

17th June 2009

The Hon Jodi McKay
Minister Assisting the Minister for Health (Cancer)
Governor Macquarie Tower
Level 37, 1 Farrer Place
Sydney NSW 2000

Dear Minister

Public Health (Tobacco) Regulation 2009

I am writing to express my serious concerns regarding the implementation of some of the new regulations which will apparently come into force on 1st July 2009.

My members are particularly worried about implementing the regulations in relation to a single point of sale for tobacco products. I have contacted and had meetings with your office (and that of your predecessor) about the ineffectiveness of the new laws and the unintended consequential impacts on the viability of small format stores on several occasions, all of which have been ignored and not even acknowledged by your department as being of concern.

Put plainly the Regulations, as you know, require that all stores selling tobacco from 1st July 2009 have a single point of sale at any point of time. Most of my members' stores in NSW have more than one point of sale to cope with the busy periods when it's necessary to have an extra person at the counter to minimise inconvenience to customers and provide reasonable transaction speeds. The regulations so far have not indicated what sort of signage is required in stores to communicate that customers have to be in a particular line to purchase tobacco products.

Not all stores are the same. There are many different layouts and point of sale configurations. Some retailers operate stores themselves others franchise them out or operate them under other arrangements under a banner or brand. How can so many shop owners be expected to comply with these new regulations in the next two weeks when the Government has not told them what they are supposed to do? All of my members operate well run businesses and they always attempt to comply with the regulations of the jurisdiction in which they trade. They are responsible retailers. Your new regulations will mean that they haven't a hope of trading legally from 1st July onwards. There simply is not enough time to implement a single point of sale.

Even if your Department had communicated the requirements for signage already there would still not be sufficient time to cover:

- Surveying stores, working out which point of sale is to be used, obtaining quotations, allocating contracts for production and installation of signage
- Training staff in how to deal with customers who are not in the correct line and have to be refused service
- Training staff in the new regulations and how it affects them from 1st July

These tasks might sound small but multiplied out across thousands of stores in NSW amount to a huge amount of effort and planning.

There is simply no alternative but to delay the implementation of the regulations relating to points of sale for at least a year so that all parties have a chance of complying.

I have referred already to the matter of customer confusion in stores once the signage is in place and is either not seen or ignored as it will be by some customers. This will result in customer anger and frustration that a retailer's staff have to deal with in a busy environment that processes hundreds of transactions a day. This is a major concern of all retailers. I have tried to explain this to your department on previous occasions. I have also invited your department and your predecessor, Hon Verity Firth, to come out and take a look at what happens in a busy store. Needless to say nobody bothered to take up this genuine invitation to help and the result is the premature and poorly thought through implementation.

I am available to meet with you and your Department to urgently discuss these concerns face to face.

Yours sincerely



David Killeen
Executive Director

Cc The Hon Nathan Rees
The Hon Joe Tripodi
The Hon Steve Whan