

## Jodi McKay

Minister for Tourism  
Minister for the Hunter  
Minister for Science and Medical Research  
Minister Assisting the Minister for Health (Cancer)



Embargoed until Sunday 5 April, 2009

### **Tough new tobacco laws to come into force**

The NSW Government today announced that tough new laws protecting children and young people from exposure to tobacco products will come into effect on 1 July, 2009.

Minister Assisting the Minister for Health (Cancer) Jodi McKay said the new 'out of sight' tobacco control legislation would reduce the exposure of tobacco products to children, young people and those trying to give up.

Ms McKay said the new legislation includes a ban on smoking in cars when a child or passenger under 16 years of age is present, with on the spot fines of \$250 to be enforced by NSW Police Force.

"We are committed to protecting children from the harmful effects of tobacco smoke and decreasing their exposure to tobacco products," Ms McKay said.

"Exposure to second hand smoke greatly increases the risk of childhood asthma and other health conditions."

Under the new laws, all tobacco products must also be stored out of sight in shops.

"July 1 signals the beginning of the end for the advertising and promotion of tobacco products in retail outlets," Ms McKay said.

"Once these regulations are in place, retailers will need to make adjustments and gradually remove tobacco products from public display."

Ms McKay assured retailers they will have time to adjust to the new legislation.

"The display ban will be introduced using a phased approach to provide retailers time to plan for the changes and implement the display restrictions.

"Draft regulations, detailing changes to the act will also be released tomorrow for a month-long public consultation process.

"I invite members of the public, business and interested groups to review the draft regulations and provide comment during this month-long public review.

"NSW Health will also consult with retailers on the new tobacco control regulations before 1 July and advise them how to proceed in phasing out the display of products.

"Retailers with more than 50 employees will have six months to implement the ban and retailers with less than 50 employees will have 12 months to comply with the new legislation.

"A longer implementation period applies for specialist tobacconists and businesses which generate at least 80 per cent of their turnover from tobacco related sales.

“These businesses have 12 months to register as a specialist tobacconist and a further three years to comply with the display ban.

“They will be required to reduce their display area to a maximum of three square metres within the first 12 months.”

The NSW Parliament passed the *Public Health (Tobacco) Act 2008* in November last year.

“These new laws place NSW as the Australian leader in tobacco control. While other jurisdictions have in place some of the reforms, no other state or territory has the strong and responsible package NSW has introduced,” Ms McKay said.

“Smoking continues to be the greatest single cause of premature death in NSW and we are demonstrating leadership in protecting children and young people from the harmful effects of tobacco.

“We refuse to be complacent about tobacco control, particularly the use of tobacco products around children.”

**Under the new laws to apply from 1 July 2009:**

- All tobacco products must be stored out of sight in shops. Retailers that employ more than 50 people will have six months to comply, and other retailers will have twelve months from 1 July 2009;
- A negative licensing scheme will be introduced for tobacco retailers – meaning shops that sell cigarettes to children or otherwise breach the regulations may be stopped from selling tobacco;
- Cigarette vending machines will only be allowed in licensed venues restricted to over 18s, must be operated by staff intervention and will be subject to tobacco product display bans;
- Tobacco products will be removed from all shopper-loyalty programs;
- Tobacco will be restricted to a single point of sale in all retail outlets;
- Smoking in cars when children are passengers will be banned and attract a \$250 on-the-spot fine;
- Tobacco companies will be banned from sponsoring sporting and racing events.
- Advertising tobacco products, selling tobacco products to minors and the sale of tobacco products without health warnings will be met with significantly increased fines. Advertising and tobacco promotion offences by corporations in particular, will now attract maximum fines of \$660,000 for a first offence and \$1.1 million for subsequent offences (previously this figure was \$44,000).

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