

EDUCATION AND HEALTH STANDING COMMITTEE

**INQUIRY INTO THE TOBACCO PRODUCTS CONTROL AMENDMENT
BILL 2008**

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 11 FEBRUARY 2009**

SESSION FIVE

Members

Dr J.M. Woollard (Chairman)

Mr P. Abetz

Mr I.C. Blayney

Mr J.A. McGinty

Mr P.B. Watson

Hearing commenced at 1.47 pm**JONES, MS ANNE****Chief Executive Officer, ASH Australia Pty Ltd,
examined:**

The CHAIRMAN: On behalf of the Education and Health Standing Committee, I would like to thank you for your interest and your appearance before us today. We very much appreciate your coming over from the east to give us the benefit of your knowledge and your expertise, having worked in this area for seven years.

The purpose of this hearing is to assist the committee in gathering evidence for its inquiry into the Tobacco Products Control Amendment Bill 2008. You have been provided with a copy of the committee's specific terms of reference. At this stage, I would like to introduce myself, Janet Woollard, and Peter Watson. The shadow minister, Jim McGinty, will be with us shortly. The Education and Health Standing Committee is a committee of the Legislative Assembly of the Parliament of Western Australia. This hearing is a formal proceeding of the Parliament and therefore commands the same respect given to proceedings in the house itself. Even though the committee is not asking witnesses to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading of the committee may be regarded as a contempt of Parliament. This is a public hearing and Hansard will be making a transcript of the proceedings for the public record. If you refer to any document or documents during your evidence, it would assist Hansard if you could provide the full title for the record. Before we proceed to the questions that we have for you today, I need to ask you a series of questions. Have you completed the "Details of Witness" form?

Ms Jones: Yes.

The CHAIRMAN: Do you understand the notes at the bottom of the form about giving evidence to a parliamentary committee?

Ms Jones: Yes, I do.

The CHAIRMAN: Did you receive and read the information for witnesses briefing sheet provided with the "Details of Witness" form today?

Ms Jones: Yes, I did.

The CHAIRMAN: Do you have any questions in relation to being a witness at today's hearing?

Ms Jones: No.

The CHAIRMAN: Would you please state the capacity in which you appear before the committee today?

Ms Jones: I am the chief executive officer of ASH Australia, which stands for Action on Smoking and Health. So I am here representing not only ASH but also a coalition of 40 health, medical and child welfare groups that fully support the recommendations.

The CHAIRMAN: In that case maybe you would like to give us an overview first of your consideration of the bill and measures being taken here, and then with your knowledge maybe you can put both this legislation and what we are hoping to achieve in WA into a national perspective.

Ms Jones: Yes, I am happy to do that. I should say that ASH Australia is a national health group. It is funded by the Cancer Council Australia and the National Heart Foundation, and I have been the CEO since 1994. In fact, I have been to many parliamentary inquiries and it is interesting to note

that a federal inquiry back, I think in 1995, called the Herron inquiry, looked into the costs of smoking. The opposition then to many tobacco control measures were the same as today, except that the tobacco companies are no longer denying any more that smoking causes disease. But in 1994 they were still denying that smoking caused diseases. So we have come some way with the tobacco industry but, unfortunately, not far enough. I do not think there is any need for me today to review or discuss the medical evidence; I think that is indisputable. The only people who dispute it are the tobacco companies, the retailers and the Australian Hotels Association who for many years were sponsored—funded—by the tobacco industry.

The CHAIRMAN: I am sorry, I might just stop at this point and introduce you to Hon Jim McGinty. Perhaps you could just start again because I think it would be appreciated.

Ms Jones: I was just saying that I have been the CEO of ASH since 1994, I have been to many parliamentary inquiries and there has been very little change in the opposition from the tobacco industry and their partners since 1994, except they no longer deny that smoking causes disease. But in 1994-95 they were officially still denying that there was anything other than a statistical link between smoking and disease. But there are other arguments that I, of course, have heard over and over again and they are very flawed and contradictory, but I will discuss that in some detail.

The second point I made was that I do not think there is any need to go over the medical evidence and health evidence on smoking. I think we have heard a lot about that today, and as far as we are concerned that is irrefutable. I think the best thing I can do is to give you a bit of a national perspective, given my involvement in other jurisdictions, and say a little bit about where WA sits in relation to the rest of Australia. I will start by saying that WA has always been held in very high regard by many people who work in tobacco control, because it has been a leader and it still is doing very well. We do not want to underestimate that, but Western Australia is falling behind with the recommendations that you are proposing that are the subject of this inquiry. Other states and territories have moved ahead and I think it would be very good if Western Australia actually caught up with those advances if we are to keep driving down smoking rates.

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Even though the smoking rate in Western Australia is as low as 15 per cent, it is still an unaffordable smoking rate. The reason it is unaffordable is that the costs, as I noted recently, for Western Australia from smoking are over \$2 billion a year, and yet many of these costs are really preventable. I do not think there is any room for complacency. Everything we know about tobacco control in Australia is that you do need a comprehensive strategy. You cannot afford to just do some things and cherry pick what goes on in tobacco control and hope that you are going to continue to drive down the smoking rates and reach the target that has been set nationally; that is, to reach 10 per cent, or less, by 2020. That is going to be an almighty task, because some new research that was published just last week indicates that if we doubled the quit smoking rate and halved the take-up rate of smoking among children, by 2020—which is 10 years off—we still will not even get to 14 per cent. When you compare that with California and some other jurisdictions that are below 10 per cent, it tells you that we still have a very long way to go.

So I do not think there is any room for complacency in Western Australia. I hope that there will be bipartisan support for these proposals that are in the discussion paper, because they are simply the measures that have been put in place by a number of jurisdictions or that have been announced are going to happen. Of course there is an international trend and there is an international treaty that supports all those recommendations, so it is really a matter of catching up. I hope that Western Australia does that.

I would just like to say a couple of things, though, about the opposition, because I think that the pressure that you are going to be under is to have exemptions, basically. That has happened right around Australia. It is the same arguments and the same organisations. It is the tobacco industry, the retailers and the Australian Hotels Association. They are all aligned. They are all partners in one

way or another; financial partners in the past. I am not sure whether the tobacco industry still funds the Australian Hotels Association, but in their annual reports there is evidence that they have sponsored the AHA for a number of years.

I will start, I think, with point of sale, because we have just passed legislation in New South Wales to provide that tobacco products must be completely out of sight. Victoria has announced that it will be doing the same, and legislation is being prepared now. We also have point of sale banned in Tasmania. Entire countries, like Thailand, which has, as you know, 60 million people, have, since 2005, banned tobacco displays. There is some very interesting evidence coming out from Thailand that is contradicted, of course, by the tobacco industry in their submissions to you. So I would like to come back to that.

Mr J.A. McGINTY: In New South Wales, to what degree was the ban on point-of-sale displays resisted? We did not hear much about it over here, so I do not know whether it was very contentious or not.

Ms Jones: There was a lot of resistance from the tobacco industry, and in fact at the last minute Phillip Morris did go around and lobby behind the scenes to try to overturn it. Fortunately —

Mr P.B. WATSON: Who did they lobby?

Ms Jones: They lobbied the government and the opposition to water down the recommendations for total out of sight. That was exposed in the media, and the Premier, in fact—not the Health Minister, the Premier—came out soon after and announced that New South Wales would be going totally out of sight with their displays, and that it was all about protecting children. It included, of course, banning smoking in cars, as well as putting displays out of sight. But because the specialist tobacconists had lobbied very, very long and hard, they did give them some extra time—not that we are recommending that, because exemptions do create a lot of problems. South Australia is, I think, a very good example of extremely messy, unfair and undermining exemptions, which I have some photos of to show you just what that does look like.

In New South Wales, there was bipartisan support in the end for protecting children with out-of-sight displays. I think the support is really quite strong, because in contrast with the opponents of putting tobacco displays out of sight, we have a lot of very good evidence showing that tobacco displays normalise children to tobacco and predispose them towards experimentation, and that it is advertising. In contrast with that evidence, you have got the claims of the tobacco retailers. I notice that that is pretty much repeated in all the submissions here in Western Australia; they use the same old arguments. They say it is not really advertising. As any advertising executive will tell you, any advertising is advertising. They claim that because it is a legal product it should not be regulated. Well, you only have to look in pharmacies to see that 60 per cent of their products are restricted and cannot be displayed on open shelves or on the counters. So, I mean, it is quite normal to have restrictions.

[2.00 pm]

They also claim—this is the central claim—that if you put tobacco displays out of sight, it does not do anything to smoking rates; it does not result in a decline in smoking rates. That is a completely flawed and contradictory claim. They use Canada as an example, but these are very early days and we have had the ban effectively in place in some of the provinces only since 2005. If you are taking displays out of the face of children as young as five, six, seven and eight, you are not going to see their smoking rates until a number of years down the track. We do not necessarily expect to see fabulous results within 12 months. Again, they very selectively quote the evidence. I want to table a very interesting paper, which has been published by some Australian researchers, including Professor Ron Borland. Just to explain the background to this: Thailand is one of the countries that have totally banned tobacco displays. In contrast to Thailand, Malaysia has had a proliferation of tobacco advertising. An international South East Asian survey compared the two jurisdictions to try

to measure the impact of tobacco advertising on adult smokers' awareness. The awareness about seeing tobacco advertising was much, much lower in Thailand, where it was only 20 per cent, compared with Malaysia, where it was over 50 per cent. The evidence is quite clear that tobacco advertising does increase tobacco use. That is what advertising is always aimed at doing. Rather than the false claims of the tobacco interest groups, that there is no such impact, there is very good evidence that advertising does increase consumption. That is what it is all about. If we can have out-of-sight tobacco displays in Western Australia, which is the trend now in the rest of Australia and increasingly overseas, that will help you reduce your smoking rates and the take up by young people. I would like to table that.

The CHAIRMAN: Could you elaborate further on the Smokemart?

Ms Jones: Yes. That was the second example I wanted to highlight about how the retailers' claims are flawed, contradictory and unsupported by evidence. Smokemart is a really major chain. I have not got any studies about the full extent of their expansion, but I noticed in their submission to you that Peregrine, which is the company that owns Smokemart, was claiming that tobacco specialists needed exemptions because they had low exposure of their tobacco products to members of the public. I have got some photographs here. I took these photographs, so I know that the exposure is very, very high. This is a photo of Smokemart from a mall, a public place, and you can see through the windows there—they measure three square metres. What happened in South Australia is that while the supermarkets had to put their displays out of sight, the tobacconists, in particular Smokemart, managed to get three square metres. They have in the past 12 months moved into a lot of the shops that belonged to petrol stations, so that when people now go to buy their petrol, they are actually going into cigarette shops that have got other consumer goods as well on display, but they have got three square metres. This is one more photograph that I would like to table, which is of Free Choice, which is not Smokemart but another chain. I think you have Free Choice here in Western Australia. The photograph shows the advertising and the product, which you can see from the end of the petrol station. That is legal in South Australia, so South Australia has a very messy exemption for specialist tobacconists, presumably because specialist tobacconists argue that because they specialise in products that are extremely addictive and harmful, they should have longer to expose young people and the rest of the population to their addictive, harmful products. I think it is illogical. We certainly do not support any exemptions for specialists to continue exposing people to their products in such a public way when the surveys quite clearly tell us that 80 per cent of smokers know their product and say they do not need displays to purchase. They can go on selling cigarettes; it is just that this is about putting the tobacco displays out of sight and out of the face of children and young people.

The CHAIRMAN: They have basically taken over the franchise of garages?

Ms Jones: They have been taking over the franchise of garages. They have three square metres. Smokemart is a very powerful and growing chain of tobacconists, as is Free Choice. We have a very unfair situation that exists in South Australia. In fact, I had a meeting with Michael Luscombe, the CEO of Woolworths, and he at the time said he felt that Woolworths would accept going out of sight and that they felt it was the right thing to do. What they wanted was a level playing field, which of course you do not have when you have exemptions.

The CHAIRMAN: They wanted a level playing field with the tobacconists. The small grocers want a level playing field with Woolworths and Coles, and Woolworths and Coles want a level playing field with the tobacconists.

Ms Jones: It is definitely unfair competition when you give a segment of the retail market an exemption and say that they can have another 12 months or another two years to go on displaying their products to children. Unfortunately, you get a precedent, which is what happened in South Australia because Smokemart is a very powerfully connected organisation to the government. I believe they do make political donations, which is another issue but it is one that the tobacco

industry has specialised in to try to purchase influence and power with governments and, as a result, get delays and favoured treatment. The whole South Australian experience has been very bad for the rest of Australia, because you get a precedent like that and they then take the case and argue for having more time and more exemptions in another jurisdiction.

The CHAIRMAN: Is there any link between Smokemart, Free Choice and ownership by tobacco companies? Have you found any?

Ms Jones: I have not researched information on that. You would really have to do a search. It is best to see tobacco retailers as the frontline for the tobacco industry. They paint themselves as just small businessmen, mum and pop stores, trying to make a living, but they are the frontline for the tobacco industry.

Mr P.B. WATSON: Are they franchised?

Ms Jones: Some are and some are not, but we have evidence that they are given a lot of financial incentives. If they have to change their display areas, they are often paid for by the tobacco industry so that there is no cost. There have been studies of the tobacco retailer association news letters, which have gone for years to members, where the retailers were basically fed all sorts of lines from the tobacco industry about how to create doubt about the harm caused by these products. They have been very actively involved in doing the frontline business for the tobacco industry.

The CHAIRMAN: If a concession were given, would you envisage a proliferation?

Ms Jones: There are a lot of risks involved in giving them concessions. You would have to argue that since 2006, when you had your last legislation that impacted on the point of sale going through, the retailers have been on notice. If you were a retailer and you did not think that smoking was harmful, you would be living in a cave. They must all know that diversifying into other products would be a very smart move rather than continuing to sell a product that is so harmful and so addictive. With declining smoking rates being the goal of every government, why would you stay in the business? They have been on notice for a very long time. I think that these sorts of exemptions are always really messy. They create unfair competition. I have also seen a newsletter from the retailers association that went around on-line, which I am happy to pass on to you, commenting on the fact that in South Australia the retailers that went to out-of-sight displays have been selling fewer tobacco products than those that have been able to continue to display.

[2.10 pm]

There is this very unfair competition. It would have been much better to have just said, "Everybody, by a certain date, goes out of sight", even if they were given a little longer and were all given 12 months to go out of sight. That is much better than giving exemptions to a segment that potentially can exploit that. I am not sure how complicated your restrictions might be, but there is potential for sellers to get around the restrictions. They are very experienced at getting around any restrictions. Just a few of the other contradictory —

Mr J.A. McGINTY: Sorry to interrupt, but just reflecting on that, the only area in Western Australia, I think—I stand subject to correction—is the definition of an enclosed place. People have gone to quite extraordinary lengths to ensure that their particular place is not an enclosed place, and there has been considerable argument about that. To the best of my knowledge, I do not think that has been the case with the displays, but others might have more information on that.

Ms Jones: I will give you a good example. One of the mistakes every jurisdiction made when they first tried to restrict point of sale was to say, "You can have two of each variant." As a result of that, there was an enormous explosion in the number of variants that the tobacco companies started to produce. The tragedy of that sort of exemption was that many of those variants led smokers to believe that there was somehow a safer or more attractive product that would keep them smoking. To give you an example, when we finally got light and mild descriptors banned, because they were found by the ACCC to be misleading and deceptive, what did the tobacco industry do to replace

them? It brought out colour-coded packets that went from a dark colour to a light colour and from a high number to a low number. The surveys reveal that smokers who have been a light or mild smoker think that they were safer and they now use the colours to purchase what they think is a milder and therefore safer product. They believe that milder means safer. That has been done with the colour coding for two reasons—to keep smokers smoking and also to maximise the space in some of the jurisdictions that did not say, “You can have only one square metre and we don’t care what you put in it.”

Mr J.A. McGINTY: I think that is just Western Australia and Queensland. We followed the Queensland model on that.

Ms Jones: We are dealing with the same industry and the same deceptive and misleading conduct. Every time any area was exempt or grey in the act, it has exploited it. We saw a proliferation of the number of variants, and that had a very detrimental effect on the health of smokers, because rather than thinking that they would quit because they wanted to do something healthy, they started to go down from a 16 to a 12 to a 10 to a nine and an eight and so on, which was all about maximising display and keeping smokers smoking longer. There are many examples. I will give you just a couple of the other claims to show that you cannot trust the industry. It will claim that it will suffer losses despite the fact that it will be subsidised and given incentives and that any display changes will be paid for by the industry. It could always put up the price. There is a lot of price competition and price cutting to keep prices as slow as possible. That is one way it could have recovered some of the so-called losses that it is claiming.

Mr J.A. McGINTY: My only concern about the economic argument that you have just put is that it was the 2006 legislation that required new cabinets to be installed. I understand the argument that may come from the tobacco companies. How soon after that can you say that you must get rid of your new cabinets? Is the argument whether there has been an investment in new facilities? It is a similar argument about alfresco areas. If a publican went to the considerable investment of urging people to come out of the hotel to smoke outdoors, which is what we encouraged them to do at the time as a result of the 2006 legislation, how long after that can you say that that is a bad investment because you cannot smoke there now? It is changing the rules on our part.

Ms Jones: In relation to the outdoor areas, pubs and clubs—I know you do not have as many clubs here as we do in the eastern states—have expanded the footprint of their businesses into what would have been previously thought of as sensitive areas to do with amenity and their neighbours. They have actually used the smoking ban to great advantage to create outdoor areas on rooftops and in gardens essentially for smoking. I would have thought that if you go the next step and say that we have had this incremental approach, we have stopped people smoking inside, we have moved them outside and a lot of money has been spent on creating very attractive outdoor areas, it is not as though they are going to dismantle those; they will still be very attractive outdoor areas.

Mr J.A. McGINTY: More attractive, arguably.

Ms Jones: Yes, more attractive and perhaps at a cost to amenity with neighbours; nevertheless, they have probably expanded the value of their properties. When you take the next step, which is to say that we do not want smoking in any of these areas because of smoke drift and harm to others and that we want to dim all-night smoking, I do not think that that will be of some great disadvantage to these venues, because they have managed to expand by using the smoking bans as an excuse. That is certainly what has happened on the eastern side. Of course, there have been reports and admissions that the tobacco industry has paid for some of those smoking areas to be set up, because it will do anything to keep smoking going in those venues where people socialise and particularly where they gamble. I know you need to think of the economic issues, but really this is all about health and about protecting the health and safety of the people who work in these areas. The Queensland model certainly is much better than that in New South Wales and Victoria, because

they basically said—I believe it is working extremely well and it might be worth visiting there to have a look —

The CHAIRMAN: In fact, the Queensland government has said to the committee that some of Australia's toughest tobacco laws are in place in Queensland and that the impact of these laws in Queensland has been positive, with independent research undertaken after the commencement of the first phase of smoking bans in 2005 showing an increase in the number of smokers making a quit attempt and a decrease in the number of cigarettes smoked overall. The survey also found that 58 per cent of smokers reported smoking less in public places since the new laws were introduced. One of the submissions we have received has been very positive in relation to the changes.

Ms Jones: Queensland did a very comprehensive review of its tobacco control legislation and a lot of outdoor areas were made smoke free. The big improvement in Queensland is that it basically said that wherever staff work in outdoor areas, those areas will be smoke free. That has obviously been successful and it has helped smokers to quit smoking. In contrast, one of the worst things that have happened has been in New South Wales, which has started to move the gambling machines into the smoking areas. Of course, in some jurisdictions that is explicitly banned and cannot happen, but in New South Wales the gambling dollar is very powerful, because of political donations largely. We have all these poker machines that are in smoking areas, so there is no opportunity for smokers to have a break and go somewhere else or stop gambling to have a cigarette; they just carry on gambling and smoking in the smoking area. That is probably one of the worst examples that I can give you. Queensland is a much better example.

The CHAIRMAN: Before I mention one of the submissions that we have received, both major parties in WA have expressed support for the bans in cars when children are present and also for advertising at point of sale.

[2.20 pm]

The support that has not been forthcoming from the Liberal Party is in relation to the alfresco areas. I noticed that one of the submissions almost read as if you were giving some support to smoking in alfresco areas.

Ms Jones: Yes; as usual, the tobacco groups are very good at taking something out of context and quoting it. I noticed that they had also misquoted Professor Simon Chapman. I believe you have a copy of his letter, which clearly expresses his support for the measures that you have in the bill.

The CHAIRMAN: The submission states —

The weight of opinion on outdoor smoking bans appears to question their value. For example, Chief Executive of Action on Smoking and Health (ASH), Anne Jones, has called for pubs to “maintain a safe workplace — that means sending smoking outside, where it can't harm others”.

Ms Jones: Yes; again, a selective quote. This is what they are very good at. I seem to recall that that quote came from a discussion about the situation in New South Wales, where our outdoor areas are defined as up to 75 per cent enclosed, which is the definition that the Australian Hotels Association wanted, and managed to successfully lobby the government to give them that definition, even though it is not based on evidence, and an area as enclosed as that—75 per cent—is a room. We have a very precarious situation for our bar workers and anybody working in a pub or club, because they are working in areas that are up to 75 per cent enclosed, where people are smoking. My view of what the tobacco industry and their groups have to say is that they are contradictory and they are flawed arguments. They are not based on evidence and they misquote, as they have with the material from Canada and as they have with Professor Chapman's comments and my own comments. I would hope—in summary of these concerns we have about exemptions—that the government will use the evidence and not flawed arguments of the opponents of smoke-free outdoor areas, as well as the strong case for why you need to have tobacco displays out of sight. That is not

going to inconvenience smokers; they will still be able to purchase cigarettes, but we will not have cigarette advertising in the faces of children. If you do put these measures in place, I believe it will help Western Australia continue to reduce smoking rates, which you are committed to doing under the COAG health care agreements. Commonwealth moneys will be tied to outcomes in reaching reduced smoking rates. I think that that is a very strong argument for why Western Australia has to keep doing everything possible to drive down smoking rates, because commonwealth grants will be tied to your achieving reductions between now and 2020.

The CHAIRMAN: You have talked about future commonwealth demands. You would have heard today some of the other people who have presented submissions talking about the particular difficulties in some communities, such as Indigenous communities.

Ms Jones: Yes, there are a number of high-risk groups with very high smoking rates. Even though we say that Western Australia has a 15 per cent smoking rate, there are still some very high-risk groups within that with very elevated rates. In fact, Indigenous smoking rates are normally around 50 per cent, so priority needs to be given to those groups. De-normalising smoking within these public places—cars and outdoor areas—certainly helps to reinforce the message that non-smoking is the norm, as opposed to something that we all do.

The CHAIRMAN: I am not sure why Hon Jim McGinty is now being quiet, but he asked other witnesses: where to from here? He has not asked you that question. What are the next steps?

Ms Jones: If I can answer that, I think the very first next step is bipartisan support for this. We achieved that in Tasmania; in fact, Hon Will Hodgman—leader of the opposition Liberal Party in Tasmania—was responsible for brokering the deal with the government to go out of sight with tobacco displays. There was a lot of opposition from retailers; they fought to have one square metre, and that was what the government was going to do. It was the support that the leader of the opposition gave that helped bring about a much better result in Tasmania. We also had bipartisan support in New South Wales. No-one was really going to oppose measures that would protect children from tobacco; that is the first thing. Secondly, outdoor areas in pubs and clubs —

The CHAIRMAN: Was that bipartisan support?

Ms Jones: Even though we have a lot of very strong community support for smoking bans in pubs and clubs, we still have this very messy arrangement with an outdoor area being defined as 75 per cent enclosed. There is an election coming up, and we do not believe that there will be any changes in that climate, but I think you have to look at what your community support is, and it is very strong for smoke-free areas. The surveys usually indicate a lot of support for governments to go further. They want governments to go further, and I think the responses mention that. We should see this as not only a good health move, but also a popular move that would be supported by the community.

Mr J.A. McGINTY: One thing that I think will help that is that there has been a significant change in recent times in media control here in Western Australia. *The West Australian* used to be a bit like a cigarette; it was just poisonous. For instance, on the issue of smoking in cars, I refer to a headline article from six months ago that read, “McGinty’s smoking in car ban ‘foolish’”. The first two paragraphs use provocative language, claiming that I had been “rebuffed”, that it was “foolish” and that it was “a backflip”. There was all that sort of poisonous reporting in the local media. Fortunately, the editor who was responsible that, Paul Armstrong, has now been sacked as a result of Kerry Stokes’ taking over the ownership of *The West Australian*. You can see how bad an editor he was by looking at the newspaper today; it is immeasurably better. It actually contains news now, rather than hatred and vitriol, so I think we are likely to get reasonable reporting of the facts now, whereas we would never have got that under the former editorship. That is a very important part of being able to get that bipartisan support that you spoke about.

Ms Jones: I think bipartisan support is very important, and I think that that is your next step. In terms of further down the track, and not too far, I think that because of the unaffordable smoking

rate you have and the costs that are associated with that, an increase in government funding for the tobacco action plan for the state would be extremely timely to try to ensure that you have a comprehensive, well-funded strategy in place. When you take an incremental or piecemeal approach to tobacco control, you will get some gains but you will not maximise your gains.

[2.30 pm]

There is an opportunity, I think, with the federal government having ratified this international treaty that has an article—there are some very good guidelines for this article 13—about having 100 per cent smoke-free environments, which is exactly what you are trying to achieve with this bill. Given that the federal government has to move ahead, I do not see why state governments cannot join in and be supportive knowing they are not going against the tide but are actually going with the tide. The longer they leave it, the greater the cost that will be imposed upon the state because you will not be reducing the uptake of smoking rates by young people when you still expose them to tobacco displays every time they go into a shop. You think about how many times children go into shops, it might be even five or six times a day and they go straight past the tobacco displays, which are in the prominent centrestage position. That normalises it and it usually has what they call the “halo effect”; that is, they are in association with confectionery, magazines and telephone cards, and that reinforces this old “smoking must be normal” idea. As a result, you find in surveys that children overestimate the number of people smoking because they think it is a very normal thing to do. That is also reinforced with outdoor areas. If smoking is part of socialising in an outdoor area, that, again, will be not only potentially causing harm to other people, and everyone has a right to fresh clean air, but also making smoking part of normal life. I think those things seriously need to be addressed if you are serious about not only reducing the burden of disease, but also getting the tied grants that the commonwealth will give to Western Australia if it reduces its smoking rates and reaches those targets, which are incremental between now and 2020.

The CHAIRMAN: I noticed in your submission that you mentioned the fact sheet about the truth about retailers’ claims and the different options. We have been provided with some photos of the cigarettes in drawers and enclosed cupboards.

Ms Jones: The main issue with tobacco displays is that they are out of sight. Whether they put them in a drawer or in a cupboard behind or above does not really matter, as long as they are out of sight. If you look at what is happening with the major supermarket chains like Woolworths and Coles, wherever they are renovating their stores, they are going ahead—it has been happening in New South Wales and I believe it has been happening here—and making the changes in advance. They are putting the cigarettes in drawers and the drawers have got in front a place for the small price sign in black and white—some jurisdictions obviously allow them to have that to indicate to the salesperson where that product is, given that we have a huge number of variants. Of course, there are other issues about how big the sign is, which does not have to be very large at all, it is just a sign to say “cigarettes sold here”. In fact, Coles in Tasmania voluntarily put tobacco displays out of sight a couple of years ago. They basically came to an agreement with the government because the regulation in Tasmania required a large graphic warning, the one with the oral cancers and the rotting teeth that is on cigarette packets, to go at every point of sale. Coles said to the government at the time, “Look, if we go voluntarily out of sight, can we not have that sign?” That was agreed to and Coles went out of sight.

Mr J.A. McGINTY: So, that was the arrangement.

Ms Jones: That was the arrangement; they went out of sight.

Mr P.B. WATSON: I did not think they just rolled over normally.

Mr J.A. McGINTY: No, there has been some contention about what the elements of the arrangement were but you have explained that perfectly.

Ms Jones: Every retailer knows that they are going out of sight. The issues for Western Australia will be when will you require them to go out of sight and will you fall into this trap of giving exemptions that will continue to put cigarettes in the face of young people for an extended period, when I do not think there is any real reason for that to happen. They have been on notice for a very long time. Smokers still know their brand and where to get it; it is just that it will not be advertised.

The CHAIRMAN: Thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. However, should you wish to provide additional information or elaborate on particular points, please include a supplementary submission for the committee's consideration when you return your corrected transcript.

I thank you again for coming over for this hearing. I believe you delayed your holiday abroad and we really appreciate that.

Ms Jones: It was not a holiday; I am working in China where I have 350 million smokers to worry about. However, thank you, I was very happy to be here because normally I do not have to come to Western Australia very often. I wanted to reinforce the message that in the rest of Australia this has happened in nearly every jurisdiction or they have announced it, so I hope that you do not have to delay too long in putting in place the same measures that will really be very effective in helping to reduce tobacco use and protect young people, in particular. Thank you.

Mr J.A. McGINTY: Thank you.

Hearing concluded at 2.36 pm