

## QLDC Draft Activities in Public Places Bylaw 2023

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<b>Date</b>	5 <sup>th</sup> May 2023
<b>OIA</b>	We wish to be heard with regards to this submission

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### Background

The Cancer Society of New Zealand, Otago & Southland Division is a non-profit organisation, which aims to improve community wellbeing by reducing the incidence and impact of cancer for those living in the Southern Region. The Cancer Society has three key work streams including: the provision of supportive care for people and their families who are impacted by cancer, funding of cancer related research, and health promotion activities.

Cancer is a major cause of disease, disability, and death in New Zealand. Although cancer is unlikely to be eradicated, current evidence indicates around 50% of cancers are potentially preventable. The health promotion work stream aims to advocate for the health of the community and build health into all public policy areas to help create a future with less cancer. We aim to work collaboratively in the community to create social, cultural, and physical environments that support health and wellbeing and reduce the population’s risk of developing cancer.

## Introduction

Thank you for the opportunity to submit on the QLDC Draft Activities in Public Places Bylaw 2023. Upon meeting with councillors Whitehead and Gladding in April, they suggested that although the topic of Smokefree/Vapefree policy is not currently included in the Bylaw, that I should convey my concerns in a submission to the Bylaw. The councillors agreed that Smokefree and Vapefree policy aligns with the purpose of the Bylaw to “protect, promote and maintain public health and safety.”

The Cancer Society proposes creating a strategy to implement Smokefree and Vapefree policy for the district with a future goal of including the policy into bylaw.

Cancer Society supports a Smokefree and Vapefree policy that seeks to discourage smoking within Smokefree areas, using education tools such as signage and promotion. Smokefree and Vapefree areas are a positive step in normalising Smokefree/Vapefree lifestyles and environments, and no punitive measures will need to be taken for those in breach of the policy. The purpose of the policy is to fulfil QLDC's commitment to promote positive health choices and outcomes for the district through the 10 Year Plan and Vision Beyond 2050. We recognise that other councils including but not limited to Central Otago, Dunedin, Invercargill, Christchurch, Auckland, Wellington, Palmerston North, and Rotorua have similar education policies that are not enforced by council.

## Key Recommendations

We recommend that QLDC adopt a Smokefree Policy to sit alongside the Draft Activities in Public Places Bylaw 2023. Ensuring public places are Smokefree aligns with key features of the bylaw, including that public spaces be free from harmful products or products that decrease the wellbeing of people in them.

To achieve Smokefree Aotearoa 2025 will require leadership at all levels and across all sectors and organisations. Collectively councils can make a significant contribution to support the legislated measures in the 2025 goal; however, with 2025 right around the corner, it is imperative that QLDC acts now.

A draft staged implementation plan for a Smokefree policy has previously been introduced to QLDC:

<b>ORDER OF POLICY IMPLEMENTATION – TIMED AROUND POLICY REVIEW (EVERY 3 YEARS)</b>	<b>Key policy areas</b>
<b>1<sup>ST</sup> POLICY REVIEW</b>	Implementation of Smokefree and Vapefree beaches policy  Officially endorse Smokefree Aotearoa 2025  Include ‘QLDC officially support Smokefree Aotearoa 2025’ in policy and include a Smokefree page on the QLDC website  Include Smokefree and Vapefree transport hubs and bus stops in policy
<b>2<sup>ND</sup> POLICY REVIEW</b>	Include parks and reserves in the Smokefree and Vapefree policy  Introduce voluntary Smokefree and Vapefree to Table and Chair policy covering outdoor dining
<b>3<sup>RD</sup> POLICY REVIEW</b>	Introduce Smokefree and Vapefree outdoor dining policy or bylaw

The Cancer Society alongside Te Whatu Ora are happy to support QLDC with matters such as:

- supporting QLDC with the writing and development of their policy and communications
- supporting QLDC with design and location of signage
- promoting the policy via our media and promotion channels
- assisting in conducting public surveys regarding the policy

### **Supporting Comments**

Councils play a vital role in de-normalising the acts of and reducing the prevalence of smoking and vaping by creating Smokefree and Vapefree Outdoor Spaces policies. 59 out of the 67 Councils<sup>1</sup> across New Zealand already have some sort of policy in place.

### **Why create Smokefree and Vapefree Outdoor Spaces?**

#### **1. There is strong community support**

In 2019 we surveyed 211 people from Otago about the Smokefree legislation they would like the central government to enact. We found:

- 99% wanted playgrounds to be Smokefree
- 97% wanted Smokefree and Vapefree transport hubs, such as bus stops
- 91% wanted all outdoor areas in cafes, restaurants and bars to be Smokefree
- 89% wanted all Smokefree places to also be Vapefree

We appreciate councils are concerned with how tourists perceive Smokefree spaces, however, we have found tourists are very supportive. Over Chinese New Year 2017 in Queenstown 70 tourists were surveyed about their views of Smokefree outdoor spaces, and overall they were very supportive of outdoor spaces being Smokefree:

- 74% supported outdoor areas being free from second-hand smoke
- 99% said adults should not smoke around children and young people
- 85% said Smokefree areas would give a positive image Queenstown for tourists
- 95% felt Smokefree areas would reduce cigarette litter

Public support for Smokefree outdoor places continues to increase over time, with reasons for support including<sup>2 3</sup>:

- Positive modelling for young people
- Litter control
- Reducing involuntary exposure to second-hand smoke (particularly in areas where children are present or people congregate)
- Reducing opportunities for people to smoke
- Making spaces more family friendly
- Creating a level playing field for businesses

## 2. Protects children and non-smokers from the effects of second-hand smoke

With 10.5% of the Queenstown Lakes District<sup>4</sup> population who smoke, providing Smokefree spaces protects the majority of people who do not smoke.

2018 - Percentage of People who Regularly smoke by Ethnicity in Queenstown Lakes District							
Queenstown Lakes District	All People	European	Māori	Pacific peoples	Asian	Middle Eastern/ Latin American/ African	Other ethnicity
People who Regularly smoke	10.5%	10.4%	19.2%	16.1%	10.5%	10.1%	10.6%

Note: The classification criteria of a People who Regularly Smoke is people aged 15 years & over who currently smoke one or more cigarettes a day

Second-hand smoke can be hazardous to health and can increase the risk of lung and nasal cancers, as well as other known diseases such as stroke and heart disease among non-smokers. Children are particularly susceptible, as they have smaller lungs, are more sensitive, and often have no way of moving themselves away from cigarette smoke<sup>5</sup>.

Studies have found that outdoor second-hand smoke exposure can be just as harmful as indoor exposure, particularly when in close proximity or in areas where people congregate, such as outdoor dining, sports venues, and events. In addition, smoking directly outside of building openings can create second-hand smoke inside<sup>6 7</sup>.

International research has found the exposure to second-hand smoke can be reduced by 21% for both people who smoke and those who don't, following the introduction of Smokefree policies such as in outdoor dining areas<sup>8</sup>.

Creating Smokefree and Vapefree outdoor spaces in places such as alfresco dining and main streets can also support workplace health and safety legislation by reducing exposure to the hazard of second-hand smoke by workers.

## 3. De-normalises smoking and vaping and reduces uptake in children

Children copy what they see and increasing Smokefree and Vapefree areas will de-normalise smoking and vaping by reducing the amount of smoking/vaping seen by children. This will provide positive role modelling that smoking/vaping is not a normal adult behaviour<sup>9</sup>. Research has found that smokefree spaces, such as in public places, schools and at home, can reduce teenage initiation into smoking<sup>10 11</sup>.

Creating Smokefree environments also helps with reducing inequalities. While 16.5% of the general New Zealand population smoke, this is much higher for Māori, at 32.7%<sup>12</sup>. Māori are also the youngest to start smoking, with an average age of initiation of 14<sup>13</sup>.

#### **4. Supports individuals to quit smoking**

Smokefree policies not only reduce harm to non-smokers, they also reduce harm to people who smoke by decreasing the number of cigarettes smoked and increasing the likelihood of a successful quit attempt<sup>14</sup>. Smokefree policies give people who smoke more reasons to quit<sup>15</sup> and reduces visual cues to smoke from seeing others smoking<sup>16</sup>. A study found that 54% of people trying to quit found that seeing someone with a cigarette was a trigger to relapse, and 40% found that smelling a cigarette was a trigger<sup>17</sup>.

An evaluation of the Queensland tobacco laws found 27% of ex-smokers stated the laws had helped them remain non-smokers, 29% had decreased the number of cigarettes they smoked, and 22% had attempted to quit smoking<sup>18</sup>.

#### **5. Protects the environment and reduces cleaning costs**

Cigarettes are the most littered item in New Zealand, with an estimated 4.5 trillion littered every year worldwide<sup>19</sup>. A study in Petone found that 50% of rubbish collected in a main street storm water drain was cigarette butts<sup>20</sup>.

In 2018, a Queenstown woman collected more than 10,000 cigarette butts over a month's time from the Queenstown Bay and Frankton Beach areas<sup>21</sup>. She presented her evidence to QLDC and asked for a beachfront smoking ban, to which council offered verbal support but no action on such a ban.

Cigarette butt waste can be seen as a socially acceptable form of littering, but smokefree outdoor spaces such as parks, beaches, and streets can help reduce butt littering<sup>22</sup>. A study of Wellington bus stops found new cigarette butt litter within 24 hours, despite rubbish bins being nearby<sup>23</sup>.

Cigarette filters are not bio-degradable and much of the chemicals used in the manufacturing of cigarettes form leachate that creates aquatic toxicity, which can affect the health of marine life<sup>24,25</sup>. Furthermore, they are harmful when accidentally consumed by pets, wildlife, and children<sup>26</sup>.

The cost of cleaning up cigarette butts can be huge for Councils and businesses. This can include cleaning streets, sidewalks and public places of litter, abatement from storm water and sewer treatment systems, the costs associated with harm to the ecosystem and harm to industries dependent on clean and healthy ecosystems<sup>27</sup>.

Smokefree policies mean there is less opportunity for cigarette butt littering and reduces the cost of cleaning and on the environment<sup>28</sup>. Rotorua Lakes Council has reported a major decrease in cigarette butt litter at bus stops since the introduction of their Smokefree policy.

Vaping devices are also quickly polluting our environment as improperly discarded devices can leach toxic chemicals, heavy metals, flammable ion batteries, and microplastics into our waterways and natural environments<sup>29</sup>. In addition, the risk of battery failure/explosion or other vape-related injuries<sup>30</sup>, is on the rise in New Zealand<sup>31</sup> and in many other countries. Vaping devices are often disposed into rubbish bins where the batteries pose a dangerous risk for fires in public waste/recycling areas or on rubbish trucks<sup>32</sup>. For example, a recent fire in a Waikato recycling truck was caused by vape products<sup>33</sup>.

## 6. Supports economy and tourism

Studies from New Zealand and internationally have found hospitality venues report increased patronage and sales after going Smokefree. While support for Smokefree outdoor dining is already high, case studies from Australia indicate this support increases once the public experience Smokefree outdoor dining<sup>34</sup>. The review of Queensland's Smokefree laws found that 21% of people were visiting outdoor dining places more often after the introduction of the laws<sup>35</sup>.

The Fresh Air Project was piloted in 2018/19 with support from QLDC<sup>36</sup>. 20 venues across Queenstown, Dunedin, and Invercargill participated in the five-month programme. We found that the public and businesses were very supportive of having Smokefree Vapefree outdoor dining:

- 95% of customers at the Queenstown cafés supported Smokefree Vapefree outdoor dining areas
  - 4% were not in support
- 73% were more likely to visit the venue again because of the Smokefree outdoor dining areas
  - 21% said the Smokefree areas made no difference to whether they would visit again
  - 4% said they were less likely to visit again
- All of the cafés involved chose to remain Smokefree and Vapefree after the pilot

Furthermore, with Smokefree spaces increasing internationally, visitors are now expecting Smokefree environments. New Zealand, and Queenstown Lakes District in particular, is marketed as a place of natural beauty and a great place to enjoy the outdoors. Visitors may be disappointed if this vision is ruined by cigarette smoke and cigarette butt litter.

## 7. Supports the New Zealand Government's Smokefree 2025 goal

In 2011 the New Zealand Government committed to a goal of New Zealand becoming Smokefree by 2025<sup>37</sup> and in late 2022 passed legislation<sup>38</sup> intended to significantly reduce retail availability and to prevent our tamariki, and the generations born after them, from ever taking up smoking.

The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act came into force on 1 January 2023 and makes three key changes:

- decreases the number of retailers able to sell smoked tobacco products (effective from 1 July 2024)
- reduces the amount of nicotine that is allowed in smoked tobacco products (effective from 1 April 2025)
- prohibits the sale of smoked tobacco products to anyone born on or after 1 January 2009 (effective from 1 January 2027)

Councils can make a significant contribution to normalising smokefree environments and creating healthier, safer communities. Local authorities' leadership plays a big role towards achieving the 2025 goal by creating comprehensive Smokefree and Vapefree outdoor spaces policies to further support the legislated measures. Such policies give their residents and ratepayers the opportunity to directly engage in the process of future proofing their own towns, cities, and regions from the harm caused by tobacco products.

**Ko tōu rourou, ko tāku rourou, ka ora ai te iwi**

With your contribution and my contribution, we will make progress

## References

- <sup>1</sup>Te Whatu Ora 2022, NZ Smokefree.org website, Maps of NZ Councils' Smokefree Outdoor Policies and Spaces, accessed April 2023, <https://www.smokefree.org.nz/smokefree-resources/maps-of-nz-councils-smokefree-outdoor-policies-and-spaces>
- <sup>2</sup>Thomson, G. et al (2009) At the frontier of tobacco control: A brief review of public attitudes towards smoke-free outdoor places. *Nicotine & Tobacco Research* Vol 11 (6) pg 584-590.
- <sup>3</sup>Thomson et al (2017) A Case Study of Smokefree Outdoor Policy Options for a City.
- <sup>4</sup>Health Promotion Agency (ND) Tobacco Control Data Repository [https://tcdata.org.nz/Census%20data/Census\\_14.html](https://tcdata.org.nz/Census%20data/Census_14.html)
- <sup>5</sup>Health Promotion Agency (2016) Second-hand smoke [www.smokefree.org.nz/smoking-its-effects/second-hand-smoke](http://www.smokefree.org.nz/smoking-its-effects/second-hand-smoke)
- <sup>6</sup>Cancer Council NSW (ND) Why are Smokefree outdoor spaces important for your council? [www.cancercouncil.com.au/wp-content/uploads/2011/10/SmokeFree-FactSheet1.pdf](http://www.cancercouncil.com.au/wp-content/uploads/2011/10/SmokeFree-FactSheet1.pdf)
- <sup>7</sup>Sureda (2013) Secondhand tobacco smoke exposure in open and semi-open settings: a systematic review [www.ncbi.nlm.nih.gov/pubmed/23651671](http://www.ncbi.nlm.nih.gov/pubmed/23651671)
- <sup>8</sup>Azaqba (2015) Effect of smokefree patio policy of restaurants and bars on exposure to second-hand smoke [www.ncbi.nlm.nih.gov/pubmed/25913419](http://www.ncbi.nlm.nih.gov/pubmed/25913419)
- <sup>9</sup>Cancer Society (2015) Smokefree Outdoor Areas. <https://waikato-bop.cancernz.org.nz/en/reducing-cancer-risk/what-you-can-do/smoking-and-cancer/current-campaigns/smokefree-outdoor-areas-what-can-i-do-to-help/#Whatcanwedo>
- <sup>10</sup>Wakefield et al (2000) Effect of restrictions on smoking at home, at school, and in public places on teenage smoking: cross sectional study.
- <sup>11</sup>Thomson et al (2016). Expanding smokefree outdoor areas in Wellington City: Rationale and options [www.otago.ac.nz/wellington/otago603825.pdf](http://www.otago.ac.nz/wellington/otago603825.pdf)
- <sup>12</sup>Health Promotion Agency. Tobacco Control Data Repository. [www.tcdata.org.nz/TobaccoSectorOverview.aspx](http://www.tcdata.org.nz/TobaccoSectorOverview.aspx)
- <sup>13</sup>Health Promotion (2017) Agency. Facts and Figures. [www.smokefree.org.nz/smoking-its-effects/facts-figures](http://www.smokefree.org.nz/smoking-its-effects/facts-figures)
- <sup>14</sup>Chaiton et al (2016) Exposure to smoking on patios and quitting: a population representative longitudinal cohort study [www.ncbi.nlm.nih.gov/pubmed/25352563](http://www.ncbi.nlm.nih.gov/pubmed/25352563)
- <sup>15</sup>Thomson, G (2015) Smokefree outdoor policies in New Zealand: Questions and answers [www.otago.ac.nz/wellington/otago302608.pdf](http://www.otago.ac.nz/wellington/otago302608.pdf)
- <sup>16</sup>Thomson, G (2015) Smokefree Community and music events involving council land [www.otago.ac.nz/wellington/otago302601.pdf](http://www.otago.ac.nz/wellington/otago302601.pdf)
- <sup>17</sup>Thomson et al (2016) Issues and options for progress towards a smokefree city: A case study for smokefree outdoor policies [www.otago.ac.nz/wellington/otago621647.pdf](http://www.otago.ac.nz/wellington/otago621647.pdf)
- <sup>18</sup>Queensland Government (2007) 2007 Review of Smokefree Laws
- <sup>19</sup>Slaughter et al (2011) Toxicity of cigarette butts, and their chemical components, to marine and freshwater fish.
- <sup>20</sup>Philippa Werry (2017) Down the Drain [www.stormwater360.co.nz/assets/Uploads/Down-the-Drain.pdf](http://www.stormwater360.co.nz/assets/Uploads/Down-the-Drain.pdf)
- <sup>21</sup>Jamieson, D. (2018, May 18). *Queenstown woman collects 10,000 cigarette butts and pushes for smoking ban.* Stuff.co.nz. <https://www.stuff.co.nz/environment/103891364/queenstown-woman-collects-10000-cigarette-butts-and-pushes-for-smoking-ban>
- <sup>22</sup>Healton, C. et al (2011) Butt really? The environmental impacts of cigarettes. *Tobacco Control* Vol 20 Sup 1 p1 [http://tobaccocontrol.bmj.com/content/20/Suppl\\_1/i1](http://tobaccocontrol.bmj.com/content/20/Suppl_1/i1)
- <sup>23</sup>Thomson, G (2015) Smokefree bus stops and outdoor transport areas in NZ [www.otago.ac.nz/wellington/otago302609.pdf](http://www.otago.ac.nz/wellington/otago302609.pdf)
- <sup>24</sup>Slaughter et al (2011) Toxicity of cigarette butts, and their chemical components, to marine and freshwater fish.
- <sup>25</sup>Marah, M & Novotny, T (2011) Geographic patterns of cigarette butt waste in the urban environment.
- <sup>26</sup>Tobacco control, Vol 20 Sup 1 [http://tobaccocontrol.bmj.com/content/20/Suppl\\_1/i42](http://tobaccocontrol.bmj.com/content/20/Suppl_1/i42)
- <sup>27</sup>Schneider, J et al (2011) Tobacco litter costs and public policy: a framework and methodology for considering the use of fees to offset abatement costs.
- <sup>28</sup>Thomson, G (2015) Smokefree Community and music events involving council land [www.otago.ac.nz/wellington/otago302601.pdf](http://www.otago.ac.nz/wellington/otago302601.pdf)
- <sup>29</sup>Truth Initiative. (2021). A Toxic, Plastic Problem: E-cigarette Waste and the Environment. Washington, DC. <https://truthinitiative.org/research-resources/harmful-effects-tobacco/tobacco-and-environment>.

- <sup>30</sup> Quiroga, L., Asif, M., Lagziel, T., Bhat, D., & Caffrey, J. (2019). E-cigarette battery explosions: review of the acute management of the burns and the impact on our population. *Cureus*, 11(8). <https://doi.org/10.7759/cureus.5355>
- <sup>31</sup> Lawrence, M. (2019). Burns, broken glass, and explosions: E-cigarette injuries on the rise in New Zealand. *NZ Herald*. <https://www.nzherald.co.nz/nz/burns-broken-teeth-and-explosions-e-cigarette-injuries-on-the-rise-in-new-zealand/P2TAS7FAE3YXEBS7QMK7ADSYUY/>
- <sup>32</sup> Pourchez, J., Mercier, C., Forest, V. (2022). From smoking to Vaping: a new environmental threat?. *The Lancet: Respiratory Medicine*, Volume 10, Issue 7, E63-E64. [https://doi.org/10.1016/S2213-2600\(22\)00187-4](https://doi.org/10.1016/S2213-2600(22)00187-4)
- <sup>33</sup> Stuff - Waikato times. (2023) Vape battery in yellow bin sets recycling truck on fire retrieved Feb 24 2023 from <https://www.stuff.co.nz/waikato-times/news/300815570/vape-battery-in-yellow-bin-sets-recycling-truck-on-fire>
- <sup>34</sup> Thomson, G (2015) Smokefree outdoor policies in New Zealand: Questions and answers [www.otago.ac.nz/wellington/otago302608.pdf](http://www.otago.ac.nz/wellington/otago302608.pdf)
- <sup>35</sup> Queensland Government (2007) 2007 Review of Smokefree Laws
- <sup>36</sup> Forsyth et al, *The Fresh Air Pilot Project Otago & Southland 1 November 2018 – 31 March 2019 Evaluation*, 2019: <https://freshairproject.org.nz/assets/Uploads/The-Fresh-Air-Otago-Southland-Pilot-EVALUATION-FINAL.pdf>
- <sup>37</sup> Ministry of Health (2018) Smokefree 2025 [www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/smokefree-2025](http://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/smokefree-2025)
- <sup>38</sup> The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act (2022). <https://www.legislation.govt.nz/act/public/1990/0108/latest/DLM223191.html>