**Public Health Amendment (Prevention of Sale of Smoking Products to under-age Persons) Bill 2019**

Briefing Note - May 2019

**CURRENT SITUATION**

The *Public Health Amendment (Prevention of Sale of Smoking Products to under-age Persons) Bill 2019* was tabled by the Hon Ivan Dean MLC in 2018 and proposes to make several changes in relation to smoking laws in Tasmania in relation to under-aged persons.

These changes include (but are not limited to):

* Increasing the legal smoking age from 18 to 21 years of age by staggering the change over a two-year period;
* Making it an offence for an under-age person (person between the age of 18 and 21) to provide false proof of age when purchasing smoking products;
* Requiring the Director of Public Health to review the legislation three years after it comes into effect.

However, in addition these to restrictions, we also understand that to make the bill workable there are moves to ban people up to the age of 21 from selling tobacco products at all in Tasmania.

**KEY POINTS**

* Under a private member’s bill put by Hon Ivan Dean MLC, the Tasmanian Legislative Council is considering amendments to the *Public Health Act* *1997* to ban persons under 21 from selling tobacco products.
* This would pass in conjunction with a raft of other changes, including increasing the smoking age from 18 to 21 over a two-year period in a staggered approach.
* Tasmanian Independent Retailers strongly oppose these changes for the following reasons:
* It will have significant implications for the viability of small and medium businesses in Tasmania,
* It will place further and unnecessary restrictions on the ability of young people to find employment, particularly in smaller communities. Retailers who sell tobacco products may choose not to employ young people.
* The way the bill proposes to increase the smoking age in stages, will lead to confusing situations where people aged between 18 and 21 and their employers may be unsure whether they can buy or sell tobacco products.
* Due to the staggered approach of raising the smoking age, we may have a situation where you can sell but not purchase tobacco products as the age for a sales ban would change three times in two years.
* Challenges about compliance and the economic cost of implementation on top of yet another raft of changes already introduced concerning the licencing, sale and display of legal products.
* Tasmania would be the first Australian jurisdiction to implement such strict laws in relation to smoking bans.
* The bill is being backed by West Australian mining magnate Andrew Forrest’s Minderoo Foundation’s Eliminate Cancer Initiative (ECI).
* TIR need to ensure the sales ban is not passed as part of these changes.