



ABN 54 009 584 301

9th June 2015

Submission to;

**LEGISLATIVE COUNCIL OF INQUIRY INTO THE PUBLIC HEALTH
AMENDMENT (TOBACCO FREE GENERATION) BILL 2014**

I would like to make a submission on behalf of my business to the Committee indicating some of my concerns to the suggested amendments.

Disclosure:

I own a small business that retails in excess of 3 million dollars worth of cigarette and tobacco products per year.

During a normal week of trade we employ some 17 casual, permanent part time and full time employees.

I have owned and operated this business at this address for over 43 years.

The proposed changes:

It is my understanding that the proposal is to stop persons born after 1st of January 2000 from legally purchasing a tobacco product from a licenced retail outlet within the state of Tasmania but the legislation will only have jurisdiction within the state of Tasmania, Australia.

Those persons will still be able to purchase a tobacco product from anywhere else in Australia or the world.

They will still be able to consume that tobacco product (providing that they are over the age of 18) within Tasmania and therefore the only restriction on that person will be that they cannot purchase that tobacco product from a licenced retail outlet within this state.

They can still mail order it, order it online or carry it in person back into this state by means of air or sea. May I suggest that to limit any of these methods under the proposed changes may have constitutional issues.

I have serious concerns with regard to the policing of the proposed changes when I question the ability to police the current laws.

We all know that prohibition will fail. Prohibition simply pushes the market underground and then everybody loses control.

We currently have a policing problem with the black market of “chop-chop” tobacco. This licit market is now worth some billions of dollars and out of control to the Federal authorities. What chance does Tasmania have of control.

I seek some clarification to the following questions;

How many persons have been fined for smoking under the age of 18 years of age in the past 3 years? Is it being enforced?

What is being proposed to increase the policing of the proposed legislation when the current laws of enforcement are questionably under pressure?

How will the law enforcement personell have proof to identify that the product was sold by a retailer within the state of Tasmania?

Employment:

As the Members are well aware the Tasmanian economy is very fragile at best and although retail figures may suggest some growth in small business sales. I would counter that suggestion by asking the Members to visit some retailers and engage in conversation to get a better understanding of the real retail activity.

To date not one member of the Legislative Council has communicated with our business in an endeavour to achieve an understanding of what effects these proposed amendments may or may not have on our future viability.

Any loss of turnover due to legislative change will mean a loss of employment for some of my staff. It may be argued that this could be as high as 3 staff on average per tobacco retailer.

Conclusion:

The smoking habits of Tasmanians is of concern to all of us, perhaps the real issues related to people not wanting to take up smoking are not being addressed and that the correct procedures are yet to be identified and implemented.

This proposal is not one of them.

I consider the proposals are a short-sighted approach that will only achieve a short term solution and therefore there needs to be a further considerable discussion related to law enforcement, consumer proof of age conditions and clarity in relationship to the very unclear position to third party involvement at point of purchase or in the vicinity of such.

May I suggest that the “Quit” program (\$27 million plus spent) has not been as successful in achieving a measurable reduction in young people taking up smoking a tobacco product. The progressive legislative enforcements (full cover and plain packaging) have only achieved moderate success at best and that the only effective measure has been by considerably increasing retail prices (federal excise).

It has been suggested by some Legislative Council Members that (to over come any loss of trade that the proposals may create) business's will have to diversify, we have been doing that for a number of years, in some instances business's continue to struggle with profitability and maintaining current levels of employment.

If the proposals create business failure (tobacconists), may I suggest there may be an avenue to seek compensation.

There are many reasons for concern relating to the proposed changes and I look forward to a chance to meet with the Committee to answer any questions that you may have.

Yours Sincerely,

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