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Mr Tony Sievers
Chair
Economic Policy Scrutiny Committee
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Dear Mr Sievers

Thank you for your letter of 19 October 2018, seeking clarification on a number of aspects of the Tobacco Control Legislation Amendment Bill 2018 that have been raised in submissions

Please see my response to your questions below.

Commencement Cl 2

Q. *Is there any reason why commencement cannot be delayed by 30 days from assent to allow for licensees to relocate cigarette vending machines on liquor licensed premises?*

The commencement date could be amended to allow for licensees to relocate cigarette vending machines on premises. Further, the commencement date could be further amended to allow for employees of underage persons to make alternative arrangements with regard underage persons not being allowed to sell tobacco products. A recommended commencement date could be 1 March 2019.

Definitions Cl 5

Q(a) *Could you please comment on the effect on the Act of modifying this amendment in line with comments provided by the Committee's legal counsel as contained in Appendix 1.*

Q(b). *Was any consideration given to how e-cigarettes and vaping have been defined in legislation from other Australian jurisdictions, such as that in s 4(1) and 4(3) of the Public Health (Tobacco) Act 2008 No. 94 (NSW)? (See Appendix 2)*

Parliamentary Counsel was consulted extensively and other jurisdiction legislation was considered during the process of developing the legislation. The legislation as provided was determined to be the most relevant for the Northern Territory. The legislation is quite prescriptive to define e-cigarettes **as if they were** tobacco products. Therefore, any reference to tobacco products is an automatic reference to include e-cigarettes. Nicotine juice is a Schedule 7 Poison as listed in the Poisons Standard and the supply and use of Nicotine Juice in the Northern Territory is restricted under the *Medicines, Poisons and Therapeutic Goods Act*. An e-cigarette available for sale by retail in the Northern Territory is not permitted to contain Nicotine Juice.

Smoke Free Areas Cl 6 and Form of Sign Cl13

Could you please clarify why educational facilities are allowed to designate a smoking area within their grounds while at the same time the Bill extends the smoke-free buffer zone from the entry and boundary area of such facilities to 10 metres.

The strong intention of this Bill is to protect children from exposure to smoking behaviours and to also protect members of the community from smoke drift. The extension of smoke free buffer zones is designed to achieve this. Currently, 37 per cent of NT Government schools have voted to maintain designated smoking areas. Continuing to reinforce the importance of children not being exposed to smoking, and managing change in these environments over time, is the proposed strategy. To this end, Government has tasked the Department of Education with investigating tobacco policy for schools regarding how schools will prevent children from seeing teachers smoking.

Vending Machine Restrictions Cl 7

Has any consideration been given to allowing vending machines to be located in areas other than the gaming area but only allowing the machines to be operated by employees or by tokens purchased from employees, as is the case in NSW, as set out in s 12 and s 13 of the NSW Public Health (Tobacco) Act 2008 No. 94?

The proposed legislation is to restrict the location of tobacco vending machines to areas on licensed premises that are child free areas. The licensee is empowered to declare any area within his licensed premises as a child free area, not limited to the Gaming Machine Area.

Previously, the "Traditional Front Bar or Sports Bar" was a child free area where vending machines would generally be located. As licensed premises become more family friendly it is critical that vending machines remain out of reach of children.

Australia is a signatory to the World Health Organization – Framework Convention on Tobacco Control where all jurisdictions are required to enact comparable legislation to assist in smoking reduction measures in Australia. The Australian Capital Territory has banned tobacco product vending machines. All Australian States restrict tobacco product vending machines to licensed premises. In New South Wales, South Australia and Tasmania the vending machines must be operated by the seller.

There is no requirement for legislation where the tobacco product may be in a dispensing machine, located away from access by the general public and only operated by the staff of the licensed premises, provided the licensee of the liquor licensed premises retains a Tobacco Retail Licence for the sale of tobacco products.

Thank you for providing me with the opportunity to respond to the Committee's questions. I trust the information provided will assist you in progressing your consideration of the Bill.

Yours sincerely



NATASHA FYLES

29 OCT 2013