

Submission

No 24

INQUIRY INTO TOBACCO SMOKING IN NEW SOUTH WALES

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Theme:

Summary

FREECHOICE

TOBACCONIST STORES

SUBMISSION RE: REVIEW OF TOBACCO LAWS IN NEW SOUTH WALES

We understand that the New South Wales government is in the process of reviewing their laws to the tobacco smoking policy.

We would like to provide a submission highlighting the area's that we believe could affect our business should changes be made and to provide the government with suggestions based on discussions and outcomes we have had with other state governments.

LICENSING.

To streamline and make the tobacconist industry more accountable FREECHOICE Stores believes in the introduction of Tobacco licenses, this could be formatted similar to a liquor license, but the costs proportionate to the return.

UNDERAGE SMOKING

As a responsible retailer FREECHOICE Stores is 100% behind the prevention of selling tobacco products to persons under the age of 18 years, the following are some ideas that we believe could assist in eliminating this unfortunate situation.

False representation of age.

Introduce fines to minors who try to purchase tobacco products from a retailer, the new Queensland law allows a fine of up to \$1500 to be issued to any minor falsely representing their age. Minors need to be made aware of this fine as it will certainly act as a deterrent to them continually trying to purchase tobacco products that they are not legally entitled to do.

3 strikes and your out.

If a retailer is caught selling tobacco products to minors on 3 occasions along with a hefty fine for each offence on the third time you are caught you lose your tobacco license and are unable to sell tobacco products for a period of time (eg 1- 3 months). If this was to happen to a tobacconist they would be out of business. To assist the stores in relaying this message to the consumer the government with the assistance of the tobacconist retailer should produce information that can be neatly displayed in all tobacconist stores highlighting the new fines and penalties for both the retailer and minor should they sell or attempt to purchase tobacco products.

To assist all stores in quickly being able to calculate the age of a person an interchangeable sign should be designed and produced by the government, it could say something like this:

IF YOU WERE NOT BORN BEFORE

12th April 1988

WE CAN NOT AND WILL NOT SUPPLY YOU WITH ANY
TOBACCO PRODUCTS FROM THESE PREMISES.

IDENTIFICATION WILL BE ASKED FOR IF THERE IS
ANY DOUBT.

ACCEPTABLE ID.

18+ CARD
DRIVERS LICENSE
PASSPORT

These posters can be laminated and placed on a stand at the entrance to all tobacconist stores; the date component of the signage is interchangeable and is required to be changed on a daily basis. The interchangeable component can be made of magnetic pieces, what each store would require is numbers from 1 – 10 and the months of the year.

The signage needs to stand out, so the design component is very important, we would be more than happy to assist the government in designing such a display.

As over 80% of a tobacconist turnover is derived from selling tobacco products, it would not be unfair to request the placement of such information at the front of all stores and possibly at the main serving point depending on the layout of the store. However if a tobacconist is going to provide this information to prevent underage smoking, they need to be given allowances for product location within their outlet, the area agreed upon in the new Queensland legislation was 3m². This however had conditions placed on it. The definition of a tobacconist was written in the legislation as follows:

Tobacconist means a person who conducts a business selling smoking products by retail if-

- (a) 80% or more of the average gross turnover of the business is derived from the sale of smoking products; and
- (b) the business is conducted separately from, not in conjunction with, and not within the premises of, any other business.

FREECHOICE Stores - tobacconists is pleased to work together with the New South Wales government to make sure that minors to not purchase tobacco products from tobacconists and

to regulate the industry through tobacco licensing, we do however believe that there is enough advertising in print and on TV to inform all adult smokers of the dangers of smoking, we believe that if a smoker has made the decision to smoke that we as a tobacconist as defined in the above definition should be entitled to show them through our product location what we have available in store, from which they can make a decision.

3m2 provides FREECHOICE Stores with sufficient space to be practical within the store. I have attached a photograph of how a tobacconist looks in Queensland under the new legislation.

Under the definition of tobacconist as stipulated above, there would be around 250 -300 stores in the whole of New South Wales that would be eligible to display 3m2. This is less than 1% of all stores that currently sell tobacco products in the state of New South Wales.

I would like to take this opportunity to thank you for reading our submission and I look forward to discussing this submission in more detail with the New South Wales government either in an open forum or at a time suitable to you.

Regards

Simon Beynon
Sales & Franchise Manager
FREECHOICE Stores.