

4<sup>th</sup> June 2015

Ms Jenny Leaman  
Committee Secretary  
Legislative Council  
Parliament House, Hobart

Dear Jenny,

**Re: Public Health Amendment (Tobacco – Free Generation) Bill 2014**

Having been associated with the tobacco industry over the past 20 years, we have seen many changes along the way. The laws changed to ban tobacco advertising, to which we complied. The number of pack facings that could be displayed in Tasmania was reduced, to which we complied. The laws then changed and all tobacco products had to be behind closed doors – we complied. Plain packaging was introduced and yet again we complied.

Over the years we have done everything that has been asked of us as retailers, Franchisees, Franchisors or anyone else associated with the industry, to meet the requirements that is associated with selling a legal product. Please remember that our retailers in Tasmania are selling a product that is legal and is sold to people over the age of 18, who are considered to be of an adult age where they can make their own decisions. We are the most visible communicator of the 18+ government message.

The decision to introduce a law that will ban the sale of cigarettes to a member of the ‘tobacco – free generation’, ie. a person born on or after 1<sup>st</sup> January 2000, has not been thoroughly thought through. We believe this bill should not be introduced for the following reasons.

Firstly, this bill is very hard to police. Retailers currently check ID to ensure a consumer purchasing a tobacco product is over the age of 18. By banning the sale of this product to anyone born on or after 1<sup>st</sup> January 2000, you are then encouraging them to obtain tobacco products through other sources, whether it be by having someone born prior to 2000 purchasing the product, or buying it online from other places within Australia or even from overseas. If a person chooses to purchase a tobacco product, they will find a way to do it regardless. By restricting the sale of tobacco products to people born after 1<sup>st</sup> January 2000, you may also then see some of these people try to ‘rebel’ by choosing to still smoke as they don’t like being told what they can and can’t do, similar to the instances already existing around underage drinking or smoking.

What about people visiting Tasmania from another State / Territory or even overseas. How do they purchase tobacco products? What would the response be if they couldn’t purchase a tobacco product? Would that discourage them to want to return and spend their money in Tasmania? We think this proposed regulation would have a negative impact, as they

would be adults making a decision to choose to smoke and wouldn't appreciate being told they can't.

We also need to mention the amount of illegal tobacco available from many sources. As legislation has become stricter and prices have risen, the industry has seen a massive increase in the quantity of illegal tobacco products available, whether it be chop chop (illegal loose tobacco), pre rolled tubes (tubes pre – filled with illegal loose tobacco), or alternatively branded products illegally brought into the market ie Manchester. All of these items are much cheaper than legal tobacco products and so easily attainable. Although we work with organisations to try and restrict this illegal trade, unfortunately it continues to grow and we know of numerous places that continue to sell it, from \$2 variety shops, to convenience stores, some tobacconists and even bottle shops or supermarkets. By making legal tobacco products unavailable to people born after January 2000, you are encouraging them to seek an alternative source for their tobacco, which may then lead them to purchase a cheaper illegal tobacco product from someone who won't care what age they are or what year they were born.

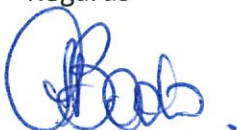
Our retailers work hard every day, selling legal products that not only help pay their bills and put food on the table for their families, but also return a significant amount of tax to the government. It's about time the government stopped targeting retailers and focused on other areas that would have a more positive impact.

We believe that there needs to be more education and information around the effects of smoking as we feel this will encourage people not to smoke more than 'telling' them not to do it. We also believe it's about time the government took some action against the large amount of illegal tobacco trade in Australia. This not only cost the government millions of dollars in lost taxes, but has a negative impact on the industry overall, yet continues to be readily available. This product has no quality standards imposed and such comes with no recourse to the supplier should any issues arise with it. We question who is liable and / or responsible if someone develops an illness from the product because there hasn't been enough done to control the illegal trade.

So in summary, we oppose the regulations and ask the government to take a step back and think about more workable solutions, like some of the suggestions we have raised. Can we suggest you act like leaders and be proactive in line with countries that have low incidence of teenage smoking. Clearly the big stick approach doesn't work, particularly with the Australian psyche.

Should you require any further information, please do not hesitate to contact me.

Regards



Cristie Bowler  
Operations Manager