

**RESPONSE TO THE REVIEW OF THE HEALTH (SMOKING IN ENCLOSED PUBLIC PLACES)  
REGULATIONS 1999**

*Statement by Minister for Health*

**MR R.C. KUCERA** (Yokine - Minister for Health) [2.09 pm]: On 12 January 1999 the Health Amendment Act 1998 received royal assent. The Act amended the Health Act 1991, which included the creation of Part IXB “Smoking in enclosed public places” and enabled the creation of associated regulations. The Act and the regulations allow for specific exemptions for hotels, taverns and other licensed premises including licensed restaurants, nightclubs-cabarets and the Burswood International Casino. These exemptions permit smoking in areas of public places in accordance with specific conditions.

Pursuant to the legislative requirements in the Act, I approved the commencement of the review in January 2002. A total of 72 submissions were received from individuals and key stakeholder organisations. These submissions were considered by the Department of Health and the report was presented to the Government. Following extensive examination of the report the Government has endorsed recommendations three to nine. I will outline the Government’s response to recommendations one, two and 10. The first recommendation is the removal of all exemptions under the regulations. The Government has adopted a phased-in approach towards achieving the aim of smoke-free enclosed public places with the following measures to be phased in -

- to remove exemptions in all but one bar or room per venue in hotels, taverns and other licensed venues - sporting and social clubs - by 31 December 2006;
- to increase restrictions to 80 per cent of floor space in nightclubs and cabarets by 30 June 2004. Nightclubs and cabarets are to be smoke-free by 31 December 2006;
- to remove current exemptions for the Burswood International Resort Casino except for the international gaming room; and
- to continue the current exemption for licensed restaurants having separately enclosed and ventilated rooms where no meals are served.

The second recommendation deals with smoking in close proximity to areas where airflow may enter an enclosed public place. The Department of Health is to further investigate how this recommendation could be practically addressed to achieve the desired outcome.

Recommendation 10 seeks legislative change as soon as practicable to allow for the introduction of all recommended changes by 1 October 2003.

The Government will seek legislative change as soon as practicable to meet the time lines outlined in its response to the first recommendation. A code of practice is also to be developed under the auspices of the WorkSafe Western Australia Commission. It is envisaged that the code will be operational within 12 months, if not earlier. The code will contain information on the duty of care provisions of the Occupational Safety and Health Act and practical guidance on measures designed to protect the safety and health of employees.

The Government believes its response is progressive and targeted. The history of the fight against smoking in our community is one of incremental change. As evidenced by recent Quit campaign advertising, one of the Government’s key targets is to reduce the number of 18 to 24-year-olds who smoke. One-third of the people in this age group smoke and many do not listen to the traditional health promotion messages. If these young adults continue to smoke regularly, one out of every two will be killed by their habit.

I sincerely thank those who made submissions and those at the Department of Health for their commitment and work in reducing the harm caused by smoking. The report and the Government’s response puts Western Australia again at the forefront in the fight against tobacco-related illness. I seek leave to table a copy of the report.

[See paper No 1257.]