

The end of pub smoking in Australia: a tribute to Frank Sartor.

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Any antique dealer will tell you that spittoons are very hard to move. After public health officials got tough on spitting in pubs early last century, unwanted table spittoons flooded the market. And now thanks largely to the resolve of NSW Minister for Cancer Frank Sartor, the noble pub ashtray is set to go the same way. A century after the association between public spitting and tuberculosis saw boy scouts dispatched to chalk pavements with “no spitting” and every bus, tram and butcher shop required to carry notices about fines for [expectoration](#), smoking is inexorably becoming a private activity.

Historians haven't yet produced the definitive history of the anti-spitting movement. Perhaps libertarians wrote frothing letters to newspapers about spitters' rights. Maybe publicans petitioned politicians about how they would refuse to tell a man after a hard day 'ut mill that he couldn't spit on the floor. But unlike today's sentinels of public smoking, there was no phlegm industry standing in the shadows behind lickspittle hoteliers and restaurateurs, encouraging them to hold the line. You can't tax spitting, so governments were happy enough to see it off as an issue which had had its day.

The rot set in for public smoking in the early 1970s when evidence emerged that babies whose parents smoked indoors had a greatly increased incidence of respiratory problems. Some died. As if killing babies wasn't enough, over the next 30 years, the bad hair day for passive smoking turned into decades. In 1981, the [first study](#) appeared showing that if you didn't smoke and lived with a smoker, you stood a significantly increased chance of getting lung cancer, an uncommon disease in non-smokers. [Dozens](#) of similar studies followed, with the evidence spreading to include stroke, heart disease, cot death and asthma.

The global tobacco industry was quick to see a train wreck of implications in all this. Smoking was rapidly moving from being a personal health issue to a very public one where others' actions -- for all the protests about their rights -- could harm you. From the mid 1980s the industry began to spend vast sums of money to bury the issue. In 1995, Philip Morris' global budget for regulatory affairs -- mainly to attack restrictions on smoking -- was [\\$US91,476,000](#), much spent on a gravy train of hired scientists who were “prepared to do the kinds of things they were recruited to do”, as one [internal industry memo](#) put it.

To understand the ferocity of the tobacco industry's resistance, it helps to understand what is at stake for them. When workers can't smoke indoors, they step outside to feed their brain's hungry [nicotine receptors](#) in a cheerless ritual that is the daily visible antithesis of every promise ever made in a cigarette ad. Like those on show in the bleak smoking rooms at airports, it is distinctly not a good look. And all-weather smokers outside buildings never make up the cigarettes they would otherwise consume. As far back as 1979, the US Tobacco Institute predicted that if smoking restrictions caused every smoker to light just one less cigarette a day, 18 billion fewer cigarettes a year

would be consumed at a cost to the US industry of [\\$US500m](#). That forecast turned out to be hugely conservative. Over 25 studies have shown that across 24 hours, smokefree workplaces reduce smokers' daily consumption by an average of 21%, and that workplace bans [stimulate quitting](#).

As the media carried news of more and more studies, governments and employers soon started responding to the resulting public annoyance at being forced to smoke and to a string of workers' compensation cases. Smoking indoors was banned in the federal public service in 1987 by the late Dr Peter Wilenski. You haven't been able to smoke on a Qantas plane since 1996. Today, even [tobacco companies](#) and their legal firms don't allow smoking indoors.

Smokefree dining once signaled drab mung bean and tofu asceticism. In the early 1990s health groups took a dozen of Sydney's leading food writers to lunch at the smokefree Tetsuya's to try and turn that perception around. Leo Schofield, David Dale and John Newton pioneered the routine highlighting of smoking status in their restaurant reviews. The ACT government made restaurants smokeless in 1995 and in November 1999, NSW Premier Bob Carr announced that all restaurants from the humblest kebab shop to the most gastronomic palaces would be [smokefree](#) from six weeks before the 2000 Olympics. The dominoes then tumbled in [every state](#), including the Northern Territory where ever since, top enders have eaten their barra and chips without the smoke, with no reports of the world having ended.

But somehow in all this, pubs and club bars were said to be different. Romanticised as the last bastions of smoking, their representatives stood their ground, brandishing a heady mix of economic snake oil and dewy-eyed talk about returned soldiers who'd fought for the right to smoke, drink and eat a pie. Studies of the greatly elevated blood nicotine levels of bar staff came and went, as did stratospheric measures of toxic tobacco smoke particles in pub air. All namby-pamby nonsense to pub industry officials. Reports of the improved respiratory health of Californian bar staff after that state banned smoking in bars in 1998 changed nothing. When non-smoking Port Kembla bar worker [Marlene Sharp](#) was awarded \$466,000 in damages for her throat cancer in 2001, predictions of rising workers' compensation insurance premiums failed to materialize.

In 1997 the NSW government was handed a graded set of options for banning smoking throughout the hospitality industry, starting with a do nothing option. It did nothing. It later resurrected the immortal "magic line" system of controlling smoke in pubs once favoured on planes. Currently you can't smoke "at" a bar, so smoking within two metres of a bar is deemed harmful to bar staff. But at 2.01 metres they can breath easy. Anyone with an IQ a point higher than it takes to grunt understood that something was very wrong here.

While all other workers breathed smokefree air, the group most exposed and at risk of disease were the last to be protected and told it was their duty to risk their health as a sort of patriotic duty to the economy. The club and hotel industries fed governments an often unblinking media a diet of empty bars and cataclysmic job loses if smoking were to go. That non-smokers outnumber smokers by [four to one](#) and that many might go to pubs more if they could come away without a dry cleaning bill and stinging eyes meant nothing to the leading lights in the pub trade. Bar workers are a highly casual and largely non-unionised, powerless workforce. Being predominantly young, many smoke themselves. They didn't have to work there, ran the unvoiced neo-Dickensian subtext.

Enter Frank Sartor. Few politicians get thrown in the deep end of politics and given a ministry and seat in cabinet on their first week in parliament. Sartor broke the mould and was entrusted to pursue a personal crusade he had long been lobbying the Carr government to fund: a ministry unique in the world that would be dedicated to doing all that was possible to reduce the burden of cancer in the community. Like so many, the former Sydney Olympics Lord Mayor has deeply personal experience with cancer. His mother had died of melanoma when he was 16 and his partner, former ballerina Hephzibah Tintner, died of throat cancer aged just 30.

Everyone who meets Sartor or receives one of his expletive deleted 50 minute late evening phone monologues knows immediately that he is personally driven. He seems to know this himself, quoting the late Christopher Reeve in his [maiden speech](#) to parliament "I often wonder why it takes a direct emotional connection for our elected officials and prominent members of society before they are willing to help us."

Sartor takes to a brief like a hungry dog cleans a bone. Any question elicits a Niagara of statistics, which are invariably correct. He has rapidly acquired a reputation among health professionals as being among the most informed politicians to have dealt with health issues. Famously described as "an acquired taste" he can be impatient, irritable, stubborn, and makes enemies. But if you want someone on your side, he is a peerless operator.

Sartor quickly assessed that interstate unity would be critical in securing the pub endgame and visited the Victorian health minister in Victoria and the health minister's advisors in Queensland to seed the idea. He found strong allies in Victoria's Health Minister Bronwyn Pike and Queensland's Gordon Nuttall. For some time Carr and others had been saying a total ban was inevitable and this begged the question of who would be first to step up to the plate. As had happened with the restaurant ban, none of the three Eastern states liked the idea that they should be seen to be left in the wake of the others, but each were also edgy about being targeted by a club and pub campaign if they went alone.

In June last year Sartor joined Bob Carr, Peter Beattie, Mike Rann, Steve Bracks and federal minister Ian Macfarlane on a trip to the US. The agenda was all about how Australia could build biotech capacity that would be internationally competitive. Sartor used the opportunity to successfully get in the ears of the Queensland and Victorian state premiers and stitch up an agreement where the three Eastern states would wait till after the Federal election and then name a date for a pub smoking ban. In perhaps the most telling sign of how popular the issue had become, on September 6 [Peter Beattie](#) gazumped an irritated NSW and Victoria by announcing Queensland bars would be smokefree from July 2006, 12 months ahead of NSW and Victoria.

The pubs and clubs sought to position those pushing for the ban as dreary fun phobics who never went out after dark and couldn't stand the thought of anyone enjoying themselves with a beer and cigarette. They knew nothing of real life. They saw this as a resilient caricature that when combined with "pick a number and double it" talk of pub collapses and mass sackings would create a powerful and enduring spectre that would daunt any pragmatic cabinet minister.

The most sordid argument promoted by the pubs was that a smoking ban would gut takings including state tax income from poker machines. As a recent [Tattersalls report](#) put it “smoking is a powerful reinforcement for the trance-inducing rituals associated with gambling”. Going outside to have a cigarette can interrupt that trance and smokers may ‘be tempted to go home rather than play on’. The argument required them to blithely twin the exploitation of problem gambling with the neglect of workers’ and patrons’ health. Only the most grasping Treasury mandarin could have made a public virtue of such a synergy.

Health groups saw their main hope in surfing the momentum of massive public support and positioning the pub anomaly as a political issue that demanded leadership. While the Australian Hotels Association (AHA) was intent on spraying its apocalyptic economic fantasies around, health groups ridiculed this with overseas data and admissions from internal tobacco industry documents (“the economic arguments often used by the industry to scare off smoking ban activity ... had no credibility with the public, which isn't surprising when you consider that our dire predictions in the past [rarely came true](#).”). They stuck to the core, touchstone issue of it being unAustralian to give all workers protection from passive smoking, except those who are most exposed. It resonated. Several on-line media opinion polls saw some of the largest voting numbers ever seen since the polls began, with typically 80% supporting a ban.

A prominent persons [advertisement](#) was quickly pulled together. Linda Jaivan author of prudish books like *Eat Me* and *Confessions of an S & M Virgin* was one of the first to sign along with Rob Hirst from [Midnight Oil](#), the well known wowser band. Three recent Australians of the Year, 100 professors of medicine, Tom Kenneally, Graeme Murphy, Kostya Tsyzyu and Australia’s last Marlboro man were among those who signed, repudiating the AHA line that this was all simply a push from a small bunch of health zealots. Responding to political intelligence that said no one cared enough about pub smoking to make it politically compelling, the Cancer Council amassed [26,000 names](#) who poured cards and letters into local members’ offices.

Sartor convened a working group chaired by the Cabinet Office representing employers and staff in the affected industries, with Professor Jim Bishop from the newly formed Cancer Institute and some Health Department staff as the outnumbered Daniels in a largely hostile lion’s den. The clubs’ representative was Wayne Krelle, brother of British American Tobacco Australia CEO, Gary Krelle. Sartor wanted a [report](#) on when and how a ban would be introduced, not whether it would. The group met only 8 times, hearing submissions but mostly going through the motions of what the hotels and clubs always perceived as an irritation that could be fixed by playing upstairs games with their political contacts and calling in the *quid pro quo* of political donations. As the AHA’s John Thorpe once put it “[democracy is not cheap](#).”

[Joy McKean](#), widow of country music icon Slim Dusty, had offered her support to the NSW Cancer Council after Slim’s death from cancer. We spoke to the Committee high up in Governor Macquarie Tower in February. I watched their faces while she talked of the decades of smoke choked rooms they’d played in. Joy quietly begged the meeting to think of the health of younger musicians who could avoid what Slim went through. When she finished, there was pin drop silence in the room. No one would meet her eye or ask a question. Months later, when she wrote a plain speaking letter to the Sunday press about lack of action, she got an personal call from Carr the same day, explaining

that it had been agreed by the three states to go quiet on the announcement until after the Federal election.

In April the AHA organized an "independent" consultant, Chris Salmon, to speak to the Committee. Salmon pushed the ventilation solution and when asked by Bishop, denied that he had ever worked for the tobacco industry. Bishop later tabled a raft of embarrassing internal memos from Salmon's previous employer, Healthy Buildings International to Philip Morris showing how Salmon had [channeled information](#) from a previous Standards Australia committee to the tobacco giant. Bishop successfully moved that Salmon's submission be discarded.

Most of Europe has looked askance at what's seen as the rampant Calvinism underscoring Scandinavian nations' tough stance on smoking. Predictably, when Norway announced it would ban smoking in bars most of Europe yawned at the irrelevancy. But when the passionate, Guinness swilling Irish announced they were joining in and went ahead in March 2004, the damn burst. [Scotland](#) has now climbed aboard and [England](#) has put a toe in the water. Even [Italy](#), where one could be mistaken for thinking smoking was compulsory, moved quickly to ban indoor smoking.

In the weeks before the October 13 announcement that NSW and Victoria would end smoking in pubs and clubs, the AHA abandoned whatever small respect it might have ever had for truth in argument. On September 9, the NSW AHA [faxed](#) their members warning "If you don't act NOW – the Aussie tradition of having a beer and a smoke will soon disappear forever ... your business will be DESTROYED ... your town can't face 20% job losses". It urged a carpet bombing fax blitz of Sartor's office with publicans urged to tell him: "... how much revenue you've lost because of the smoking bans introduced on 1 July 2004" (this was the heinous requirement that hotels with more than one bar needed to make one smoke free). In a touching display of newly discovered public health sensitivity, the AHA also urged reminding Sartor that bans would drive smokers back home where "they will smoke at home where children are present." This was the same AHA whose submissions to government had for years said passive smoking had not been proven to be harmful.

The AHA put it about that Ireland and New York -- which had banned smoking in bars in July 2003 -- were disaster zones: "61% of bars in Dublin will not survive much longer ... Takings are down 15% - 25% on liquor sales alone". Irish Central Statistics Office data show March-May 2004 bar sales fell 1.3% from the previous quarter, but the decrease in the same period the year before was 3.4%. In New York City the AHA claimed liquor sales were down "to 40%" and that "a third of bars will close within 2 years" and "up to 27% of staff have lost their jobs". But US Bureau of Labor [statistics](#) show that employment in New York's hospitality sector rose by 10,600 jobs in the 12 months since the ban and sales tax receipts in the sector went up 8.7%.

Sartor was contemptuous of their campaign and in one memorable meeting with the AHA's Thorpe in Sartor's office, the shouting drew people from adjoining offices to see what was going on. Losing this one would have hung a dead albatross around the neck of his historic [Cancer Institute](#). After more than a decade of getting their own way, the hospitality industry had run into an immovable object.

In November, on a rainy 3^o evening, I stood in a packed Dublin pub watching Australia play Norway at soccer. No one smoked inside, there were no long faces, and the

publican said his business had not blinked. Today people have a dim memory of the days four years back when people lit up at the next table in a restaurant, gingerly holding their smoldering cigarettes at arms length behind their chairs as if the extra 80cm distance made a difference. With pubs it is likely to be same.

From January 2006 (Tasmania), July 2006 (Queensland and Western Australia), July 2007 in NSW and Victoria, and October 2007 (South Australia) the “inevitable” is finally happening. Ironically, Sartor’s incendiary initiative saw his own state agree to the second longest phase-in concessions to the industry who argued with a straight face that it would take them years to educate their customers and put signs on walls. The delays are disappointing, and as the months progress they will seem even more absurd. But when the history of the demise of smoking is finally written, 2004 will be seen as a vintage year, and Sartor’s efforts pivotal in one of the biggest denormalising steps that will eventually see smoking become largely a thing of the past.

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