Queensland Government

Queensland Treasury

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Dear Ms Whitehead

Consultation Regulatory Impact Statement – Reducing the negative effects of smoking in Queensland

Thank you for your enquiry of 9 March 2021 and additional information provided to 15 February 2022 seeking advice on the Consultation Regulatory Impact Statement *Reducing the negative effects of smoking in Queensland* (consultation RIS).

Background

There has been a reduction in the Queensland adult smoking rate from 24 per cent in 1998 to 10 per cent in 2020. However, Queensland Health (the department) notes significant challenges and risks remain. Queensland has the second-highest rate of adult smoking in the country.

Current Queensland Government strategies to reduce the negative effects of smoking include investment in policy/regulation and compliance, smoking cessation support, public communication, research, surveillance, and engagement with key stakeholders.

These strategies are supported by a regulatory framework, set out in the *Tobacco and Other Smoking Products Act 1998* (the Act), which aims to reduce the public's exposure to smoking products by:

- restricting the supply of tobacco and other smoking products to children
- restricting the advertising and promotion of tobacco and other smoking products
- reducing public exposure to smoke from tobacco and other smoking products
- establishing a framework for monitoring, investigative and enforcement activities.

The consultation RIS focuses on this regulatory framework.

Proposal

The department has prepared this consultation RIS to assess options and elicit feedback from stakeholders in the following areas:

1. monitoring compliance of retail smoking product supply
2. advertising and promotion of smoking products at retail premises
3. supply of smoking products at liquor licensed venues
4. sale of smoking products by minors
5. smoking at liquor licensed venues
6. smoke-free outdoor eating or drinking places
7. smoking at outdoor markets.

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An outline of the options being consulted on can be found in **Attachment A**.

Assessment

In undertaking its assessment of a consultation RIS, the Office of Best Practice Regulation (the OBPR) has regard to 'adequacy criteria' in the Queensland Government Guide to Better Regulation (the guidelines). Key elements include presenting evidence of a policy problem requiring government action and analysis of costs and benefits to identify the option that maximises the net benefit to the community.

The OBPR notes the consultation RIS primarily focuses on regulatory changes to the current framework and does not include a broad consideration of non-regulatory or other policy options. Within this constraint, it does present the department's assessment of the issues, including analysis and some quantitative evaluation of the potential impacts on industry stakeholders and the community. The RIS should allow stakeholders to provide evidence and feedback on key matters to inform the decision RIS, including:

- evidence on the size and scope of the problem
- whether the expected changes in behaviour, as predicted by the department, are likely to occur in response to the preferred regulatory options
- whether alternative options would better achieve a reduction in smoking
- anticipated costs and benefits of the preferred options (quantified where possible) to inform whether they will provide the greatest net benefit to Queensland.

On this basis, the OBPR considers the consultation RIS is adequate for public consultation.

To be considered adequate for decision-making purposes, the decision RIS will need to establish evidence that:

- the areas 1–7 investigated by the consultation RIS are key problems requiring government action
- the preferred regulatory options are those that address the problem best or are at least the most cost-effective way to address the problem.

Consistent with the guidelines, once a consultation RIS has been approved for release it is published on the OBPR's website along with this letter. After consultation has concluded, a decision RIS, incorporating the consideration of public comments should be provided to the OBPR for assessment before the matter is finally referred to Cabinet for decision.

Please contact Robert Sugden, Senior Economist, on (07) 3035 3482 if you require any additional information or guidance concerning the comments above or the guidelines in general.

Please note that in accordance with Cabinet Handbook requirements, this letter of advice should be attached to relevant Cabinet submissions.

Yours sincerely



Dr Karen Hooper
Office of Productivity and Red Tape Reduction

22 February 2022

Attachment A

The department's recommended option in bold.

1. Monitoring compliance of retail smoking product supply

Option 1	Status quo.
Option 2	Introduce a registration scheme for wholesale and retail suppliers of smoking products.
Option 3	**Introduce a licensing scheme for wholesale and retail suppliers of smoking products.**

2. Advertising and promotion of smoking products at retail premises

Option 1	Status quo. No amendment to the current provisions in the Act.
Option 2	**Modernise provisions for advertising, display and promotion to improve clarity and consistency.**

3. Supply of smoking products at liquor licensed venues

Option 1	Status quo.
Option 2	Require tobacco vending machines to be staff operated.
Option 3	**Require sale of smoking products from service area only (bar or bottle shop).**

4. Sale of smoking products by minors

Option 1	Status quo. Minors continue to sell and handle smoking products.
Option 2	Retailers adopt self-regulation to prevent the sale and handling of smoking products by minors.
Option 3	**Prohibit the sale and handling of smoking products by minors.**

5. Smoking at liquor licensed venues

Option 1	Status quo. No changes to the provisions in the Act.
Option 2	Require smoke-free buffers between DOSAs and enclosed venue areas.
Option 3	Restrict DOSA access to adults.
Option 4	Reduce the outdoor licensed area that can be used for a DOSA.
Option 5	Prohibit drinking in DOSA.
Option 6	**Combined hybrid of options 2, 3 and 5.**

6. Smoke-free outdoor eating or drinking places

Option 1	Status quo. No changes to the outdoor eating or drinking place provisions in the Act.
Option 2	Introduce a smoke-free buffer around specified seated or table based outdoor eating or drinking places.
Option 3	Introduce restrictions on areas used as smoking-only areas at outdoor eating or drinking places.
Option 4	Introduce restrictions on areas used as smoking-only areas at outdoor eating or drinking places.
Option 5	**Combined option. Hybrid of options 3 and 4.**

7. Smoking at outdoor markets

Option 1	Status quo. No changes to the provisions in the Act.
Option 2	Support market organisers to adopt and enforce a smoke-free policy.
Option 3	**Prohibit smoking at outdoor markets with the provision for smoking only areas.**
Option 4	Prohibit smoking at outdoor markets in their entirety.