

Tobacco-free generation legislation

The Tasmanian Public Health Amendment (Tobacco-free Generation) Bill 2014 is vital to improve health in Tasmania



Cigarettes will become a “so last century” phenomenon

Australia has led many initiatives against tobacco smoking, most recently cigarette plain packaging. Smoking costs this country some 20 000 lives annually, far more than alcohol, illicit drugs and road accidents combined, and indeed almost twice the deaths globally from natural disasters. The need for novel preventive supply-side tobacco legislation is paramount, and such a breakthrough now beckons.

In *Golden holocaust*, Robert Proctor highlights the insidious psychology used by the tobacco industry of telling adolescents that “kids don’t smoke”, so that they will do exactly that, just to appear adult.¹ The tobacco-free generation (TFG) initiative seeks to undermine the rite-of-passage effect by progressively raising the minimum age at which retailers can legally sell people cigarettes.² Tasmania is the first jurisdiction in the world to craft such mould-breaking legislation, although recent more limited moves in the United States raising the legal age to 21 years have proved highly successful.³

Tasmania’s smoking rates are considerably higher than the national figures, reflecting the state’s low socio-economic status and historic lack of investment in evidence-based tobacco control strategies.^{4,5} Tasmania has experienced both the best and the worst of responses to the tobacco epidemic, the latter evident in an industry-orchestrated political corruption scandal in the 1970s, which brought down a government.⁶ However, more recently, the state has led some notable successes.⁷

Currently in Tasmania around 40% of younger men smoke, a proportion that has not fallen significantly for 10 years.⁸ Their outcomes in terms of mental illness, chronic disease and early death are dire, indeed worse than previously thought.⁹ The smoking burden to health services in economically challenged Tasmania is huge. In 2014, a novel Tasmanian initiative for adults banned tobacco in state prisons, and was introduced almost without incident. Thus, sensible and practical actions are feasible. The Tasmanian Legislative Council (upper house) has been a prime mover toward a smoking end game. Now, independent member of the Legislative Council Ivan Dean has introduced the Public Health Amendment (Tobacco-free Generation) Bill 2014, with strong public support and backing from a wide spectrum of health and professional organisations.

The TFG concept is straightforward. An under-18 law is presently in force; thus, already it is not permitted to sell tobacco to people born this century. That restriction will currently expire on 1 January 2018. However, with TFG legislation, the restriction will simply continue. Thus, retailers will never be allowed to sell cigarettes to anyone born this century, although the law will be

reviewed after 3 and 5 years. Cigarettes will become a “so last century” phenomenon. With each passing year, there will be fewer slightly older smokers as role models and providers, and the “badge of coming of age” incentive (in Imperial Tobacco’s revealing phrase) diminishes in potency. Moreover, TFG legislation sends the important message that tobacco is too dangerous at any age; it could never now gain regulatory approval. Yet, because it is so addictive to young people it is not possible to remove tobacco from the market overnight without denying existing smokers. TFG legislation is the sensible and practical solution to this dilemma. Moreover, its thrust is on commercial agents who purvey tobacco, rather than on punishing their victims.

The TFG initiative has drawn intensive political lobbying by Imperial Tobacco, including closed meetings and meals with decisionmakers, in breach of article 5.3 of the World Health Organization Framework Convention on Tobacco Control (FCTC). The FCTC recognises the tobacco industry and its front organisations as “rogue” entities. So the legislation passes the “scream test”; the tobacco industry is really worried about this precedent. Some state politician objectors buy into Big Tobacco’s “nanny state” clichés, while others focus on allowing the disadvantaged to make their “own choices”. Such political correctness ignores the vulnerable young targets of industry marketing of its highly addictive product.

On 24 March 2015, the new legislation was debated in the Tasmanian Parliament. There was strong support, including from Attorney-General Vanessa Goodwin, for its aspiration, with a committee established to address workability. In fact, the proposal ticks all the political boxes: it is finance free; the machinery needed is in place and working well (98% of licensed tobacco retailers obey the law); 69% of the community and 88% of 18–29-year-olds support the TFG initiative;¹⁰ it fits Tasmania’s “clean and green” image; it will have some quick wins, especially among young pregnant women and their babies; and the longer-term gains for community health and government finances will be enormous.

The current Tasmanian Government has declared that it wants the state to be the healthiest in Australia in 10 years — to achieve that it needs the TFG legislation enacted. The rest of world will soon follow another bold Australian initiative against the global tobacco nightmare.¹¹

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