



QoN 004-01 Please indicate the purpose of smoke-free products in your submission.

Smoke-free product would be defined to mean non-combustible nicotine products, including but not limited to nicotine vaping products and smokeless tobacco.

QoN 004-02 Would you agree that smoke-free vaping products have a health purpose to attempt addressing the health problem?

The National Retail Association is the voice of modern Australian retail. We are not health experts. However, we would note comments from the Deputy Secretary of the Department for Health, Adjunct Professor John Skerritt, at a recent Estimates Committee hearing that “the evidence is that vaping is less harmful than tobacco smoking...”

QoN 004-03 Considering the uncertainty of the relationship between non-smokers and vaping, or the rate of taking up of vaping by those who don't already smoke, how would Australian Consumer Law address the issue of non-smokers taking up vaping?

The National Retail Association is the voice of modern Australian retail. We are not health experts. It is obviously a desired outcome that non-nicotine users avoid taking up vaping, as it is a desired outcome that people avoid taking up smoking. However, combustible tobacco products are available at 20,000 locations as consumer products. It is our logical position that products that even Adjunct Professor John Skerritt has stated are less harmful than tobacco smoking should not be more onerous to obtain than more harmful cigarettes. Consumer law, coupled with public education campaigns, easily provides appropriate ways to discourage use by the abovementioned cohorts, including warning labels, uniform approaches to packaging, and laws on how and where products are displayed. We would encourage the committee to consider how these matters are being handled in New Zealand.



QoN 004-04 In your submission, you refer to a range of other smoke-free products, including e-juice, heat-not-burn tobacco products, chewing tobacco and snuff. Please provide evidence that snuff and chewing tobacco are less harmful than smoking cigarettes.

The National Retail Association does not claim to be a scientific expert. We are concerned about the interests of Australian retailers in this discussion.

QoN 004-05 At paragraph 14 of your submission, you state “the NRA supports changes to the law that would allow Australian retailers to sell smoke-free products to adult smokers”. Do you support the changes to the law that would allow Australian retailers to sell smoke-free products to adult non-smokers who are also not vapers?

See response to QoN 004-03

QoN 004-06 Please explain how your legislative framework proposal to administer something through Australian Consumer Law would deal with the issue of selling smoke-free products to adult non-smokers who are also not vapers.

We are not specifically proposing that, nor is the current proposal under consideration by the TGA proposing that either. Likewise, the present system does not limit sales either.



QoN 004-07 In your submission, at paragraph 21, you include a draft Responsible Retailers Code of Conduct, to which smoke-free product retailers “could” sign up to. Would this Code be voluntary?

The current Australian Government has, ideologically, always tended towards voluntary industry codes of conduct. We see no reason to vary this approach. The retail industry has a long history of joining voluntary codes, and we see no reason to believe this issue would be any different. However, we would also welcome the proposal outlined in our submissions being transposed into legislative or regulatory instruments if that was the view of the government.

QoN 004-08 The Responsible Retailers Code includes a commitment to “never market to anyone who is not a current or former smoker, or a current vaper”. Why is there nothing prohibiting sale to someone who is not a current or former smoker or vaper?

It is obviously a desired outcome that non-nicotine users avoid taking up vaping, as it is a desired outcome that they avoid taking up smoking. There is no legislative framework which prohibits the sale of cigarettes to non-smokers, and we are not proposing one for vaping products. We simply make the point that if a customer was going to continue to use nicotine, it makes sense that they use what Professor Skerritt has stated is a less harmful option, in the form of vaping.

As noted above, and as we understand it, the current proposal under consideration by the TGA does not specifically propose limiting prescriptions to current smokers either.

QoN 004-09 At paragraph 19, you list a number of mandatory packaging and labelling requirements you support, including, for example, ingredients, nicotine content, country of origin, child-resistant packaging. Do you support mandatory warning labels for vaping products, including the graphics found on other nicotine product that are intended to deter people from taking up the use of those products?

We think full, comparative information could be useful in this case. For example, warnings including credible, scientifically proven claims, such as the one from Professor Skerritt that “vaping is less harmful than tobacco smoking...”



QoN 004-10 Please indicate if you would agree with mandatory written warning labels that were supported by proven health advice, such as “vaping can cause cancer”. Why did you leave this out of your written submission?

It is not a deliberate omission. Our primary focus is on ensuring the same rights for Australian retailers as are enjoyed by overseas retailers. We assume that these kinds of issues can be better addressed if sales are regulated locally. We also assume that the Government will have to address the issue of packaging as it works through all its proposal to allow large-chain pharmacies to sell vaping products.

QoN 004-11 Do you agree that GPs already take visits from those who are not sick, including, for example, women who require prescriptions for contraceptives, or individuals who are undertaking preventative measures?

The National Retail Association is a Union of Employers. When and why individuals visit the doctor is a matter for them. However, we note that they will require a GP consultation to obtain a prescription under the model being considered by the TGA.

QoN 004-12 Do you agree that nicotine addiction is a health issue?

The National Retail Association is a Union of Employers. We are not experts in addiction.



QoN 004-13 What evidence do you have to support your assertion that a prescription-based model would result in 2 million extra GP visits at para 38? Is this figure 2 million per year?

Currently some 500,000 people import vaping products from overseas. If all those people were to be serviced through the proposed pharmacy sales model, with quarterly prescription renewals, that adds up to the figure you have quoted. We note that the TGA has indicated it is undertaking modelling on this matter and we look forward to assessing it if and when it is made public.

QoN 004-14 Are you aware of Australia's obligations under Article 5.3 of World Health Organisation's Framework Convention on Tobacco Control "in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law"?

The National Retail Association is a Union of Employers. Our obligation is to the many thousands of small business owners across the nation who are prevented from providing a product to their customers that foreign retailers are permitted to sell to Australians.

We also welcome the fact that Members of Parliament from many parties, including opposition parties, have met with us in relation to this issue.



QoN 004-15 Have you or any entity associated with you, your organisation or any other organisation of which you are a member, received any financial or other support by any parties involved in the production, distribution or sale of tobacco, nicotine or vaping products?

The National Retail Association is a Union of Employers which represents businesses that retail and wholesale nicotine-containing products.

If yes, please indicate the nature of that support, the amount or value provided and the company, person or organisation providing that support.

The National Retail Association's fully audited financial statements are available online at the Registered Organisations Commission <https://www.roc.gov.au/find-a-registered-organisation/nra>

QoN 004-16 Who assisted in the preparation of your evidence to this inquiry?

The NRA draws on the use of professional staff to develop submissions.

QoN 004-17 Do any of those persons or organisations who provided you with support have any association with parties involved in the production, distribution or sale of tobacco, nicotine or vaping products?

The National Retail Association is a retail organisation representing many thousands of small businesses across Australia. Every person involved in our organisation – either directly or as a contractor – undeniably has an “association with parties involved in the production, distribution or sale of tobacco, nicotine or vaping products”. Our exposure to vaping products is lower than that of other categories, because we do not represent the overseas retailers who are permitted to sell these products to Australian consumers. We only represent Australian retailers who are not permitted to sell these products to Australian consumers.



QoN 004-18

Have you or your organisation received any direct or indirect support of any kind from the following organisations or persons who work for, or are associated with, the following organisations:

- a. The Institute for Public Affairs;
- b. Centre for Independent Studies;
- c. The Sydney Institute;
- d. Australian Taxpayers Alliance;
- e. Australian Institute For Progress;
- f. Mannkal Economic Education Foundation; and
- g. any ATLAS network member organisation.

It is the NRA's policy to retain the strictest confidences around all our memberships and commercial partnerships. We simply do not confirm or deny any arrangements that – should they exist – would be considered commercial-in-confidence. The statement should not be construed as confirming any such arrangement – merely a statement of our long-standing policy.

QoN 004-19 Have you consulted any of the above groups about your submission to this inquiry, or regarding your policy on vaping, tobacco, nicotine or any related products?

No.