

Submission To

Protecting Children from Tobacco

A NSW Government Discussion Paper on

the

Next Steps

to

Reduce Tobacco-Related Harm 2008

from

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I note and support the discussion paper's reference to reducing harm caused to the community and preventing the next generation of young people from taking up smoking. There will clearly be benefits in implementing the eight options identified in the discussion paper.

I also note in the Minister's Foreword reference to competition between health and business interests. Such competition should not be allowed to influence Government policy on the use of tobacco – the only relevant consideration here is **health**.

The Government has rightly recognised that it must have an even greater responsibility to protect young people by reducing the number who take up smoking and protecting young people from other people's smoke.

The options identified for discussion are relevant to achieving these overarching goals.

Option 1: Banning Smoking in Cars in Which a Child is Present

This is particularly important, because exposure to environmental tobacco smoke has potentially deadly consequences for people who have not made the decision to smoke.

There is no validity in any argument that banning smoking in cars where children are present would impinge on civil liberties. Current knowledge of the health effects of environmental tobacco smoke make it very easy to conclude that continuing to allow smoking would be an even greater encroachment on the civil liberties of the victims.

Option 2: Putting Tobacco Products Out of Sight in Retail Outlets

It would be exceptional for someone to take up smoking because of any intrinsic motivation. The motivation is both provided and fostered by the tobacco industry. Whilst nicotine itself is highly addictive, smoking as a behaviour is typically prompted by cues such as seeing or hearing advertising, seeing other smokers and even just seeing cigarettes for sale. Eliminating the visibility of cigarettes at points of sale will help to de-normalise smoking and remove this particular trigger for the behaviour.

This option would have greater value if it also prevented the naming and price-listing of tobacco products. Smoking would be far more de-normalised if there were no visible cues at points of sale.

There is no justifiable argument against this change. Merchandising of tobacco products is changed often, so there need be no additional costs with changing displays. Continuing the sale of cigarettes because of the profit it generates is a *de facto* justification of disease and premature death for commercial gain.

This change would not limit tobacco companies' capacity to introduce new products. It would place all tobacco products on an equal footing.

Option 3: Introducing a Licensing Scheme for Tobacco Retailers

The damage done by tobacco necessarily makes it a product that must be controlled. If there is any reasonable interpretation that such control would require licensing of retailers then this should be introduced. It appears that, in practical terms, licensing will be necessary to monitor other aspects of sale such as advertising and sales to minors.

The costs and administrative burdens of licensing are negligible when weighed against the huge benefits derived in both health and financial terms from a reduction in smoking.

Option 4: Additional Proof of Age Requirements for Purchasing Tobacco Products

This option is quite reasonable, in that it formalises a method of complying with existing law. The proof of age system used for sales of alcohol could easily be applied to sale of tobacco. There is no basis for argument about the efforts required by retailers. This requirement should be applied consistently across the retailing of alcohol and tobacco. Given that the express purpose of this suite of changes is to reduce the number of young people taking up smoking, any extra effort will reduce over time.

Option 5: Restrictions on Employees Under 18 Years of Age from Selling Tobacco Products

This condition would be less important under a scenario where advertising and display is prevented, and where the number of smokers is reducing. It seems reasonable that such a restriction should be introduced to be consistent with retailing of alcohol and to implement Australia's ratification of the World Health Organisation's Framework Convention on Tobacco Control.

Option 6: One Point of Sale for Tobacco in Retail Outlets

The recommendation of the Joint Select Standing Committee on allowing only one point of sale should be adopted. The minor difficulties in implementation are insignificant against the benefits in controlling the sale of tobacco.

Option 7: Banning Tobacco Sales from Vending Machines

Apart from eliminating occasional access by children, this will be another meaningful step in de-normalising tobacco and helping people fight nicotine addiction. It will remove the presence of vending machines as virtual advertisements for cigarettes.

This necessarily means that there will be less profit for those selling cigarettes, whether or not they use a machine as proxy. Such a ban would help achieve the broadly targeted change in smoking habits.

Option 8: Banning Tobacco Products in Shopper Loyalty Programs

The acquisition of tobacco products, whether as a purchase or a reward, is against the best interest of consumers. Since it is already an offence in NSW to supply tobacco products free of charge, it would be entirely inconsistent to offer them free as a reward for shopper loyalty. It would be contrary to the intent of these proposed changes if there were continuing inducements to buy tobacco products to obtain a loyalty reward.

Among the eight options are some which don't directly target children as potential users of tobacco. They all, however, have the potential to reduce behaviours which place children at risk from tobacco. For this reason they should all be supported.