



Australian
Retailers
Association

Honourable Roger Cook MLA

Deputy Premier; Minister for Health; Mental Health

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13th March 2019

Dear The Honourable Roger Cook

Reference Health (HE 301) Tobacco Products Control Act 2016 Tobacco Products Control Amendment Regulations 2019

The Australian Retailers Association (ARA) was advised (at 6pm AESDST) that changes to tobacco retailing in Western Australia were gazetted last night 12th March 2019.

The Changes that we understand the Western Australian Government has gazetted have major effects to Western Australian Retailers, it is our understanding that these changes take effect on Monday 18th March.

There are two changes which are extremely significant and will cause massive disruption to retailers of tobacco products, given the late notice that the ARA received advising these changes, it will be impossible for most retailers in Western Australia to comply with these new regulations.

From our discussions (and the attached notice from your office) we have ascertained that at least one of the major supermarkets was unaware of these changes, and we believe that the SME tobacco retailers and other industry groups have not been advised of these changes.

The changes that concern retailers are:

- All price boards are to be reduced from 1 square metre to an A4 sheet size (refer to point 11 which relates to amendment of reg 41).
- New graphic images have been prescribed for health warnings which must appear next to the price boards (refer to point 15 and relates to amending schedule 2)

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The ARA is seeking clarity as to whether retailers must comply to these regulations by Monday 18th March, as it would be our view from the attached regulations that retailers who do not comply with the new regulations will have heavy fines imposed, we are therefore witting seeking an amnesty period of 90 days to allow retailers to comply with the new regulation.

It is the view of the Australian Retailers Association that the Western Australian Government has not consulted retailers regarding these changes, and we are aware that Industry Associations have not been consulted allowing time for them to advise their members. The ARA finds it difficult to believe that the changes to the regulations have been passed without any consultation.

The ARA's view is that retailers have not been widely advised of these changes, and that if the regulations apply from Monday the 18th March the Western Australian Government must assist by allowing a three-month amnesty before issuing any fines or penalties to retailers.

Members of the ARA would normally comply with new regulations, given reasonable time frames to make changes, we are therefore seeking an urgent response to our request.

Minister Cook please feel free to contact me to discuss this matter, I would note that I called your office at 3pm (WA time) to discuss this matter, I am advised that Gino Marinucci (Copied) would return my call. At the time of writing to you a verbal response has not been received. The ARA would appreciate if your office would respond to our retailers' concerns.

Yours sincerely

Russell Zimmerman

Executive Director

CC: gino.marinucci@dpc.wa.gov.au

Attach: Tobacco Products Control Act 2006/Tobacco Products Control Regulation 2019

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