



Level 5, 1 Macarthur Street  
EAST MELBOURNE VIC 3000

03 7005 9772  
contact@betterreg.vic.gov.au  
betterregulation.vic.gov.au

## **Public Accounts and Estimates Committee's Inquiry into Vaping and Tobacco Controls QUESTIONS ON NOTICE**

**Inquiry Date:** Monday 29 April 2024

**Reponses to questions on notice provided:** 22 May 2024

### **Question 1**

**Mathew HILAKARI:** No worries. Just a final one, we talked initially in this report about a justice versus health approach. I am just hoping you can comment on why you think a justice approach more so, and I wonder if there is maybe a bit of consideration around the health approach being on the demand side as opposed to the supply side.

**Cressida WALL:** Just give me a moment.

**Mathew HILAKARI:** The reference is about the federal – the Commonwealth Parliament's – report as well.

**Cressida WALL:** Yes. Just a moment. It was certainly an issue that came up during the report, but I might have to take the member's question on notice on that one.

### **Question 1 Response**

The report did not ultimately make a recommendation whether the health or criminal perspective should be favoured for addressing Illicit Tobacco. The terms of reference referred to "illicit" tobacco. Accordingly, criminal activity was a focus of the work that led to the review.

The report indicated that the majority of stakeholders viewed illicit tobacco as primarily a criminal issue, which as noted in the Australian Parliamentary Inquiry, seems to be consistent with the Australian Government's approach.

## Question 2

**Bev McARTHUR:** How much does it cost to run your agency?

**Cressida WALL:** That is a good question. I do not have those figures with me, but I understand they are available in the budget papers.

**Bev McARTHUR:** Could you take that on notice?

**Cressida WALL:** Absolutely.

## Question 2 Response

The Commissioner for Economic Growth and Better Regulation does not have a separate budget and is serviced by the Department of Treasury and Finance.

The Commissioner for Economic Growth and Better Regulation is funded as part of the Department of Treasury and Finance's Economic and Policy Advice output. The Commissioner for Economic Growth and Better Regulation contributes to this output, inter alia, through:

- reviewing Regulatory Impact Statements, Legislative Impact Assessments, and providing advice for Regulatory Change Measurements
- assisting agencies to improve the quality of regulation in Victoria and undertaking research into matters referred to it by the Government
- operating Victoria's competitive neutrality unit
- working with businesses and not-for-profit organisations to identify and solve red tape issues.

### Question 3

**Lauren KATHAGE:** I just wanted to ask about – I guess, zooming out a little bit to the international scene and best practice internationally. I mean, Australia has been a signatory to the WHO convention for a little over 20 years, so how do we sit internationally in terms of the regulatory approach to tobacco?

**Cressida WALL:** That is a good question. There is a reference in the report. I am just trying to find it. There is a reference in the report to licensing being an important part of administering this sort of scheme, in terms of international examples, but I will have to take that on notice.

### Question 3 Response

The review largely focused on regulatory approaches taken within Australian jurisdictions. The report does acknowledge the World Bank Group report ‘*Confronting illicit tobacco trade: a global review of country experiences*’ as a supporting reference.

*“The World Bank produced a comprehensive report in 2019 which examined the illicit tobacco trade across 19 countries and set out the causes and strategic steps to reduce illicit trade in tobacco products<sup>5</sup>.”*

<sup>5</sup>The World Bank Group, Global Tobacco Control Program. (2019). *Confronting illicit tobacco trade: a global review of country experiences*. Retrieved from <https://documents1.worldbank.org/curated/en/677451548260528135/pdf/133959-REPL-PUBLIC-6-2-2019-19-59-24-WBGTobaccoIllicitTradeFINALvweb.pdf>

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With respect to Australia, at the time of the report, our jurisdiction was one of only two in Australia that did not have a licensing or notification scheme for the sale of tobacco and other smoking products. The Draft National Tobacco Strategy 2022 – 2030 (published during Better Regulation Victoria’s review) and The World Health Organisation (WHO) Framework Convention on Tobacco Control, both make it clear that licensing of tobacco sellers is essential to regulate the illicit tobacco trade.

The report states:

*“Throughout consultations, BRV was referred to the World Health Organisation’s Framework Convention on Tobacco Control (FCTC) Protocol to Eliminate Illicit Trade in Tobacco Products. Under Article 15.5 it recommends that governments:*

*“adopt and implement further measures including licensing, where appropriate, to control or regulate the production and distribution of tobacco products in order to prevent illicit trade”.* World Health Organization. (2003). *WHO Framework Convention on Tobacco Control*. Geneva: WHO FCTC. Retrieved from

<https://apps.who.int/iris/bitstream/handle/10665/42811/9241591013.pdf;jsessionid=CF2CEC4BF278092EFE512EB9E07CDAA0?sequence=1>

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