

4.1. Public Health (Tobacco) (Amendment) Bill – Second Reading approved

Mr Quayle to move:

That the Public Health (Tobacco) (Amendment) Bill be read the second time.

The Speaker: Item 4, Bill for Second Reading, Public Health (Tobacco) (Amendment) Bill.
I call on the mover, Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

I am pleased to be able to move the Second Reading of the Public Health (Tobacco) (Amendment) Bill for the Department of Health and Social Care.

The Isle of Man Tobacco Strategy stated everything possible should be done to prevent young people from easily accessing cigarettes, and one of the key policy drivers of the Public Health (Tobacco) Act 2006 was to reduce the visibility of tobacco products.

The Department of Health and Social Care has recognised the success of the 2006 Act in reducing the use of tobacco products on the Island and protecting people from secondhand smoke and, as a consequence, in reducing the burden of ill health. However, more needs to be done to shield people, and particularly young people, from the influence of tobacco product promotion in order to achieve a further reduction in the numbers taking up smoking and to provide a public health incentive to existing consumers to further reduce their consumption.

The aim of this Bill therefore is primarily to extend the provisions of part 1 of the 2006 Act to introduce further controls to ban tobacco advertising, tobacco displays and the sale of tobacco products from vending machines.

There is good evidence that tobacco advertisements and cool, fun and attractive displays do influence young people to take up smoking, and studies have shown that impulse buying of tobacco products as a result of seeing a display remains high, especially amongst young people.

There is also international concern that underage sales of tobacco products are increasingly being made from self-service vending machines, which are often not directly supervised, with no routine age checks prior to purchase.

Additional controls have already been established in English and Scottish primary legislation to further restrict tobacco advertising, including online and displays, and to ban tobacco vending machines. The Department felt that similar controls might be appropriate for the Isle of Man. A comprehensive public consultation exercise was undertaken in 2012 and the majority of respondents supported these further controls, so the Department obtained Council of Ministers approval for a Bill to be drafted.

As part of the same consultation exercise, the Department also asked the public for their views on introducing legislation to ban smoking in cars when children were present. This was also supported and the Council of Ministers subsequently supported proposals for new regulations to be introduced by the Department of the Environment, Food and Agriculture, to this effect.

Following discussions with the Department of Home Affairs, it was proposed and subsequently agreed with the Council of Ministers that, in order to reduce the cost of enforcement and to increase the likelihood of enforcement action, provision should be included in part 2 of the Act for fixed penalties to be imposed for smoking offences, where appropriate, as an alternative to court action.

Mr Speaker, I beg to move that the Public Health (Tobacco) (Amendment) Bill be read for the second time.

The Speaker: Hon. Member for Onchan, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

I am more than happy to second this and, hopefully, when Members do engage with the Bill through its passage there... that all the Departments actually engage when an enforcement takes place.

The Speaker: Hon. Member for Ramsey, Mr Singer.

Mr Singer: Thank you.

I am fully supportive of the Bill, Mr Speaker, and I am pleased to hear the Minister say that there are proposals to bring in legislation to prevent smoking in cars, particularly when children are in the car, but can he tell me – this has been a subject for discussion for many years now – why there was no consultation maybe between necessary Departments to include it in this particular Bill and we could have covered it all at once.

The Speaker: The Hon. Member, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

I have no hesitation in supporting this Bill, but I think it has wider implications – actually more savings health-wise than just with our young people.

I know from personal experience, having tried a number of times to give up smoking... and I was doing quite well on one occasion when I went into a shop to buy a paper and I had to stand in the queue for a long time, and facing me all that time were the rows and rows of cigarette packets. And I buckled at the end of the day; my willpower was not good enough –

Mr Singer: Oh, she's got no self-control! (*Interjection and laughter*)

Mrs Beecroft: If that happens to me it must happen to an awful lot of other people, and I think it would help people who are trying to –

Mr Singer: [*Inaudible*]... chocolate.

Mrs Beecroft: I am allergic to chocolate, thank you, Mr Singer!

I think it would help a lot of people as well, who are trying the very difficult job of actually giving up smoking. So I welcome any initiative that helps that.

The Speaker: I call on the mover to reply, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

May I first thank my seconder, Mr Quirk, for his support in this matter.

Moving to Mr Singer's comments, the Hon. Member for Ramsey – and I thank him for his support – asked why not do it now in this Bill. I think the simple reason is that the Department of Environment, Food and Agriculture are responsible; they have Environmental Health under their control and it is that area that has to bring this legislation forward.

However, there are umbrella clauses in this Bill which enable any Bill brought forward by DEFA to impose this policy, and I would draw his attention to clause 20 and clause 25 of part 2 of the Act which enables that to be set up. So that is the reason.

I thank Mrs Beecroft for her support and how hard it is to give up smoking. It is hard. I am sure the stresses of her job ensure that it is even harder sometimes to give up smoking, but –

Mrs Beecroft: I gave up before I came in here! (*Laughter*)

Mr Singer: Probably started again!

Mr Quayle: It is something, joking apart, we have to improve on (**Mr Quirk:** Yes.) and I have been heartened by the e-mails that I have received from members of the public, including one member of the public who had recently buried his wife and who had been smoking all their lives, where a cigarette had been part of daily life. He said to me in his e-mail that the suffering that his wife went through dying from lung cancer he would not wish on anyone and, as someone who had been a smoker all their life, he totally supported what the Department are doing.

I beg to move.

The Speaker: Hon. Members, I put the question that the Public Health (Tobacco) (Amendment) Bill be read for the second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes the business of the House today. The House will now stand adjourned until the next sitting, which will take place at 10 o'clock on 5th May in this Chamber.