

Opinion

Don't butt in when it comes to free choice

ANDREW GREGSON, Mercury

October 28, 2014 12:00pm

IMPERIAL Tobacco Australian supports sensible and practical regulation of tobacco products.

We sell only to adult consumers who exercise free choice to use our products.

We support strong regulation to prohibit supply or use of tobacco products by those under age.

We operate a legal business contributing billions in revenue to Australian governments, and we employ hundreds of people nationwide.

We vigorously reject and oppose regulation that is not sensible, practical and measured. We believe adult consumers have the right to make their own choices.

In her *Talking Point* article drumming up support for a Legislative Council proposal to remove adult choice to use tobacco products (*Mercury*, October 21), anti-tobacco activist Kathryn Barnsley has gone beyond shrill and into the realms of fantasy.

The central tenet of the argument for this proposed over-regulation is that people will be unable to access tobacco products if legal supply is ceased.

Yet Ms Barnsley contradicts her own argument by claiming "60,000 Tasmanian smokers started smoking as children".

The supply of tobacco products to minors is quite rightly illegal.

If her claim is correct, Ms Barnsley's position that laws restricting supply are not effective defeats her own argument in support of the proposed regulation.

The concept that curtailing supply automatically cancels demand is logically and factually ridiculous.

Prohibition of alcohol in the US famously didn't work.

If prohibition in the modern era were successful, there would be no marijuana use, no heroin, no methamphetamines and no under-age use of alcohol.

Should the proposal be implemented, as with other restricted products, demand for tobacco will remain and a black market will open up to fill it.

Ms Barnsley finds the existence of an illicit tobacco market inconvenient to her arguments and hence attempts to dismiss it by claiming “dodgy research from snake oil companies”.

More objective and astute analysts will note the company to which she refers is internationally recognised consulting firm KPMG. Their work on illicit tobacco is recognised by the OECD as the “most authoritative assessment of the level of counterfeit and contraband cigarettes”.

Illicit tobacco in Australia is already approaching 14 per cent of the market.

Even aside from that report, seizures of illegal tobacco products across Australia show the size and scale of operations already present.

The illegal supplies are already available and will quickly fill the gap if Ms Barnsley has her way.

That means a supply chain with no product control, no compliance with packaging requirements, and no qualms in supplying to under-age consumers.

Not only is the logic absurd, so is the outcome.

Ms Barnsley and the supporters of a retail ban in Tasmania appear to have ignored the simple matter of the Australian Constitution. Free trade between states is an unequivocal right in Australia.

Add to that right the existence of the internet, providing the capacity for retail supply without geographical restriction, and the proposal falls flat in an instant.

Tasmanian consumers will buy from interstate.

The losers in that scenario are the hundreds of small businesses who employ Tasmanians and pay tax through their legal operations supplying a legal product to adult consumers.

Andrew Gregson is head of corporate affairs for Imperial Tobacco Australia, a subsidiary of Imperial Tobacco Group. Andrew is a Tasmanian living in Sydney, and has degrees in economics and law from the University of Tasmania.