

7 August 2019

Committee Secretariat
Health Committee
Parliament Buildings
Wellington

Tēnā koe

**Re: Smoke-free Environments (Prohibiting Smoking in Motor Vehicles Carrying Children)
Amendment Bill**

Thank you for the opportunity to provide feedback on this submission process.

Regional Public Health (RPH) delivers population and personal health services in the greater Wellington region. Our geographical area of service delivery spans Hutt Valley, Capital & Coast and Wairarapa DHBs. We deliver a range of population and personal health services, aiming to improve the health of communities throughout the greater Wellington region. In particular we focus on achieving equitable health outcomes for Māori, Pacific peoples, tamariki and young people, low income whānau and other people groups facing complex challenges.

We have a range of occupations working within RPH including: medical officers of health and public health physicians, public health advisors, public health analysts, health protection officers and public health nurses.

The following feedback to the *Bill* provides our public health perspective and experiences in the drugs space in our region.

For additional advice or clarification on any of the points raised in our written feedback please contact: Shane Bradbrook, T: 04 570 9027 or shane.bradbrook@huttvalleydhb.org.nz.

Nāku noa, nā

Stephen Palmer
Medical Officer of Health

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Submission to the *Smoke-free Environments (Prohibiting Smoking in Motor Vehicles Carrying Children) Amendment Bill*

In principle, Regional Public Health (RPH) strongly supports the *Smoke-free Environments (Prohibiting Smoking in Motor Vehicles Carrying Children) Amendment Bill*.

I/we wish to make the following comments

Māori Affairs Select Committee (MASC) Inquiry:

RPH acknowledges the *Māori Affairs Select Committee Inquiry on the tobacco industry*, tabled in 2011 and the recommendation supported politically and by the Māori community:

Recommendation 24

That the Government investigate extending the Smoke-free Environments Act to legislate against smoking in certain areas, such as vehicles, vehicles carrying children, and specific public places.

*Wainuiomata community:*¹

RPH recognises this community for acting on reducing secondhand smoking in cars when a *University of Otago* study showed high rates. The rallying of community leaders, businesses, schools and youth promoted a significant change in rates post the campaign.² It is noted that this campaign led to further discussions seeking legislative change. This *Bill* will support the work already undertaken by this community and many others e.g. Northland and Canterbury.

Evidence base:

RPH supports the overwhelming evidence that has shown vulnerable tamariki and mokopuna have been at risk of secondhand smoke toxicity in vehicles. RPH's expectation is that this *Bill* will contribute to improving health outcomes in areas such as:

- Ear infections
- More frequent and severe asthma attacks
- Respiratory symptoms (for example, coughing, sneezing, and shortness of breath)
- Respiratory infections (bronchitis and pneumonia)
- Sudden infant death syndrome and Sudden Unexpected Death in (SIDS/SUDI).

Māori health inequities:

The health burden attributable to Māori is starkly reflected in the smoking prevalence rates of **31%** (39% in 2006/07) compared to overall adult rates of **13%** (down from 18% in 2006/07).³ Tobacco use is recognised as a major contributor to health inequities and as such RPH believes that reaching equitable health outcomes requires a rapid Crown response to often voiced Māori

¹ *Wainuiomata Smokefree Cars Campaign 'Riding Smokefree – That's How We Roll'*

<https://aspire2025.files.wordpress.com/2015/06/appendix-3-smokefree-cars-case-studies.pdf>, ASPIRE 2025, University of Otago.

² ASPIRE 2025, *Trends in smoking in vehicles at a local community-level: Wainuiomata 2005-2013*, <https://aspire2025.org.nz/2014/07/04/article-trends-in-smoking-in-vehicles-at-a-local-community-level-wainuiomata-2005-2013/> University of Otago.

³ Ministry of Health. *New Zealand Health Survey (2006/07 – 2017/18)* data tables.

community concerns. RPH supports using the *MASC Inquiry* recommendations' for providing a clear pathway to improving Māori health outcomes.

I/we wish to make the following recommendations

Commencement:

RPH strongly believes this lead in period for action is exceptionally lengthy noting that:

- 95% of the community supports smokefree cars;⁴
- The majority of drivers are already operating smokefree vehicles;⁵
- The year 2025 is fast approaching for the *Smokefree Nation* goal.

Recommendation:

- To read - *This Act comes into force on the day that is **six months** after the date on which it receives the Royal assent.*

Title - Part 1 A:

RPH believes that this legislation requires the inclusion of all Vaping/ENDs products to be included explicitly within this legislation.

Smoke-free, Vape-free, ENDs-free, motor vehicles carrying child occupants

It is recognised that the government is pushing forward with plans with the introduction of vaping. In RPH's view, with the ever evolving products entering the New Zealand market, it would be advisable to have this made explicit within this specific *Bill*. This will give it the clarity required by the public. RPH notes that the Associate Minister of Health the Hon Salesa⁶ has stated that vaping would be included in this legislation which is not visibly reflected in the *Bill*.

While the future *Smoke-free Environments Act 1990* could be amended to include these products, and to expand the interpretation of *smoking*, RPH seeks this preferred approach.

Recommendation:

- That the title and interpretations include all vaping, ENDs products.

⁴ Health Promotion Agency/Te Hiringa Hauora. (2019). 2018 New Zealand Health and Lifestyle Survey. Wellington: Health Promotion Agency.

⁵ASPIRE 2025, 'Commonly Asked Questions' <https://aspire2025.files.wordpress.com/2015/06/appendix-1-commonly-asked-questions.pdf> University of Otago.

⁶ Prohibiting smoking in cars with children soon to be law, <https://www.beehive.govt.nz/release/prohibiting-smoking-cars-children-soon-be-law>, 16 June 2019.

Part 1A s20D (2) (b): RPH notes the inclusion of this clause and believes that is inconsistent with the intent of this *Bill* i.e. protect the rights of children in these specific situations.

Recommendation:

- Remove Part 1A s20D (2) (b).

Part 1A s20D (3) (a) (b):

RPH believes this is a public health issue and less of an enforcement matter that can be supported by health promotion activities to promote smokefree cars.

Punitive fining could be largely counter-productive in RPH's view but recognises the Police's enforcement role. RPH urges Police discretion in cases by using cautionary warnings.

RPH has no expectation that the Police will refer people to stop-smoking support services as it would be an unreasonable use of time/resource while being outside their scope of expertise.

As noted in jurisdictions' that have smokefree cars there has been positive outcomes:

Smokefree car laws are effective. The Canadian experience indicates that there has been a reduction of exposure to second-hand smoke in cars after legislation. Research shows that after a smokefree cars law has been introduced it generally becomes self-enforcing.⁷

RPH sees this as a social law that protects tamariki and will be measured by positive social behavioural change and not by punitive enforcement activities.

Recommendation:

- Reduce the fine to \$30.00 or a court fine not exceeding \$50.00 for any person found smoking in the presence of anyone under the age of 18 in a vehicle.

⁷ ASPIRE 2025, Ibid.