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## Western Australia Legislative Assembly

Education and Health Standing Committee

## Inquiry into the Tobacco Products Control Amendment Bill 2008

## Submission by the

Liquor Stores Association of Western Australia
$4^{\text {th }}$ February 2009


## Submission

The Liquor Stores Association of Western Australia Incorporated (LSAWA) is an industry body that represents the interests of Liquor Stores in Western Australia. Members include Coles, Woolworths and Independent store owners who trade under store banners such as Cellarbrations, Liquor Barons, the Bottle-O, IGA Plus, Liquor Force, Western Cellars, the Thirsty Camel and others that operate under their independent store names.

LSAWA appreciates the opportunity of being able to make this submission and should it be required Lindsay James as the Executive Director of the Liquor Stores Association of Western Australia would be available to appear before the Committee.

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## Overview

LSAWA supports the Western Australian Government initiatives to discourage smoking and its harmful effects that can impact upon non-smokers and in particular children.

The decline in smoking in Western Australia has been as a direct result of Government initiatives over an extensive period of time.

One of the proposed amendments will have an affect on the business practices of our members and hence our submission relates to this.


## The Bill

The bill addresses three main issues:

1. the prohibition of smoking in cars if a young person is present;
2. the prohibition of displaying tobacco products at point of sale;
3. the prohibition of smoking in al fresco areas, outdoor playing areas and safe swimming areas.

LSAWA supports the regulation of (1) prohibiting smoking in cars if a young person is present as well as (3) in al-fresco dining areas.

LSAWA opposes (2) the prohibition of displaying tobacco products at the point of sale!

## Reasoning behind opposition

Comments re the prohibition of displaying tobacco products at the point of sale are:

- LSAWA does not agree that the proposed amendment will successfully decrease the rate of smoking by minors. Our members operate under the Liquor Control Act 1988 and minors are not permitted to enter Licensed Premises as defined in section 3 of the Act unless accompanied by a responsible adult.
- LSAWA does not agree that the non-display of tobacco products will have any effect on purchasing patterns as an addicted smoker is just that, and it will more than likely result in customers becoming annoyed by the lack of accessibility to the product they are seeking.

The current restrictions at the point of sale are quite adequate and successful and the Government should continue to concentrate on the education process as its major means of informing future generations of the health risks associated with smoking.

The Western Australian Liquor Control Act 1988 has meant that licensees operate under a plethora of regulations. Whilst we understand that licensees have a major obligation in ensuring the objectives of the Act are adhered to, and rightly so, the introduction of these proposed new laws will only introduce an additional regulatory obligation.

It seems that since the introduction of the Tobacco Products Control Act 2006, there has been an intention to make it as difficult as possible for retailers to sell tobacco products and this also appears to apply to this amendment.


The Tobacco Products Control Act 2006 already places comprehensive restrictions on the display of tobacco products and the proposed removal of displaying smoking products will not cause consumers to forget to purchase them or give up smoking.

Business is under significant pressure due to the global economic crisis and the Federal Government is tipping that the jobless rate will hit 7 per cent next year, taking the number out of work to almost 800,000. This is already impacting on retail business. There will be a major cost to retailers involved in implementing the proposed amendment which will mean disassembling existing storage fixtures and fittings and subsequently installing new storage systems to comply with the "no display" proposed amendment. Such changes will be a significant cost to the retailer!

## Recommendation

In conclusion LSAWA submits that section 5 should be removed from the Bill.

