

Question	Response
<p>QON 1</p> <p>Aiv PUGLIELLI: Thank you for coming in today and for your presentation. I would like to begin by just clarifying – you referred to statistics that you have regarding prevalence and use and the like in the area. Have those been provided to the committee already?</p>	<p>We understand via the Goulburn Valley Public Health Unit that the percentage of adults who smoked daily as of 2021 is 14.2% in Greater Shepparton compared to 12% of adults in Victoria.</p> <p>19% of women smoked or vaped during their pregnancies in Greater Shepparton. This data was collected from 2017 – 2021. The same study showed that statistic to be 8% of all of Victoria. (<i>Australian Institute of Health Statistics</i>).</p> <p>In 2020 14.7% of the mothers from the case study above smoked in the first 20 weeks of pregnancy in GS compared to 7.7% Victoria wide (<i>Ref: DOH Dashboard – With Increase Healthy Start in Life Indicator and Proportion of mothers who smoked tobacco in the first 20 weeks of pregnancy</i>).</p>
<p>QON 2</p> <p>Lauren KATHAGE: You spoke a bit about how local knowledge is how people learn about where they can purchase illegal products or where they are likely to go. Then at the same time we know that the <i>Tobacco Act</i> has rules around illegal advertising. With the Act as it is, what sort of challenges are there for you in enforcing compliance with the Act? And then looking more broadly at that word-of-mouth factor, where do you see a role for council there?</p>	<p>Advertising is challenging when it occurs as the Act does not have a definition of advertising, so it is very subjective.</p> <p>Tobacco premises generally do comply with the advertising requirements. Unless a tobacco premises has some other type of registration with Council, there is no way for Councils to track them. Word of mouth and information/Complaints from the community assist Councils to locate these premises. Resources do not allow for officers to actively seek these premises out, other than being observant whilst on other duties. Once a premises is found it is added to the database/spreadsheet and monitored as per all other tobacco premises.</p> <p>Illicit tobacco has become associated with organised crime which Council staff are not equipped with specific skillset to investigate illicit tobacco under the <i>Tobacco Act</i> to enforce or take action against illicit tobacco products. Also VicPol are not authorised under all sections of <i>Tobacco Act 1987</i>.</p> <p>The following Acts/organisations have responsibility to illicit tobacco enforcement which makes it difficult to determine who is responsible for the breach:</p> <ol style="list-style-type: none"> a. <i>Therapeutic Goods Legislation Amendment (Vaping) Regulations 2023</i> & Customs Legislation Amendment (Vaping Goods) Regulations 2023 b. TGA- Responsible for Nicotine Containing Vapes. Enforced by the TGA and Australian Customs/Border Control, and now includes disposable vapes, regardless of nicotine content. c. The Department of Home Affairs and Australian Border Control have four Acts that control the import of tobacco products including loose

	<p>leaf tobacco (chop chop). The Australian Tax Office is also involved in these Acts. It is difficult to know who to contact about breaches.</p> <ul style="list-style-type: none"> d. <i>Drugs Poisons and Controlled Substances Act 1981</i>- Covers Vapes and E cigs. Enforceable by VicPol. e. <i>Tobacco Plain Packaging Act 2011</i> – covers plain packaging laws and tobacco that doesn't comply with packaging. Enforced by the Australian Government Department of Health f. Ministerial bans under the Tobacco Act 1987 are hard to interpret and refer to many different gazettes, and sections of other States legislation. These are enforced by Councils under the Tobacco Act. <p>As you can see illicit tobacco is not straight forward, and requires a lot of resources to investigate and see where the particular breach should be referred to.</p> <p>Role for council – given how this area is changing in terms of criminality, federal rules around packaging and importation of tobacco products and confusion around who to refer the particular matter to – I don't think council has much of a role in this space. I would suggest this a holistic and broad approach by VicPol similar to liquor licensing and firearms register arrangements.</p>
<p>QON 3 Michael GALEA: Thank you, Chair. Thanks for joining us today, Ms Mitchell. You talked a bit about the role that the environmental health officers, or EHOs, play. I was quite interested to hear that. I want to pick apart a few things from that. Firstly, how many EHOs does Greater Shepparton employ?</p>	<p>The function of tobacco monitoring and compliance is performed by a full time Environmental Health Technical Officer (EH Tech Officer). Due to other seasonal commitments performed by this role, the EH Tech Officer focusses on tobacco compliance and enforcement between May to October each year. The EH Tech Officer is supported by 5.16 EFT Environmental Health Officers (EHOs), excluding the Team Leader Environmental Health (1.0 EFT) and Coordinator Environmental Health (0.68EFT).</p>
<p>QON 4 Michael GALEA: Sure. Thank you. Is there much engagement between your team here and neighbouring councils as well to track issues that might go across council boundaries?</p>	<p>Greater Shepparton City Council was part of the Department of Health Hume region, and would meet three times a year. This is a long- and well-established network of EHOs. Since COVID and floods, Greater Shepparton City Council has not been able to engage in general discussions with this group. Tobacco related issues do not feature much in the discussion – usually focusses on other environmental health areas of practice.</p>
<p>QON 5 Mathew HILAKARI: I really appreciate you being here today and the effort that you put into the presentation. I might just start with a few questions. I suspect I am going to have the answer to it already, but we will go to it. I was just going to check</p>	<p>Our database of tobacco retailers is created because they also sell food, and because of that, they are required to be registered under the Food Act. We asked questions about sale of tobacco products, outdoor dining on our annual registration renewal form. We would keep a separate excel list for tobacco retailers</p>

<p>if there is a database or knowledge of how many shops in the Greater Shepparton area actually sell cigarettes and vapes currently?</p>	<p>that do not sell food and therefore do not appear on this database via local knowledge/surveillance.</p>
<p>QON 6 Mathew HILAKARI: Yes, no worries. We may or may not have a database that exists there, but we talked a little bit about local knowledge. Do you know how often shops that sell cigarettes or e-cigarettes might be visited on, say, an annual or four-year term, or what sort of period they might be checked, or is it just more of an ad hoc program?</p>	<p>The program is somewhat targeted and somewhat adhoc, depending on the date of the last Cigarette Sales To Minors program was conducted on the retailer (aim for every 2 years – yet due to environmental constraints (Covid and floods) together with lack of TPA staff), complaints from community, any new (food) businesses that may have commenced trading or changed ownership.</p>
<p>QON 7 Mathew HILAKARI: That is totally fine. I am really happy for you to take them on notice. You may take this on notice too, in terms of breaches that have occurred for sales of cigarettes or tobacco products, do you have a rough number of how many breaches are recorded annually?...</p> <p>... It would be great to know over the last few years as well. Maybe if you had data for the last five years just to see whether there has been a bit of an uptick or a down tick and maybe your staffing numbers over that period so that we can just understand if it is related to the staff being increased for more checks or not.</p>	<p>This response depends on the definition of a breach. Most common breaches we have noted relate to not displaying correct signage, in these instances, education/explanation provided to the business and a new sign given to them to display. In the last 5 years, approximately 20 breaches of this nature were observed.</p> <p>Test Purchasing - In 2019 there was 6 breaches of sales to minors in the test purchase program. These proprietors were interviewed by the EH Tech Officer and an EHO, warned and then re-tested. All retested premises passed. Due to COVID in 2020, 21 and some of 2022, difficulty in obtaining a Test Purchase Assistant meant the program has not ran since 2019. Greater Shepparton City Council also experienced floods in 2022 which shifted the priority of the environmental health team. There has also been legal advice that e-cigs and vapes are not to be purchased by a TPA as they fall under the Drugs Poisons and Controlled Substances Act 1981, which is enforced by Vic Pol. Hence not able to identify any trends in breaches.</p>
<p>QON 8 Mathew HILAKARI: And on vaping availability, do you feel like that is predominantly near high schools and near locations where young people gather, or is it just a generalised increase across the board?</p>	<p>Retailers of vapes are located throughout the population centres and main shopping (small strip locations within neighbourhoods). We have a few retailer outlets near some schools (approx. 7), and have been for many years (approx. 30 years). There is an estimate of 2 tobacco retailers near school bus interchanges. However a lot of the gift shops sell other products aimed at children.</p>
<p>QON 9 Mathew HILAKARI: You mentioned the sales to minors program. Can you tell us just a little bit more about that? ...Would you be able to provide us any data that speaks to that? I think that is really an important one to know.</p>	<p>Cigarette Sales to Minors program (CSTM program) - Council engage a minor through Dixons employment agency. Dixons provide training to minors (aged 16 years of age). The aim of the program is to identify and reduce the retail supply of cigarettes to people under the age of 18 years.</p>

	<p>In regional areas, the guidelines state Test Purchase Assistants (TPA) minors cannot be locally sourced (more than 40Km from their place of residence or school they attend). Concerns about the minor TPA being in the car alone with an officer during whilst travelling from their place of residence to the Council and return is a concern for council staff in this day and age. To protect the child and council officer of inappropriate interactions, Council staff complete a Working With Children card (WWC) and ensure two staff are with the minor at all times, quite resource intensive for two days and often they are long days for the officer who may need to travel for 1.5hrs one way to collect the minor. This reduces the field time available for the minor to undertake the test purchasing program.</p> <p>The Department of Health Tobacco Policy Unit prepared guidelines outlining the CSTM program. The purposes of these guidelines are to ensure enforcement will be undertaken and applied in a fair and consistent manner, following lawful procedures. The guidelines detail the requirements for conducting CSTM from large supermarket chains, specialist tobacconists, small retailers. It also details the process for investigating complaints of cigarette sales to minors. It outlines the planning a test purchasing program, procedures on attempting to procure cigarettes (not vapes or illicit tobacco products). It has resources such as education and enforcement procedures including court processes.</p> <p>As part of the planning the Environmental Health Technical Officer (EHTech) will identify a list of premises to visit. On the day, after the TPA arrives, the team of two staff (one EHO, one EHTech officer) will visit various tobacco retailers on the list in an attempt to purchase cigarettes. If a sale is made, the EH Tech Officer will obtain information from the TPA before interviewing the seller. A follow up formal interview will be arranged and decision regarding appropriate follow up action made.</p>
<p>QON 10 Mathew HILAKARI: I have got two quick ones: one on if you could provide any details on any warrants that the council has sought for tobacco products and any scope and any detail you can provide on that, and also any training that is provided to environmental health officers and how that goes to providing them with the adequate skills to undertake their tasks.</p>	<ul style="list-style-type: none"> • Zero warrants have been sought for (illicit) tobacco product. • Training for EHOs – Important to note that the primary role of tobacco compliance is performed by Environmental Health Technical Officer, who would attend any Department of Health/MAV training with support of an EHO. Unfortunately they are not part of the same network of resources that may be available to the EHOs (member based). <ul style="list-style-type: none"> ○ As part of their degree qualification, EHOs have completed some units of study around legislative framework, that includes the application of powers, interpretation of compliance and enforcement options of a

	<p>number of different pieces of legislation (Food Act, Public Health and Wellbeing Act, Residential Tenancies (Caravan Parks and Movable Dwellings Registrations and Standards) Regulation, Environment Protection Act and Tobacco Act).</p> <ul style="list-style-type: none">○ In addition, the Victorian Department of Health (Tobacco Unit), MAV and other professional organisations (Environmental Health Professionals Australia) conduct various professional development programs and peer based sharing experiences, challenges and solutions to situations. Again, since COVID, there has not been a lot of training offered – possibly 8 sessions over the last few years – 2021-2023. Prior to that there has not been much training offered at all unless there had been a change in legislation or availability of additional resources.○ The Dept. Health also have developed a Public Health Hub online portal, utilised by EHOs and not readily available for EH Tech Officer. This is a great resource of information regarding enforcement protocols. It would be good to provide specialist technical officer’s access to this resource.○ There has been no training offered by the Department of Health Tobacco unit on the proposed/new changes introduced. The Public Health Hub has yet to provide any further updates to reflect current changes.○ There is a greater need for more training for cross jurisdiction involved (EHOs, EH Tech Officers, State and Federal agencies) to develop an greater understanding of the different roles, responsibilities and targeted policies in response to key problems.○ In regards to training to issue warrants, most of the training for EHO’s has been under the Public Health and Wellbeing Act 2018, not the Tobacco Act 1987.• In relation to the training providing EHOs and Technical Officers with adequate skills to undertake their tasks –<ul style="list-style-type: none">○ Like most jobs, there is an element of written knowledge and on the job training in real life situations. This is done internally by senior/experienced staff mentoring new staff, shadowing them and discussing any areas of improvement. There is no formal course for a technical officer role, and possibly a generalist Local Government Officer training offered by some RTOs.
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