



SMOKERS

sin-binned!

The image is a familiar one. Smokers, alone or in small groups, furtively taking their nicotine fix in laneways and doorways, before returning to work.

Yes, the smoker has been on the run for some time as the evangelistic, anti-tobacco campaigners brandish their banners of fear and loathing, warning puffer punters of that inevitable, cancerous road to ruin.

But since July 1, when the state government introduced a blanket ban on smoking in all enclosed public places, smokers have felt the fiery breath of the health hounds move closer and closer.

The dedicated smoker is running out of space and time to enjoy the habit once practiced by a respectable percentage of the population. They are the new social pariahs, outcasts who must not, by law, pollute the air anywhere inside an enclosed area of a liquor-licensed premises or eating and drinking area, and not closer than four metres from a non-residential building entrance.

It's a big problem for the smoker, desperately seeking solace in ever-decreasing legal zones to satisfy the craving that Christopher Columbus first bestowed on humanity when he, if we are to believe that ancient yarn, returned to Europe from the New World with the evil leaf.

So gone, therefore, is the traditional smoke-filled bar, once peopled by glassy-eyed boozers lounging on stools, fag in one hand and drink in the other, while blues, rock and country music moans and wails in the background. This will still be a social landscape for many years in, say, the honky-tonks of contemporary USA, where human rights — even for smokers — are sacrosanct, but certainly not in the Sunshine State of Australia.

While the Queensland law has been welcomed by long-suffering non-smokers who can now enjoy a drink or a meal in smoke-free environments, there is a backlash from some venue operators who say the move is another blow to the hospitality industry in Cairns and may send some pubs and clubs to the wall.

One such critic is Ric Montgomery, owner of John's Blues Bar, who says his long-established nightclub is on its knees as a direct result of the tobacco laws.

"The crowd for our Sunday Gong Show, which has been going for nearly 20 years, dropped by 50 per cent just two days after the law came in," he said. "This is the peak tourist season but it's just like the middle of the wet season as far as numbers go."

Montgomery said what customers he has left have no option except to go outside for a smoke, where his security staff must enforce the four-metre rule by herding the smoking patrons off the footpath.

"Four metres — that's in the middle of the street! The continual foot traffic in and out of the club while a band is playing is a nightmare."

The new legislation's Smoking Management Plan explains that "special circumstances" may allow the use of outdoor areas to "change from day to day".





Montgomery (pictured) says there is simply nowhere he can provide an outdoor area in his club specifically designed for smokers as demanded by the law.

The law for nightclubs states that such an area must not allow any activity except smoking and drinking. It must be open, have either a two metre buffer zone between smokers and non-smokers, or a 2.1 metre high screen that is "impervious" to smoke. There can be no eating (not even chips or nuts), no entertainment, and no poker machines. But smokers take heart. The rule allows you to *hear* music from another part of the venue, or see a television screen from afar, as long as it isn't directly provided for the smoking area

It's a no-win situation for a nightclub with limited space such as Johno's, argues Montgomery.

"Tourists know nothing about this new smoking ban and they get angry when my staff try to explain. Then I get angry, and this is not good. The entertainment and hospitality industries are losing out."

Montgomery claims nightclubs are at a disadvantage because the law is being unfairly applied, favouring certain hotels. He says he has been told by health officials that "we have to relax it (the law) for hotels with balconies and verandahs".

"There appears to be one law for hotels and restaurants and one for nightclubs."

Paul Endres, Director Environmental Health Services at the Tropical Population Health Unit, says the issue is not about verandahs, but licensing requirements, and the health of Queenslanders. He says only general licensed premises (hotels and clubs) have the option of a Designated Outdoor Smoking Area (DOSA), provided it is not "substantially" enclosed.

"There appears to be one law for hotels and restaurants and one for nightclubs."

"It is possible that a verandah may comply with this (regulation), but it is assessed on a case by case basis," he said.

"The new tobacco laws are about getting as many no smoking areas as possible, and we make no apologies for that as the aim is to discourage smoking which is the leading preventable cause of death in Queensland.

"Nightclubs are very popular with young people, so we want the added benefit of getting these young people to not smoke and quit for good. The preferred option is for venues to go smoke-free."

The new legislation's Smoking Management Plan explains that "special circumstances" may allow the use of outdoor areas to "change from day to day".

"For example," the rule states, "on a cold and windy day, plastic walls could be pulled down, and this can have the effect of making the outdoor area 'enclosed'."

Ian Candy owns and operates a restaurant on the verandah of the historic Cairns Yacht Club on the Esplanade overlooking Trinity Inlet. A long-time local restaurateur, Candy has sectioned off one end of the eating area with a plastic screen and says the arrangement is working well, with no complaints from non-smokers in the main body of the restaurant.



"There's been no loss of business at all, and as far as I can tell, the regular patrons haven't stopped smoking and are happy to use the designated area set aside for them," Candy said.

"There are several ways to look at this law. For example the civil rights of smokers, but I think the rights of non-smokers, who have suffered for many years, to eat in a smoke-free environment, overwhelmingly wins the day."

Directly across the street at The Reef Hotel Casino, Executive Manager of Sales and Marketing, Richard Porter, says although it is too early to measure a trend in business, Casino patrons who smoke are generally happy with the designated areas provided for them.

"We have three smoking areas in the casino and the system is working well for us," he said.

"We put a lot of time into educating our patrons about the changes, with staff handing out information brochures and answering questions, so we think that had the desired result, but it's hard to measure what the long-term impact will be."

Tourism Tropical North Queensland Chief Executive Rob Giason says the members of his organisation have overcome the inconvenience and expense of complying with the new laws and got on with the job.

"Our industry has recognised that the needs of both smokers and non-smokers have to be addressed and that commonsense must prevail and this is the way of the future," he said.

If it's true that the long-term impact of the tobacco law is to be minimal, it's equally true that the long-term impact on smokers will be terminal — and not from lung cancer. Smokers are on the ropes socially; some would say on the *nose* — and it's hard to see the practice of smoking in public surviving for many more years.

And just to make sure, the "tobacco police" are on the rise. There are currently 80 Environmental Health Officers concerned about your well-being, with the powers to issue \$150 on-the-spot fines to those who breach the rules. If you are a nightclub owner, and the EHOs bust you for allowing patrons to smoke on your premises, you will front court cop a hefty fine of up to \$10,500.

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