Mr DEAN (Windermere - 2R) - Mr President, I move -

That the bill be now read the second time.

The Public Health Amendment (Tobacco-Free Generation) Bill 2014 is an amendment to major Tasmanian legislation, the Public Health Act 1997.

Today I will give some background on the Public Health Act 1997, tobacco control legislation and the Legislative Council’s role, and some misleading tactics of the tobacco industry, before I go on to provide the purpose of this amendment, and its implications for the future of a tobacco-free generation of Tasmanians.

There is an important principle behind this amendment. It is a principle accepted by governments over and over again. Over and over again governments have acted in the public interest to stop people selling dangerous substances. Three examples: no thalidomide to pregnant women; no sales of asbestos to home owners; and no sales of shattering windscreen glass to car owners. Nobody has the right to lure others to their death. Nobody, no matter how big the profits from those sales.

The Legislative Council has had an historic and important role in the history of public health reform. When it was introduced to Parliament the Public Health Bill 1997 was described in its second reading speech as one of the most important health-related bills to be introduced in Tasmania in the twentieth century. It was a Legislative Councillor, and a Liberal Health minister, the Hon. Peter McKay, who developed this momentous legislation.

The Public Health Act 1997 provides a framework for public health in Tasmania, and the preamble states that its purpose is to:

Protect and promote the health of communities in the State and reduce the incidence of preventable illness.

The bill being read for the second time today, is one of a series of amendments relating to tobacco control that have been passed in this place over the past 18 years, which have improved the lives of Tasmanians, protected us from an increased burden of tobacco-related illnesses, and promoted the health of the community. Until 1997, Tasmania had no effective tobacco control legislation. Now it is recognised as having led Australia, and in some cases the world, in such regulation. Laws to eliminate the advertising and display of tobacco products, including at point of sale, and elimination of smoking in indoor public places, workplaces, many outdoor areas, in work vehicles and in cars carrying children, are just some of these important reforms.

Important world-first provisions of the act prevent the tobacco industry from giving incorrect information about the health effects of tobacco products, and from providing false information about legislation in any jurisdiction. These are crucial because the tobacco industry has a long history of telling lies. Section 74 relates to ‘False information relating to
legislation' and section 74AA relates to 'Incorrect information relating to health effects of tobacco products'.

Tobacco industry executives lied to the US Congress about the addictiveness of tobacco. Big tobacco has been found guilty of racketeering in the USA. The tobacco industry has been found guilty of misleading and deceptive conduct in Australia by the Australian Competition and Consumer Commission in relation to so-called 'light' cigarettes.

In fact, the tobacco industry never gives up. In this case the industry sent out invitations to brief and also to wine and dine some members independently. 'Why?', you might ask. You would need to ask Imperial Tobacco that question.

Imperial Tobacco Australia is in a quandary with this bill. On their website they have included this statement:

Smoking is a cause of serious diseases in smokers, including lung cancer, heart disease and emphysema. We agree that governments and public health authorities around the world should provide clear and consistent messages about the health risks of smoking. Adults should be guided by those messages when deciding whether or not to smoke. Children should never smoke.

This bill is about children. It is about sending a clear message to children to confirm that when they turn 18, smoking will be just as dangerous to them as it is now, in their juvenile years. Taking the advice and warnings of Imperial Tobacco, that children should never smoke, what miraculously changes in young people when they turn 18? Of course the answer is, 'Nothing'.

The Legislative Council has played an important role in amending, strengthening and improving tobacco control legislation brought into this place by successive governments. Indeed, I would assert that the Legislative Council has acted to ensure that the will of the Tasmanian people has prevailed, when some governments have introduced relatively weak legislation.

An example: it was the Legislative Council in 2007 that persuaded the government to eliminate the display of tobacco products at point of sale by 2011, when it was clear that some elements of the government had caved in to the tobacco lobby and only wanted to reduce the size of displays. Some of us then were worried about the effect on retailers, but it had no serious effect on them.

Furthermore, it was our own President, the Hon. Jim Wilkinson, the member for Nelson, who led the charge for an immediate smoking ban in pubs and clubs.

Over time, I have come to realise that this appalling product should have no future in Tasmania. Retailers should have been aware for many years that tobacco products are a sunset industry and a product that will eventually disappear. They have time to adapt with this bill as the impact will not affect them for decades.

Every time a tobacco reform is proposed the tobacco industry screams that it will affect business. Every time we have implemented a reform there has been no effect on business. Now the tobacco industry is threatening Tasmania with smuggling.

Let me tell you about the tobacco industry and smuggling.
In Asia, British American Tobacco (BAT) has extensively engaged in tobacco smuggling, and I quote from a 2014 peer reviewed article by J Collin published in the journal *Tobacco Control* –

BAT documents demonstrate the strategic importance of smuggling across global, regional, national, and local levels. Particularly important in Asia, contraband enabled access to closed markets, created pressure for market opening, and was highly profitable. Documents demonstrate BAT’s detailed oversight of illicit trade, seeking to reconcile the conflicting demands of control and deniability.

It is not just BAT who has engaged in smuggling.

In the UK in 2003 the man who is now Chancellor of the Exchequer, Rt Hon George Osborne MP, slammed senior executives of Imperial Tobacco when he said at a Public Accounts Committee hearing:

One comes to the conclusion that you are either crooks or you are stupid, and you do not look very stupid. How can you possibly have sold cigarettes to Latvia, Kaliningrad, Afghanistan and Moldova in the expectation that those were just going to be used by the indigenous population or exported legitimately to neighbouring countries, and not in the expectation they would be smuggled?

*The Guardian* reported a European Union (EU) settlement in 2004:

Tobacco giant Philip Morris today agreed to pay $1.25bn (£674m) in a landmark agreement settling a long-running dispute with the EU over smuggling charges.

*The New York Times* reported in August 2008 that:

Two Canadian tobacco companies agreed to pay criminal fines and civil penalties totalling about 1.15 billion Canadian dollars after admitting Thursday that they had aided cigarette smugglers.

One of these companies was Imperial Tobacco. Some of you will have been contacted by this company recently, and may have heard them issue threats about smuggling in Tasmania. You may have heard of a tobacco industry funded KPMG report that in Australia there has been an increase in tobacco smuggling since the implementation of plain packaging and that this will happen in Tasmania if we introduce this legislation.

Let us hear what a detailed critique by Quit Victoria of that KPMG report says:

Fundamental concerns remain about the representativeness of both the Roy Morgan Research Internet survey and the MS Intelligence Empty Pack Survey.

The total market for illicit tobacco in Australia is likely to be substantially smaller than is suggested in the KPMG LLP report.

*The Sydney Morning Herald* reported in March 2014 that:

One of Australia's biggest tobacco companies has been accused of lying … Official Customs figures … indicate plain packaging has had almost no effect on tobacco smuggling, in direct opposition to the arguments the tobacco industry is using in its campaign to stop the health measure being adopted internationally.
Clearly, every time the tobacco industry has made threats of business demise or increased smuggling these threats have come to nothing. They will go on using scare tactics, and try to delay matters by suggesting that there are other solutions to reducing smoking rates. But of course their solutions are paper tigers and would not reduce smoking, unless they engage in smuggling themselves, as they have done in Asia and Europe and Canada. When I raised this bill with the Head of Corporate Affairs for Imperial Tobacco Australia, Andrew Gregson, he suggested that there had to be other ways to reduce smoking rates. I have no doubt that it would not have mattered what I put up, Mr Gregson would have said something similar. He also asked me if it was my election year this year.

With this bill, Imperial Tobacco put it to me that it would create smuggling of the product, that smuggling would increase. This shows how much 'grasping at straws' is occurring with this bill by Imperial. These kids will still be able to smoke and they will still be able to source tobacco products lawfully so why would there be any need for smuggling? With only a few hundred falling into the category each year it is a ludicrous notion. It has been a difficult part of this bill convincing people that persons born after 2000 will still be able to access tobacco products legally.

Those of you who were members when the legislation came to this place to ban smoking in pubs and clubs will recall the scare campaign of the tobacco industry. They said all Tasmanian pubs would go broke. They produced an expensive video for the Australian Hotels Association and gave a copy to every member of this Chamber. The video depicted tearful young hotel workers pleading with us not to go ahead and ban smoking, and fearful of losing their jobs. And what happened? Hotel revenues went up and they are flourishing. Even the head of the Tasmanian Hospitality Association, Steve Old, said in the Mercury in August last year:

Most people agreed that banning smoking from public venues had been a positive step for the hospitality industry.

This is the result after the years of warnings that it would be a disaster. We cannot keel over and be crushed by tobacco scare tactics because they have always proven to be wrong. Those of us with long memories can remember those tactics. Imperial Tobacco have told us they support sensible, rational and practical regulation. Fortunately, this legislation ticks all those boxes.

It is sensible. It is the gradual removal of the main drivers to young people taking up smoking, that is peer pressure and desire to appear 'adult', and then finding themselves addicted and not able to quit.

It is rational. It does not criminalise smoking by any young person, or parent/family member. As smoking in young people falls, babies and children are protected in utero and as young children.

It is practical. Retailers have good compliance with laws preventing supply/sales to young people under 18. The TFG proposal is the same but easier. They only have to recognise any ID with year '2' as opposed to the 1990s or earlier.

The bill before us will affect only eight specialist tobacconists. They who will be given several decades notice that they will no longer be able to sell their products. All other tobacco retailers sell other products which the consumer will have more money to buy if they are not spending on tobacco. A member of the public contacted me the other day to say it is costing him over $8 000 a year to continue his smoking habit. Late last year, the Government put five tanning salons out of business, virtually overnight, in order to save
fewer than two lives a year from death from skin cancer. Tobacco products kill over 500 Tasmanians every year, so sending eight specialist tobacconists out of business over 40 years is nothing by comparison. With the new research conducted, that figure is now more likely to be 700 deaths annually in Tasmania. The Government should therefore be delighted to support this bill in the interests of public health.

The data from the Sax Institute study of 240,000 people shows that two-thirds of long-term smokers die from smoking, losing on average 10 years of life.

PUBLIC OPINION

There is public support for this amendment, and surveys conducted in Australia show this. A large poll conducted by the Adelaide Advertiser showed 68 per cent support, and a small poll by the Hobart Mercury showed 85 per cent support for a tobacco-free generation. A poll in The Advocate showed around 60 per cent support. These newspaper polls are reassuring. We know that Tasmanians support this legislation, because all the daily newspapers have conducted surveys or polls which have shown 60 per cent to 80 per cent support.

A comprehensive public opinion survey conducted for the Cancer Council Tasmania by a Victorian company in 2013 returned similar results, with 99.5 per cent supporting that it is important to prevent today’s children from ever taking up smoking. And 69.1 per cent supported the position that tobacco not ever be allowed to be sold to Tasmanians born after the year 2000. In the age bracket 18-29 years, 87.9 per cent supported this position and 56.9 per cent of current smokers also supported this concept. That has been common in all the surveys done. A survey conducted by the Cancer Council Victoria showed that 57% of adults from New South Wales supported a more radical proposal, that is, a ban on tobacco sales within 10 years.

SUPPORTERS

There are many organisations and individuals supporting this amendment. First, every single respiratory physician in Tasmania supports this amendment. In addition, a number of doctors have written articles or been interviewed by the media and supported this proposal. They include leading oral and maxillofacial surgeon, Graham Hall, who said:

When I first started here at the clinic I thought I would get used to it, but it's getting worse. Some days I just feel like crying.

Parliament's upcoming debate on a tobacco-free generation bill has given him hope. Graham said about 90 per cent of oral cancers were squamous cell carcinomas, and most patients were dead within five years of diagnosis.

Professor Hayden Walters, the leading respiratory physician and head of the centre for respiratory research in the Menzies Institute for Medical Research, also said in a Mercury article that when he was a young doctor he:

… would see about six new lung cancer cases a week and had to explain to all those patients and their close family that they were likely to die over the next two years, unless we could cut all the tumour out, which was unlikely.

My youngest such patient was a 29-year-old mother of two who had smoked since the age of 12, and I still wake occasionally thinking about her, and the harrowing way she died.
The effects of smoking give doctors nightmares. They give families terrible grief. Many of us know that grief for our lost loved ones. I have a personal experience I will share briefly with you. My father was a chain-smoker and finally succumbed to tobacco poisoning at a relatively young age of 65 years. The last years of his life were absolute agony - with a wheezing, hacking cough and severe breathing problems. My dad lived with me for a part of those last years as I had a home in Hobart and was close to his doctors and hospital. It broke my heart to see him and it also went a long way towards breaking my mother and the rest of my family.

During this time, and knowing his life was coming to an end, he pleaded to be able to live. He also continually said that if he had known tobacco was dangerous, he would not have taken up smoking. When dad got the message from his doctor he gave it away and to my knowledge without much trouble. He was a strong-willed man but it was too late. The last days of his life he was only able to take a breath every few minutes. This was an even more agonising period for the family. If all people out there smoking were to have witnessed the last years of my father's life, I am convinced the smoking numbers would be halved.

The following organisations have given their support to the Tobacco Free Generation proposal and several of them emphasise the need to continue with existing programs:

(1) SmokeFree Tasmania
(2) Cancer Council Tasmania
(3) Asthma Foundation of Tasmania
(4) The Royal Australasian College of Physicians - Chapter of Addiction Medicine
(5) Australian Medical Association (AMA)
(6) Australian Dental Association Tasmanian Branch
(7) Breathe Well, Centre of Research Excellence for Chronic Respiratory Disease and Lung Ageing,
(8) Menzies Institute for Medical Research,
(9) Drug Education Network (DEN)
(10) Heart Foundation (Tasmania)
(11) The Tasmanian Chronic Disease Prevention Alliance
(12) The Thoracic Society of Australia and New Zealand

The Tobacco Free Generation proposal is incorporated into the Tasmanian Tobacco Action Plan Year 4 Report, endorsed by the Department of Health and Human Services, which has been provided to the minister. The Tobacco Free Generation proposal has been publicly endorsed by the International Conference on Public Health Priorities in the 21st Century, held in India in 2013.
Since this second reading speech was provided to members, we have had the 16th World Conference on Tobacco or Health in Abu Dhabi where this concept was endorsed by many of the 2,000 delegates from over 100 countries. Dr Margaret Chan, Director-General of the World Health Organization, made some very strong comments, urging the concept to be supported.

HISTORY

I will now move on to the origins and history of the idea of a tobacco-free generation. The idea is simple: end the sale of tobacco products to any person born after the year 2000.

What do we know? We know that tobacco is at least as addictive as heroin and cocaine, so quit campaigns are important, but they are never going to be the complete solution. We have to implement 'supply-side' measures, not just 'demand-side' actions. We cannot go on blaming smokers for their fate, we have to stop supply as well. The tobacco industry targeted these people as children. The solution has to be prevention - preventing sales that get children and adolescents hooked.

Mrs Armitage - I noticed that these advocates when talking about a smoke-free generation, talk about the provision of tobacco to people born after 2000, not just the sale. Can you summarise -

Mr DEAN - I will continue with what I am saying at this stage but you are covered if you write 'sale' and 'supply'.

Mrs Armitage - But the provision in other countries, if you are having a smoke-free generation, they say providing it as well as selling it and passing it on.

Mr DEAN - Yes. That covers it.

A market research report in 1977 for Imperial Tobacco was given the revealing title Project 16 and it said:

There is no doubt that peer group influence is the single most important factor in the decision by an adolescent to smoke... Cigarettes are ... a badge of coming of age, a symbol of the onset of maturity.

This is the real voice of the tobacco industry in secret documents that they did not want you to see.

Many of you will be aware that it was an Australian mathematics professor, Jon Berrick, now living in Singapore who first raised this idea three years ago. He published an article with colleagues, and then presented it at the World Conference on Tobacco or Health in Singapore in 2012. Some Tasmanians were present at the conference and they brought the idea back here. I was immediately impressed that this would be an excellent way to phase out smoking, without having to ban it overnight.

Most of you will recall a motion that I put to the Legislative Council in 2013 which was supported. For those of you who were not members of the Council at that time, this is the motion that was carried.
That the Legislative Council calls on the government to initiate and promote measures including, if necessary, further legislative measures to restrict access to tobacco products and reduce smoking and the harmful effects of smoking by

(1) supporting a tobacco-free generation of children born this century in Tasmania;

(2) banning flavourings, additives and filter ventilation - including menthol - in tobacco products sold in Tasmania;

(3) progressively reducing the availability of tobacco products in Tasmania; and

(4) requiring the Education department to implement evidence-based, monitored and evaluated anti-tobacco education and smoking cessation programs in all government schools on an ongoing basis.

To this date, none of those issues has been progressed to my knowledge. Therefore, I decided that the only way to progress this issue to the House of Assembly, and to ensure government consideration, was to move this private member's bill.

THE CONTENT AND PURPOSE OF THE AMENDMENT

The purpose of the amendment is to ensure that tobacco products are not sold to any person born after the year 2000. The aim is to protect an entire generation of children, future Tasmanians, from this poisonous and evil product. Tobacco kills 500 Tasmanians every year, far more than any illicit drug, car accidents, homicides, suicides and alcohol put together. As I said previously, the latest research shows that it is about 700 annually.

The age of uptake of smoking is generally around two years below the legal age. The reason for that is the 'rite of passage' effect. Children want to be seen as adults and as grown-up, therefore they will be encouraged to smoke by signs in shops that prohibit them from doing so. You may have seen signs saying ‘18-plus - it's the law’ in shops. These are tobacco industry signs because the tobacco industry knows that this will encourage children to smoke. As I mentioned before, in relation to their Project 16, it is forbidden fruit, a challenge. So kids get the message that this is an adult product, and therefore they want it.

We know that it is not safe to smoke at 18 years. It is not safe to smoke at any age. Tobacco is the only product in the world that kills half of all consumers when used in accordance with the manufacturer’s instructions.

OPIUM PHASED OUT IN THE SAME WAY

Some people have asked me has this ever been done before. Yes it has. Opium was a legal product in Formosa and Ceylon. Last century the governments of those countries phased out opium by gradually raising the age at which it could be purchased and used. This happened quietly with no fuss, and I am advised there was no downside.

When the prison smoking bans recently came into force in Tasmania, we were regaled with scary stories of what would happen, but the prison management went about the process in a calm and well-planned fashion and it has been implemented. Even civil libertarian Greg Barns has welcomed the change, despite strongly opposing it originally.
Congratulations must go to our colleague, the Attorney-General, the Honourable Dr Vanessa Goodwin, for her success with this, and I recognise Mr Nick McKim, who, while minister, paved the way for this to occur and I congratulate him for the role he played.

When there is no fuss no one hears about it. That is the reason I raised the question in this place because I had not heard much about it.

PROHIBITION

That brings me to the next question people have about the tobacco-free generation - isn't this prohibition?

I was amused by the tobacco industry which sent me a copy of the television series *Boardwalk Empire* which is about alcohol prohibition in America in the 1930s. Many of us will have accepted our view of prohibition from the movies about gangsters of those days and from Eliot Ness and the FBI stories. This amendment is nothing like alcohol prohibition. Not even remotely like it.

I also received a card from Imperial Tobacco. They had played around with my photograph and made me look far worse than I do, although you might be the judges of that, but it is like every document you receive, it is the small print you need to read because on the back of the card it says, 'Disclaimer: this card was one of the last items able to be purchased in Tasmania as Ivan Dean wants to ruin small business in the Apple Isle. Cost - priceless'. Bit of humour in that at my expense.

First, cigarettes and tobacco are not banned. Second, the sale of tobacco products will continue for decades to the 70,000 or more Tasmanians who still smoke. Third, smoking itself is not banned, except for children under the existing legislation, but not for over 18s in this amendment. Fourth, there is no incentive or imperative for smuggling or trafficking of tobacco because it will still be freely available to existing smokers. Finally, whilst we would hope that current Tasmanian smokers will quit, nevertheless they can continue to buy cigarettes for the next forty years or more if they want to.

I was mightily entertained when one of our opponents wrote on his blog that this is the 'boiling frog' version of prohibition. The premise is that if a frog is placed in boiling water, it will jump out, but if it is placed in cold water that is slowly heated, it will not feel the danger and will be cooked. There is some truth in the analogy to the boiling frog. This process is so slow that no one will notice the effect, except that the numbers of young people taking up smoking will hopefully decline.

When we raised the smoking age from 16 to 18 years in 1997, it was done overnight. Immediately, 16-year-old and 17-year-old smokers who had been legally allowed to smoke one day, were not allowed to the next day. Nothing happened. There were no riots. There was no spate of violence.

This amendment is much more benign than 1997. It means that from 1 January 2018, anyone who has their 18th birthday on that day, and is a smoker, would not be allowed to buy cigarettes and so on every day throughout that year for everyone having their birthday. The impact on retailers and the community will be minuscule.

The amendment will:
• stop the sale of tobacco products to anyone born since the year 2000, the tobacco-free generation.

• prevent the supply of tobacco products by licensed tobacco sellers, or their agents, to members of the tobacco-free generation.

• provide (with penalty) that members of the tobacco-free generation must not give false identification to tobacco sellers.

And you will see in this legislation that it does not criminalise young people. That piece of legislation cannot exist - that is, if they produce false evidence to show they are 18 years of age - so it is not something new.

• not prevent members of the tobacco-free generation from smoking, or attempting to purchase tobacco products.

• not penalise any member of the tobacco-free generation for smoking.

• not prevent friends and family from giving tobacco products, such as a few cigarettes, to members of the tobacco-free generation. However, they must not sell tobacco products to them.

• not prevent 'botting' of cigarettes by members of the tobacco-free generation. They would be able to scrounge cigarettes, and would not be penalised.

In effect, the amendment gradually raises the age for tobacco products to be sold to a person from 18 years to 21 years, then again to 25 years and onwards. It signals there is no acceptable age for tobacco use, and no rite of passage to such an age.

THE AMENDMENT

The amendment provides for reviews which must then be tabled in Parliament, when the tobacco-free generation reaches the age of 21 years, in 2021, and again in 2025.

After a great deal of deliberation and discussion, it was decided not to penalise people who give cigarettes to the tobacco-free generation, even though it is prohibited under existing law to give tobacco to children.

The reason is:

• first, we were advised by the Department of Health and Human Services that no one had ever been prosecuted for supplying cigarettes to children, and that this was unlikely to ever be enforced;

• second, we were concerned that older siblings might supply cigarettes to their younger brothers and sisters, but we did not feel it was appropriate for the law to punish families.

RETAILERS

We also decided not to penalise people for smoking or attempting to buy cigarettes, unless they were lying about their age. Retailers should take some comfort that if a person lies
about their age and produces a false ID, they can be charged, and the retailer will not be
guilty of any offence.

It will be much easier for retailers once this amendment is in force, as the only date they
have to look at on ID is if a person was born in the 2000s or before. The tobacco industry
will argue that it will be harder for retailers. I do not accept that. When I have explained this
to retailers they have said we now better understand the legislation. I accept some blame
for not getting that message through in the way I should have done. It is much simpler for
retailers than at present where they have to do complicated mental arithmetic to calculate
how old someone is when they present ID.

We know the tobacco industry has used gifting and selling cheap cigarettes as a marketing
tool to encourage young people to become addicted to tobacco at events, fairs, concerts,
parties and festivals. They have done this around the world and in Australia. This must
continue to be prevented. I have been offered free cigarettes and I suspect many people
have. It was common at one stage.

TOURISTS

We also decided that we would not give an exemption for tourists, because they can bring
their own tobacco with them. There is no penalty for possession. Furthermore, tourists are
used to travelling in many countries with different laws and therefore adjust to different sets
of laws.

REVIEWS

I come now to a very important part of the amendment and that is relating to the reviews of
the legislation to take place in 2021, and 2025. There are a number of reasons for the in-
built provision for reviews:

(1) some members from this Chamber and from the other place may have reservations
about the legislation and would want to see it revisited in case there are problems;

(2) in 2021 the smoking age will effectively have been raised to 21 and the law will have
been in force for three years, so we will be able to see if it is working to deter uptake
of smoking or not, and if there is a need for changes;

(3) the final review will be 10 years from now, in 2025, at a time when the government
has said it wants to have a healthier Tasmania - so we can see if it is working;

(4) in 2025 all these young people will have reached the age of 25, which is the age at
which science tells us their brains are fully developed, and be able to make rational
decisions;

(5) by 2025 there may be new initiatives, programs or developments or new drugs to
help people quit smoking;

(6) by 2025 we will know whether e-cigarettes are a safer alternative to tobacco
smoking, and whether they will help people quit. There may be federal regulation
around e-cigarettes and tobacco products; and

(7) prior to 2021 the tobacco industry will probably challenge the law, and the reviews
will provide an opportunity for closing any loopholes, or fixing any problems.
The tobacco industry has challenged many of Australia's laws on tobacco in the past, including smoke-free areas and aspects of our own Public Health Act 1997. Tasmania had to strengthen the act in order to close loopholes that the tobacco industry challenged. Currently, the tobacco industry is still challenging the plain packaging laws and is forum-shopping through the world through free trade agreements.

We will hear tobacco industry language bandied about during this debate and in the media. Their favourite terms are 'nanny state' and 'legal product', 'rational', 'practical', 'realistic' - all of those words. I say that children need nannies, they need our protection, and so does the next generation of Tasmanians. As lawmakers we are here to protect the Tasmanian public from exploiters, criminals, liars and thugs. As for tobacco being a legal product, that is entirely an accident of history and it would never be allowed today.

Tasmania has unacceptably high levels of smoking, with 21 per cent of adults currently being daily smokers. The national average is 16 per cent. In some groups, the levels of smoking are alarming - for example, 37 per cent of Tasmanian males aged 25 to 44 years are currently daily smokers. It is incumbent on us to do something about this. I do not think anyone here would argue against that.

I will finish on this thought. This amendment will save two generations of Tasmanians by the year 2025, only 10 years from now. The reason for that is because 35 per cent of young pregnant women smoke. The best way to stop young pregnant women smoking is to pass this amendment because it will prevent them ever taking it up. It is very hard to quit smoking as many of you know, and it is agonising for young women to live with the guilt of smoking when they are pregnant, knowing that it will harm their baby. When I spoke to the Minister for Health about this bill, he said it was his desire to look at legislation that might be available to prevent and stop pregnant women smoking. This bill will have an impact on that.

Our colleague Ruth Forrest MLC coined the phrase 'shabby placenta' last time we debated this issue in 2013. She told horror stories of delivering dead babies because the mothers had smoked. Pregnant women smokers struggle to give up, and some succeed, but many do not. Those Tasmanian babies whose mothers do not smoke will be protected from sudden infant death, metabolic syndrome, low birth weight, underdeveloped lungs, asthma, ear infections, lower IQ, meningococcal disease and all the other illnesses associated with parental smoking.

I ask you to create a tobacco-free generation and protect future generations of Tasmanians, and rid us of this terrible product that has killed so many of our friends, our families, and our constituents. This amendment will undoubtedly save more lives than anything we have ever done in this Chamber, and we can all be proud of the achievement.

I wanted to thank all those people who have worked so closely in putting this together and supporting and helping me to do that. None more so than my executive assistant in Launceston who has worked long, long hours helping me get through all the information I received. I thank her for her contribution.

I want to go through the people concerned - it is important I do this. These people have worked so hard, and given so much of their time, to put this bill together. Dr Harley Stanton and Professor Jon Berrick. Kathryn Barnsley, who is here today, has done a tremendous amount of work on this project. Dr Julia Walters, who is also present today, has done an equal amount of work. Professor Haydn Walters, and Associate Professor Len Crocombe who is here today, have put much work into this as well. Professor Mark Nelson, Dr Nick Towle, Loren Youl, Dr Adrian Reynolds, Dr Nick Cooling, Professor Tom Marwick, and Dr Seana Gall.
We had a number of other people also assisting. The Hon. Michelle O'Byrne initiated a survey by the Commissioner for Children. Various children's commissioners, Mr Michael Stokes, Dr Sean Beggs, Dr James Markos, Professor Matthew Peters from New South Wales, Graeme Lynch from the Heart Foundation and Penny Egan from the Cancer Council. Dr Kathryn Terry from the Cancer Council - I understand she has now left that organisation - and Dr Tim Greenaway from the AMA.

I also thank the Premier and the Health minister for providing the services of the OPC to assist me in putting this together. I thank all the organisations supporting this bill.

Once again, I thank Dr Margaret Chan for her kind words about this bill at the 16th World Conference on Tobacco or Health in Abu Dhabi, where she urged that it be supported. If you want to find out a little more about Dr Margaret Chan, her resume and credentials are easily obtainable. She is highly credentialed in the area of health.

In conclusion, I have received many emails, telephone calls, and other personal contact on this issue. I would be able to count those opposed to the legislation on one hand. Those supporting the legislation have been in the hundreds. Today I have received emails urging that this legislation be supported, and members have been given copies of those emails.

One email was sent to the Leader from a gentleman in her electorate, Leo Watkins, who asks that this legislation be supported because he has a two-year old child that he does not want to see ever take up smoking.

I commend the bill to honourable members.

**The Council divided** -

<table>
<thead>
<tr>
<th>AYES</th>
<th>NOES 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mrs Armitage</td>
<td>Mr Farrell</td>
</tr>
<tr>
<td>Mr Armstrong (Teller)</td>
<td>Ms Forrest</td>
</tr>
<tr>
<td>Mr Dean</td>
<td>Mr Gaffney</td>
</tr>
<tr>
<td>Mr Finch</td>
<td>Mr Hall</td>
</tr>
<tr>
<td>Dr Goodwin</td>
<td>Mr Valentine (Teller)</td>
</tr>
<tr>
<td>Mrs Hiscutt</td>
<td></td>
</tr>
<tr>
<td>Mr Mulder</td>
<td></td>
</tr>
<tr>
<td>Ms Rattray</td>
<td></td>
</tr>
<tr>
<td>Mrs Taylor</td>
<td></td>
</tr>
</tbody>
</table>

**Motion agreed to.**