates in WA, smoking still remains the main cause of preventable drug-related death and disease. The greatest burden of tobacco-caused death and disease occurs among those most in need. The groups most at risk including: children and young people; low income and education groups; indigenous populations; CALD (cultural and linguistically diverse) groups; pregnant women; and rural and remote groups. The Western Australian Tobacco Action Plan 2007-2011 states that each year tobacco use kills over 1,400 Western Australians and places an enormous strain on the health budget of WA, being responsible for \$60 million per year in hospital costs alone.

I would like to add that any legislative changes introduced be accompanied by a range of support measures in equipping smokers to quit particularly those from low social-economic groups and other disadvantaged groups. A range of other measures could also be considered for preventing the uptake of smoking among young people and reducing the burden on WA's health system.

I thank the Western Australian Government for taking action in safeguarding the children and young people of its State from the effects of tobacco.

Yours sincerely



MICHELLE SCOTT

Commissioner

29 January 2009

References

¹ Healthway's Position on Tobacco Control - policy statement
<http://www.healthway.wa.gov.au/default.aspx?MenuID=487>