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Dr J M Woollard, MLA
Chairman
Education and Health Standing Committee

Dear Dr Woollard

BP Australia Pty Ltd (BP) is pleased to provide a submission to the Inquiry into the *Tobacco Products Control Amendment Bill 2008*, and the legislative reform proposed to reduce tobacco-related harm in Western Australia. Please accept this letter as a submission to your consultation process.

BP supports efforts by governments to reduce tobacco use and, in particular, to reduce children's exposure to tobacco. While the effectiveness of tobacco display restrictions in reducing tobacco prevalence is unproven, we support the policy intent of tobacco display restrictions in the *Tobacco Products Control Amendment Bill 2008* so that tobacco products are available to adults who use them, but are not highly visible in retail environments.

Cigarettes are sold in the retail stores of approximately 1,400 service stations in Australia which carry the BP logo. Of these, BP owns and operates around 260 sites, with the remaining stores being independently owned and operated businesses, including small family business owners operating a single or few sites. As such, in supporting policies that reduce smoking, BP would like to ensure that business is not subject to unreasonable extra costs and that any regulations are workable from an operational perspective. While our belief is that Federal legislation mandating a single national approach is the best way to achieve the desired preventative health outcomes, any state based reform should involve consultation between jurisdictions and be consistent with legislation being developed and implemented in other states and territories.

It is BP's view that the optimal way to achieve the preventative health aims is to implement a nationally consistent approach to tobacco display reform. Our concern is that the exact opposite may be happening. Currently, state and territory governments are in various stages of implementing tobacco related reforms which is resulting in a piecemeal approach, according to different timetables which will inhibit preventative health outcomes and add unnecessary cost and complexity for business.

Current differences in legislation have resulted in children and adults in some jurisdictions being exposed to forms of tobacco marketing to which they are not exposed in others. BP

believes that inter-governmental partnerships on tobacco legislation and preventative health programs are essential to achieving tobacco prevention aims.

In addition to the potential inconsistency faced by consumers, there are numerous areas of confusion and inconsistency for businesses with regard to current and proposed tobacco legislation. Retail service stations across Australia already operate within different tobacco display regulations and with more stringent restrictions to come, it is likely that the complexity and cost of compliance is set to increase further. An approach that alleviates these concerns and provides consistency, clarity and cost effectiveness for businesses operating in more than one state or territory is essential to ensure compliance and maximise the likelihood that the desired preventative health outcomes will be achieved.

Accordingly, BP has made a submission to the Preventative Health Taskforce strongly supporting the Taskforce's proposal to amend the *Tobacco Advertising Prohibition Act 1992* to prohibit the display of tobacco products in all states and territories. This will provide consumers and the retail industry with consistency and overcome the problems associated with different approaches to tobacco reform between states and territories.

As noted above, there is currently significant activity across states and territories regarding retail display restrictions for tobacco products. New policies have been developed by state governments with differing implementation timelines ranging from mid 2009 to February 2011. These new reforms will see tobacco displays varying across the country from total display bans to allowable sizes of up to three square metres. There are also strong indications that states not currently reforming their tobacco display policies are likely to do so in the near future. The differing restrictions between states, as well as the inconsistent timeframes for the implementation of these new display bans, add complexity and cost to businesses and confusion for consumers.

While we are aware that new policies are being developed, it is not known at this stage whether the states and territories reforming their tobacco display legislation will favour the shrouding of existing tobacco storage units or require that tobacco products now be stored under counter to prevent viewing. Uncertainty in other areas of tobacco sales restrictions include limits on the number of point of sale registers able to sell tobacco within a retail outlet, and the inconsistent treatment of price boards and sales tickets. Differing requirements between states will result in increased costs to tailor solutions and staff training as well as higher ongoing maintenance and replacement costs.

Western Australian tobacco display reform should not be undertaken in isolation from other states and territories. We believe that the success of tobacco preventative health rests in a national approach to point of sale display restrictions which will remove differences in legislation and programs and consistently limit the tobacco exposure of consumers regardless of their jurisdiction and provide certainty for businesses.

Should you wish to discuss any of the matters raised in this submission please contact me on 03 9268 3489 or azba.shakoor@bp.com.

Yours sincerely



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