

3 February 2017

Dr Mark Veitch
A/Director of Public Health
Department of Health and Human Services
GPO Box 125
HOBART TAS 7001

Dear Dr Veitch

Consultation on Proposed E-Cigarette and Tobacco Laws

Thank you for the opportunity to provide a submission on the Regulatory Impact Statement (RIS) that considers the impact on competition and business of proposed changes to the *Public Health Act 1997*. The changes involve new electronic cigarette laws as announced in the *Government's Healthy Tasmania – Five Year Strategic Plan*.

The Local Government Association of Tasmania (LGAT / the Association) is incorporated under the *Local Government Act 1993* and is the representative body for Local Government in Tasmania.

The objectives of LGAT are to:

- protect and represent the interests and rights of Councils in Tasmania;
- promote an efficient and effective system of local government in Tasmania; and
- provide services to Members, councillors and employees of Councils.

LGAT is aware of, and fully supports, those councils that have made their own submissions to the consultation process. Where a council has made a direct submission to this process, any omission of these specific council comments in the LGAT submission should not be viewed as lack of support by the Association for that specific issue.

LGAT received four responses from Launceston, Hobart, Glenorchy and Devonport Councils. All four councils agreed there should be full regulation of e-cigarettes (nicotine, non-nicotine and herbal cigarettes) to bring them into line with current tobacco laws. However, they caution against assuming that councils have the ability to resource the “policing” of any changes including compliance resources to laws that extend to e-cigarettes. The level of engagement in this area by the larger councils as compared to smaller councils is already an indication of resourcing difficulties.

Specific issues raised by responding councils are outlined below:

Devonport Council

- The Discussion Paper issued in June and July of 2015 presented a disturbing range of consequences for E-cigarette users and the general public which don't appear to differ from the known facts about tobacco use. However there appears to be no firm expert opinion as to whether those chemicals are dangerous, or potentially dangerous, to both users and bystanders - the latter seeming to fall into the same category as "passive smokers". Restrictions should therefore apply to:
 - licensing;
 - display;
 - sale;
 - warning labels; and
 - use in smoke free zones.

Glenorchy City Council

- Council acknowledges and appreciates that the proposed changes will not result in Council being required to amend current existing signage or provide additional signage.
- Further Council supports the RIS providing clarification on restricting new forms of smoking behaviours noting that, for example, approaches have been made to Council from people wishing to open shisha smoking cafés within the City of Glenorchy.

Hobart City Council (note: Council's formal position on this matter will be forwarded shortly after the 6th February meeting. The advice below is officer comment)

- Effective regulation should:
 - Prevent the uptake of smoking by young people and discourage uptake by others;
 - Prevent re-normalising smoking behaviour; and
 - Protect people from possible harms from exposure to vapours.

We believe the proposed amendments are a positive step towards supporting the *Healthy Tasmania – Five Year Strategic Plan*.

If you have any queries or would like further information, please contact Penny Finlay at penny.finlay@lgat.tas.gov.au or by telephone on 62335965.

Yours sincerely



Dr Katrena Stephenson
CHIEF EXECUTIVE OFFICER