

TOBACCO PRODUCTS REGULATION (SMOKING IN CARS)

AMENDMENT BILL

20 February 2007

Adjourned debate on second reading.

(Continued from 6 February. Page 1356.)

The Hon. D.G.E. HOOD: I also rise briefly to indicate Family First's support for the second reading of this bill. The bill seeks to amend the Tobacco Products Regulation Act to render it illegal to smoke inside a passenger vehicle when minors are present. Family First wholeheartedly supports the general thrust of the bill. Indeed, we would like to see the bill go further, as other members have suggested, and that would be perhaps our only reservation about the bill. Nonetheless, I draw members' attention to a situation that has arisen in Germany which may be of interest to members in the chamber. From this, members can probably infer that we would be happy to see smoking reduced altogether throughout South Australia; that is, in cars or otherwise.

To that end, I note a report from AAP dated 18 February this year (just last Sunday, in fact) of which I think it would be useful for members to have knowledge. The report states:

Germany may outlaw smoking in cars because it is a health hazard and a safety risk, the government's commissioner for substance abuse Sabine Baetzing said:

'We're examining whether it would be possible to ban smoking while driving and how that would work,' she told the Kurier am Sonntag newspaper in an excerpt made available on Saturday.

She said a ban on smoking in cars was urgently needed even if it would represent an invasion of privacy. 'We've got to ask ourselves if traffic safety

and health protection should not take precedence. Smoke fumes inside a car are many times higher than in other more open areas.'

Germany has moved slower than most of the rest of the European Union to restrict smoking, and German bars and restaurants are often filled with smokers— as members would know if they have travelled to Germany. The report continues:

But Baetzing said the government was committed to protecting non-smokers.

'In Germany we can no longer afford to ignore the dangers of second-hand smoke,' she said, adding that it was up to the 16 federal states— as they call them in Germany— to take a tougher stance. The states are currently examining placing some restrictions on smoking in restaurants.

I might just digress for a moment to say that I remain disturbed at the number of people who still talk on their mobile phone while driving a car. That, too, is a significant safety risk for both people within the car and other road users.

I would like to raise a question to the minister for her consideration when she gives her final address on the bill in relation to the definition of 'motor vehicle'. It is a legalese type question, but Family First thinks it is relevant to the discussion because we know what happens in the courts once bills become law. In the past the term 'motor vehicle' has been widely interpreted as so long as a motor is propelling the vehicle. The bill makes it an offence to smoke in a vehicle. Clearly, the concern is about passive smoking and the targeted evil is the smoking in an enclosed space. Why do I ask this question? Well, the bill uses the Motor Vehicles Act definition of motor vehicle and that definition extends to all motor propelled vehicles. Some of those vehicles do not have enclosed passenger compartments and I am not clear of the minister's intention in this regard. For example, does the bill include smoking on a motorcycle? One might assume not, but one can imagine what the lawyers will do with it if they get hold of it in the courts system. We believe a statement of the minister's intent on this matter would be helpful.

I also ask the minister to update the council on her attendance at the Ministerial Council on Drug Strategy on 15 December last year. The reason I ask is that the Hon. Christopher Pyne MP (Parliamentary Secretary to the Minister for Health and Ageing) issued a press release on 28 November last year which states:

. . . smoking in a confined space, such as a car, is particularly harmful and it is important to limit the exposure of children to this danger. . . children exposed to passive smoking are more likely to experience such serious illnesses as pneumonia, middle ear infections and asthma attacks. . . Every week, on average, someone under the age of 15 dies from a tobacco-related cause. . . someone dies from the effects of passive smoking every second or third day—that is five people every fortnight.

A press release was issued to congratulate Tasmanian Senator Barnett for proposing this kind of reform, and the Hon. Mr Pyne said he would be raising the issue of smoking in cars at the ministerial council in mid-December, to which I have referred and which the minister attended. Again, I ask the minister to update the council on the attitude of other ministers across Australia on the issue of smoking in cars. I conclude by indicating Family First's support for the second reading of this bill. I trust that I have not placed too onerous a task on the minister in terms of providing those answers to us. Family First supports this bill in principle.