

Submission to *Public Health (Tobacco) Act 2008* Statutory Review – Discussion Paper



December 2013

Council of Social Service of NSW (NCOSS)

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About NCOSS

The Council of Social Service of NSW (NCOSS) is a peak body for the not-for-profit community sector in New South Wales. NCOSS provides independent and informed policy advice, and plays a key coordination and leadership role for the sector. We work on behalf of disadvantaged people and communities towards achieving social justice in NSW.

NCOSS' health priorities

NCOSS' objective in the health portfolio is to reduce inequities for disadvantaged people and improve population health outcomes. We believe that health policy and systems need to be based on principles that recognise health as a human right, the social determinants of health, and the importance of strengthening the role of the community and consumers in the development and delivery of health services.

NCOSS health priorities are primary and community-based health, oral health, mental health, health transport, and aids and equipment for people with disabilities. Our funding recommendations to the NSW Government on these issues are outlined in our [2013-14 Pre-Budget Submission](#). We also advocate on health system reform, consumer and community engagement and health equity issues.

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Introduction

The Council of Social Service of NSW (NCOSS) welcomes the opportunity to comment on the *Public Health (Tobacco) Act 2008 Statutory Review – Discussion Paper*. NCOSS makes this submission in the interests of maintaining and strengthening public health measures in NSW to reduce smoking rates and smoking-related harm, particularly amongst low income and disadvantaged people.

Smoking is a key social justice issue, with disadvantaged and vulnerable people having significantly higher smoking rates than the general population. They also bear the heaviest burden of the harms imposed by smoking, including higher burdens of illness and death, social stigma and isolation, and financial hardship.

Tobacco use adds to and maintains disadvantage. The poorest smoking households spend around 18% of their income on tobacco compared to just 3% for the wealthiest households.¹ Households that smoke are three times more likely to experience financial stress and report “going without meals” or “being unable to heat the home” than non-smoking households.²

We acknowledge the subject matter expertise of the Cancer Council NSW and support their submission. In addition, we emphasise the following points in relation to the questions in the discussion paper.

Question 1 - Is the object of the *Public Health (Tobacco) Act 2008* still valid?

NCOSS supports the current object of the Public Health (Tobacco) Act 2008 to reduce the incidence of smoking and other consumption of tobacco products and non-tobacco smoking products. While there have been significant declines in smoking rates in NSW over the past two decades, smoking remains the leading cause of preventable disease and death. Ongoing efforts are required to reduce the personal, social and financial cost of tobacco in NSW.

Question 2 - Should any further objects be included in the *Public Health (Tobacco) Act 2008*?

NCOSS supports the Cancer Council NSW’s proposal that “*reducing availability and supply of tobacco*” be included as one of the stated aims of the Act. The higher retail density in areas of disadvantage is a barrier to reducing smoking rates for those populations with the highest use. We note this is consistent with the priorities of both the NSW and national tobacco strategies.

Question 3 - Are the provisions of the *Public Health (Tobacco) Act 2008* still appropriate to secure the object of the Act?

We endorse the Cancer Council NSW’s call for the addition of a positive tobacco retailer licensing scheme as a provision of the Act. We note the issues identified in their audit of

¹ Junor, W. Collins, D. & Lapsley H. (2004) *The macroeconomic and distributional effects of reduced smoking prevalence in New South Wales*, The Cancer Council NSW, Sydney.

² Siahpush, M., Borland, R. & Scollo, M. (2002) *Smoking, Socioeconomic status and household expenditure on food, alcohol, gambling and insurance*, Vic health Centre for Tobacco Control, Melbourne; Siahpush, M., Borland, R. & Scollo, M. (2003) ‘Smoking and financial stress among Australian Households’, *Tobacco Control*, 12, pp. 60-66.

tobacco retailers in NSW [An audit of tobacco retailers in NSW](#), and agree a more robust system is required to achieve the Act's objectives.

Question 4 - Should any other provisions be included in the *Public Health (Tobacco) Act 2008*?

NCOSS supports the recommendation to improve transparency and public accountability of enforcement practices by mandating minimum enforcement activities and the provision of annual public reports on enforcement activities, compliance rates and prosecutions. This is in line with the NSW Health Ministers CORE value of openness, and the NSW Government's commitment to transparency and accountability (*NSW 2021*).

Question 5 - Should the interpretation of a single point of sale be changed to a single service point, regardless of the number of cash registers at that service point?

No comment.

Question 6 - Is the current tobacco retailer notification scheme appropriate to enable the NSW Ministry of Health to monitor retailer compliance with the *Public Health (Tobacco) Act 2008*?

As outlined in Question 3, NCOSS supports upgrading the current Retailer Notification Scheme to a positive licensing scheme to provide more accurate information about the number and location of tobacco retailers. We refer the Ministry of Health to the Cancer Council NSW audit, [An audit of tobacco retailers in NSW](#), which found significant discrepancies in the existing data on NSW tobacco retailers.

Questions 7 - 10

No comment.

Conclusion

NCOSS believes a comprehensive public health approach, including strong legislative mechanisms, continues to be required to reduce smoking rates and smoking related harm in NSW. Strengthening provisions within the Public Health (Tobacco) Act 2008 will build upon the positive measures taken by the NSW Government in recent years to reduce tobacco-related harm.

NCOSS thanks the NSW Ministry of Health for the opportunity to comment on the Discussion Paper. For inquiries or further information please contact Ms Solange Frost, Senior Policy Officer (Health) on 02 9211 2599 ext. 130 or solange@ncoss.org.au