



**Central Australian  
Aboriginal Congress**

ABORIGINAL CORPORATION | ICN 7823

Jennifer Buckley  
Secretary to the  
Legislative Assembly of the Northern Territory Economic Policy Scrutiny Committee  
GPO Box 3721  
DARWIN NT 0801

By email: [EPSC@nt.gov.au](mailto:EPSC@nt.gov.au)

**Submission to the Committee's inquiry into the *Tobacco Control Legislation Amendment Bill 2018***

Dear Ms Buckley,

Thank you for the invitation to make a submission to the Economic Policy Scrutiny Committee's inquiry into the *Tobacco Control Legislation Amendment Bill 2018*.

As a leading Aboriginal community controlled health service, Congress has developed a comprehensive model of primary health care delivering quality, evidence-informed services and programs on a foundation of cultural responsiveness. We have been active over many years in seeking to reduce the level of tobacco-related harm in the Aboriginal communities we serve.

I understand that in summary the Bill seeks to:

- regulate e-cigarettes and similar devices in the same way as conventional tobacco products;
- implement a smoke free zone within 10 metres of the boundary or entrance to community events and community facilities;
- prohibit employees under the age of 18 from selling tobacco products; and
- prohibit cigarette vending machines from outlets that allow under 18 year olds on premises.

I provide comment on these below with respect to each of the Committee's terms of reference.

**a) whether the Assembly should pass the Bill**

It is our view that the amendments, while limited in scope, form part of a strategy to address the harms caused by tobacco in the Northern Territory. In our opinion, the Northern Territory Legislative Assembly should therefore pass the Bill.

While not strictly a legislative matter, we would also draw the Committee's attention to the need for sufficient resources to enable enforcement of tobacco regulations, especially those concerning smoke-free areas. Smoke-free settings

are important to de-normalise smoking, reduce the opportunities for smoking, and decrease the exposure of non-smokers to second-hand smoke. However, it is clear from our experience that smoke-free areas, particularly in remote Aboriginal communities and including in work places and at community and sporting events, are often poorly enforced.

More resources are therefore needed to appropriately enforce smoke-free areas, especially in remote Aboriginal communities, noting that this will require community consultation and support to be effective.

**b) whether the Assembly should amend the Bill**

While the Bill as it stands is acceptable, the Legislative Assembly may also consider an amendment to address section 11(1) of the Act which allows for the establishment of smoking areas for staff within schools<sup>1</sup>. This provision potentially normalises smoking in an environment dedicated to children and their education and is inconsistent with the overall aims of the legislation.

**c) whether the Bill has sufficient regard to the rights and liberties of individuals**

It is the role of parliaments such as the NT Legislative Assembly to ensure that the right to health is enjoyed by all members of the public. This right supersedes any right to smoke tobacco by individuals wherever this has the potential to harm others.

**d) whether the Bill has sufficient regard to the institution of Parliament**

Congress has no comment to make on this term of reference.

In addition, I attach a recent submission by Congress to the development of a National Tobacco Strategy, which outlines in more detail our position on tackling smoking in Aboriginal communities.

You will see from this document that despite some success in reducing Aboriginal smoking prevalence, tobacco remains a significant health issue for our communities, responsible for 12% of the lost years of life for Aboriginal and Torres Strait Islander people nationally. Smoking rates amongst Aboriginal people are still 2.6 times that of other Australians, and prevalence in remote areas is not coming down as it is in urban and regional areas. Rates of smoking by Aboriginal people in the Northern Territory are particularly high, ranging from 35% in some geographical areas up to 68% in others.

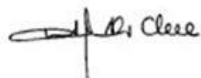
For these reasons, we urge the Northern Territory Legislative Assembly to continue to strengthen laws to regulate smoking and tobacco products as an investment in the health of all Territorians and Aboriginal people in particular.

---

<sup>1</sup> [https://education.nt.gov.au/\\_\\_data/assets/pdf\\_file/0018/258111/Smoke-Free-Premises-POLICY-2016.pdf](https://education.nt.gov.au/__data/assets/pdf_file/0018/258111/Smoke-Free-Premises-POLICY-2016.pdf)

I thank the Committee for the opportunity to comment on the Bill, and am happy to provide further detail on request.

Yours sincerely

A handwritten signature in black ink, appearing to read "Donna Ah Chee". The signature is written in a cursive style with a vertical line extending downwards from the end of the name.

Donna Ah Chee  
Chief Executive Officer

15 September 2018