

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH PORTFOLIO

Additional Estimates 2016 - 2017, 1 March 2017

Ref No: SQ17-000066

OUTCOME: 2 - Health Access and Support Services

Topic: Tobacco Plain Packaging Act

Type of Question: Hansard Page 090

Senator: Watt, Murray

Question:

Senator WATT: Is it normal that there is an exchange of correspondence with someone who has breached the act before a warning letter is issued?

Dr Southern: I do not know. I know some of the details of this particular case, but it was one where clearly we believed it was circumventing the plain-packaging legislation, so we undertook to deal with the organisation to get it compliant.

Senator WATT: Are you aware of any other instance where an entity that has breached the act has been sent correspondence or there has been some correspondence prior to receiving a warning letter?

Dr Southern: I will take that on notice and take on notice whether one of these letters was a warning letter.

Answer:

The Department's *Tobacco Plain Packaging Enforcement Policy* (Enforcement Policy) provides that a range of enforcement options are available ranging from administrative enforcement including education and warnings through to court enforcement with the aim to achieve the highest level of compliance.

In line with the Enforcement Policy there have been other instances in which there has been an exchange of correspondence with a view to achieving compliance. This will depend on the circumstances associated with a matter and may be done for purposes of seeking further information, clarification or the entity's position on a matter.

In relation to the Department's correspondence to Imperial Tobacco on the inner foil pack matter there were two letters from the Department which constituted a warning letter.

A warning letter is an administrative step to put an entity on notice of the Department's view on non-compliance and to afford natural justice, rather than a statutory requirement or necessary step prior to enforcement action.