

Should the smoking age in Australia be raised to 21?

What they said...

'We need to stop fuelling big tobacco preying on our vulnerable youth'

Australian philanthropist and iron ore magnate, Andrew Forrest

'If you're going to look at what age people are entitled to do things, you've got to look at driving and at drinking alcohol and other measures'

Chief executive of Civil Liberties Australia, Bill Rowlings

The controversy at a glance

On October 1, 2017, Australian philanthropist and iron ore magnate, Andrew Forrest, called on the Australian state governments to lift the legal smoking age from 18 to 21.

Mr Forrest presented the idea, which has the support of the Australian Medical Association and the Cancer Council, to a recent COAG health ministers' meeting. Most ministers are yet to publicly commit to the plan.

The New South Wales Health Minister, Brad Hazzard, confirmed Mr Forrest's plan to raise the smoking age to 21 was being considered in his state. Mr Hazzard stated, 'I'll look at all options, along with other state and territory leaders, as we move forward.'

The proposal has been considered previously. In 2015, the Tasmanian government announced that it was considering lifting the legal smoking age to either 21 or 25. The following year the government changed its position.

On July 28, 2016, Tasmania's Health Minister, Michael Ferguson, announced the plan was being dropped. Mr Ferguson stated, 'As I said at the time we released the proposal for consultation, it is a challenging proposal involving a balance of preserving individual adult rights and freedom of choice with the desire to reduce youth smoking.' The Tasmanian plan had encountered opposition from civil liberties groups.

Andrew Forrest's proposal has also met with some criticism. Imperial Tobacco Australia spokeswoman Michelle Park, said the company supported sensible, practical and evidence-based regulation of tobacco products. Ms Park further claimed, 'The proposal to increase the legal smoking age to 21 is none of these things.'

Background

The following information has been taken from the Wikipedia entry titled 'Smoking age'

The full text can be accessed at https://en.wikipedia.org/wiki/Smoking_age

The smoking age is the minimum legal age required to purchase or smoke tobacco products. Most countries have laws that restrict those below a minimum age from legally purchasing tobacco products. However, many of these countries do not require a minimum age for smoking in public.

Most countries in the world have a legal smoking age of 18.

Numerous countries in Africa have a lower smoking age.

In Zambia and Djibouti it is 16. In Cameroon it is 15, as it is in Cape Verde, Somalia, Guinea-Bissau and South Sudan. In Lesotho, the Republic of the Congo, the Central African Republic and Malawi it is 14.

The areas where the legal smoking age is above 18 are listed below.

Legal smoking age in the United States

The federal law requires states to have a minimum age of 18 years for sale/purchase of tobacco products. State laws may extend this ban and also prohibit supply, possession and consumption to/by person underage. But most of the states do not directly ban the consumption of tobacco by a minor.

The federal law requiring states to have a minimum purchasing age at 18 is enforced by withholding disaster and non-disaster grants from states that have purchasing ages under 18. Currently no state falls under that category.

Three states have a cigarette purchasing age of 19. These are Alabama, Alaska and Utah.

Two counties in New York State also prohibit the sale of cigarettes to those under 19.

Hawaii, Illinois and New Jersey have all raised the legal smoking age to 21. From January 2018, Oregon will also lift the legal smoking age to 21 state-wide.

A number of other cities and counties have also introduced a legal smoking age of 21.

Asia

Sri Lanka has a legal smoking age of 21.

Oceania

Samoa has a legal smoking age of 21

Internet information

On October 13, 2017, the United States anti-smoking lobby group Tobacco-Free Kids updated its Internet page calling on US states to increase the smoking age to 21.

The site can be accessed at <https://www.tobaccofreekids.org/what-we-do/us/sale-age-21>

On October 7, 2017, The Northern Territory News published a comment by Jill Poulson titled 'Raise the legal smoking age to 21. Right Now'

The opinion piece presents a range of reasons as to why the legal smoking age should be increased to 21.

The full text can be accessed at <http://www.ntnews.com.au/rendezview/raise-the-legal-smoking-age-to-21-right-now/news-story/60f30c5233bbfc6e88ade57a1976eef8>

On October 3, 2017, SBS televised a response to Forrest's proposal titled 'Do you support raising smoking age from 18 to 21 years old?'

The discussion can be found at <http://www.sbs.com.au/yourlanguage/hindi/en/audiotrack/do-you-support-raising-smoking-age-18-21-years-old>

On October 2, 2017, The Daily Telegraph published a report titled 'Smoking age in Australia would be raised to 21 under new plan'

The report details Andrew Forrest's proposal that the legal smoking age in Australia be raised to 21.

The report can be accessed at <http://www.dailytelegraph.com.au/news/nsw/smoking-age-would-be-raised-to-21-under-new-plan/news-story/eed782eb31c03f0341ee511b93894868>

On October 2, 2017, The Australian published a report titled 'Andrew Forrest calls for lifting of smoking age to 21'

The report details Andrew Forrest's proposal that the legal smoking age in Australia be raised to 21.

The report can be accessed at <http://www.theaustralian.com.au/news/nation/andrew-forrest-calls-for-lifting-of-smoking-age-to-21/news-story/4e731ee51658b7235f51e5cd543aa72c>

On October 2, 2017, Channel Nine televised a report titled 'Legal Australian smoking age could be raised to 21'

The report details Andrew Forrest's proposal that the legal smoking age in Australia be raised to 21.

A link and partial transcript can be accessed at

<http://www.9news.com.au/health/2017/10/02/05/41/ban-smoking-for-under-21s>

On October 1, 2017, The Daily Mail published a report titled 'Legal smoking age could be raised to 21 under new plan after mining billionaire threatened to sue big tobacco companies' The report details Andrew Forrest's proposal that the legal smoking age in Australia be raised to 21.

The full text can be accessed at <http://www.dailymail.co.uk/news/article-4939326/Andrew-Forrest-wants-legal-smoking-age-raised-21.html#ixzz4vZVmKDDx>

On August 8, 2017, The Washington Post published a report titled 'Oregon raises cigarette-buying age to 21'

The report details Oregon's decision to raise the legal age at which cigarettes can be bought.

The full text can be accessed at https://www.washingtonpost.com/national/health-science/oregon-raises-cigarette-buying-age-to-21/2017/08/18/83366b7a-811e-11e7-902a-2a9f2d808496_story.html?utm_term=.d88a1080d543

On August 2, 2017, The New York Times published a report titled 'Maine raises smoking age to 21 after lawmakers override veto'

The report details the impending change to Maine law that will see the smoking age increased.

The full text can be accessed at <https://www.nytimes.com/2017/08/02/us/maine-law-tobacco-age.html>

On July 24, 2017, Vox published an opinion piece by German Lopez titled 'New Jersey raised its smoking age to 21. The change will likely save lives.'

The comment defends the New Jersey decision to increase the legal smoking age.

The full text can be accessed at <https://www.vox.com/science-and-health/2017/7/24/16020120/new-jersey-smoking-age>

On July 29, 2016, The Mercury published a report titled 'Smoking age limit proposal canned in Tasmania'

The report details the decision of the Tasmanian Government not to proceed with plans to increase the legal smoking age in the state by up to 25.

The full text of the report can be accessed at

<http://www.themercury.com.au/news/politics/smoking-age-limit-proposal-canned-in-tasmania/news-story/73389ee7fdcd689fa5103aac9cd9cf27>

On July 28, 2016, ABC News ran a report titled 'Tasmanian Government drops plan to increase legal smoking age'

The report details the decision of the Tasmanian Government not to proceed with plans to increase the legal smoking age in the state by up to 25.

The full text of the report can be found at <http://www.abc.net.au/news/2016-07-28/tas-government-backs-away-from-increasing-legal-smoking-age-25/7670186>

On May 31, 2016, The Daily Caller published an opinion piece by Thomas Savidge titled 'Raising The Smoking Age To 21 Is A Terrible Idea'

The comment argues against the increase in the legal smoking age in a number of United States cities, counties and states.

The full text can be accessed at <http://dailycaller.com/2016/05/31/raising-the-smoking-age-to-21-is-a-terrible-idea/>

On April 12, 2016, The Conversation published a comment by Brendan Gogarty, Lecturer in Law, University of Tasmania, titled 'Tasmania's "smoke-free generation" is undemocratic age discrimination'

The comment details objections to Tasmania's proposed increase in the legal smoking age.

The full text can be accessed at <http://theconversation.com/tasmanias-smoke-free-generation-is-undemocratic-age-discrimination-57049>

On March 30, 2016, The Conversation published a comment by Simon Chapman, Emeritus Professor in Public Health, University of Sydney. The article is titled 'When is a smoker an adult? Why we shouldn't raise the legal smoking age to 21'

Professor Chapman argues against increasing the legal smoking age to 21.

The full text can be accessed at <https://theconversation.com/when-is-a-smoker-an-adult-why-we-shouldnt-raise-the-legal-smoking-age-to-21-56985>

On March 11, 2016, The Los Angeles Times published an opinion piece by Mike Males titled 'Why a "smoking age" of 21 is a bad idea'

The comment explores a range of reasons as to why it is not appropriate to increase the smoking age in California.

The full text can be accessed at <http://www.latimes.com/opinion/op-ed/la-oe-0313-males-teen-smoking-20160313-story.html>

On February 22, 2016, The Mercury published a report titled 'SmokeFree Tasmania rejects raising smoking age'

The report detailed a range of views on the proposal to increase the legal smoking age in Tasmania.

The full text can be accessed at <http://www.themercury.com.au/news/tasmania/smokefree-tasmania-rejects-raising-smoking-age/news-story/ac33847466752af3b2fa61a9ab59c81f>

On December 21, 2015, ABC News ran a report titled 'Tasmanian plans to lift legal smoking age to 21 or 25 could be world first'

The report details a proposal being considered by the Tasmanian government to increase the legal smoking age by up to 25.

The full text can be accessed at <http://www.abc.net.au/news/2015-12-21/state-plan-to-lift-tasmanias-legal-smoking-age-above-18/7044622>

On December 8, 2015, Cleveland.com published a report titled 'More than 100 U.S. cities raise smoking age to 21'

The report detailed Cleveland decision to join more than 100 other United States cities in increasing the legal smoking age to 21.

The full text can be accessed at

http://www.cleveland.com/metro/index.ssf/2015/12/cleveland_follows_growing_nati.html

On November 15, 2013, Slate published an opinion piece by John Kruzel titled 'Raise the Smoking Age to 21'

The comment gives a range of reasons as to why all US states should lift the smoking age to 21.

The full text can be accessed at

http://www.slate.com/articles/news_and_politics/jurisprudence/2013/11/nyc_smoking_age_w_hy_u_s_states_should_raise_the_tobacco_sales_age_from_18.html

Arguments in favour of the smoking age increasing to 21

1. Smoking is a dangerous activity that harms health and can result in death

In its 2014-5 report, the Australian Bureau of Statistics stated, 'Tobacco smoking is one of the largest preventable causes of death and disease in Australia. It is associated with an increased risk of a wide range of health conditions, including heart disease, diabetes, stroke, cancer, renal disease, eye disease and respiratory conditions such as asthma, emphysema and bronchitis. Tobacco was responsible for 7.8% of the total burden of disease and injury in Australia in 2003, equivalent to around 15,000 deaths per year, and was estimated to cost Australia \$31.5 billion in social (including health) and economic costs in 2004-05.'

<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4364.0.55.001~2014-15~Main%20Features~Smoking~24>

Similarly, the Australian Institute of Health and Welfare has stated, 'Tobacco use was estimated to be responsible for 9% of the total burden of disease and injury in Australia in 2011. It was estimated that 80% of lung cancer burden and 75% of chronic obstructive pulmonary disease burden was attributable to tobacco use.' <https://www.aihw.gov.au/reports-statistics/behaviours-risk-factors/smoking/about>

The Tasmanian Quit program has summarised the principal diseases that smoking can cause in smokers and its effect on their workforce participation and psychological wellbeing.

'Smoking causes a range of serious health problems, including cancer, heart disease, stroke, asthma, emphysema, vascular disease and damage to most body organs.

Smokers' health problems can impact on their work performance and affect productivity through more frequent sickness-related absences and multiple 'smoke breaks' while at work.

Despite common thinking that smoking is a stress reliever, research has found that it actually increases psychological distress while providing no medicinal benefits'

https://www.dhhs.tas.gov.au/__data/assets/pdf_file/0003/91893/Fact_sheet_1_Health_effects_of_smoking.pdf

The Cancer Council of Australia's Internet site provides further information on the health risks associated with smoking. It states, 'Two of every three deaths in current long-term smokers can be directly attributed to smoking. Smoking causes an estimated 20% of the nation's cancer disease burden each year... Tobacco smoke contains more than 7000 chemicals, over 70 of which are known to cause cancer... Chemicals in tobacco will also affect people who are exposed to your cigarette smoke. Second-hand or passive smoking poses health risks to adults similar to active smoking, and has also been associated with sudden infant death syndrome and asthma in children.' <http://www.cancer.org.au/preventing-cancer/smoking-and-tobacco/smoking.html>

The Tasmanian Quit program has also stressed the harm which passive smoking causes non-smokers. Its Internet page notes, 'A report by the World Health Organisation has concluded

that there is no safe level of exposure to environmental tobacco smoke.'

https://www.dhhs.tas.gov.au/__data/assets/pdf_file/0003/91893/Fact_sheet_1_Health_effects_of_smoking.pdf

2. Smoking is addictive and most smokers want to stop

It has been argued that lifting the age for the legal consumption of tobacco to 21 is beneficial to potential smokers because it helps to prevent them from acquiring an addiction that in later life most will want to break free of.

The public health group Quit Cigarettes Australia has stated, 'Approximately 17% of the Australian population smoke every day and most smokers want to quit. According to statistics, more than 75% of smokers have tried to kick the habit at least once, and many have tried over and over again.' <http://www.quitcigarettesaustralia.com.au/effects.html>

Referring to the difficulty of giving up a cigarette habit, the Australian Drug Foundation has stated, 'Giving up tobacco after using it for a long time is challenging because the body has to get used to functioning without it. Withdrawal symptoms usually start within 2–3 hours after you last use tobacco. The symptoms may last from a few days to a few weeks. These symptoms can include: cravings for a cigarette; irritability, anxiety and depression; restless sleep; eating more and putting on weight; trouble concentrating; headaches; coughing and sore throat; aches and pains; upset stomach and bowels.' <https://adf.org.au/drug-facts/tobacco/>

In an opinion piece published in The Conversation on October 2, 2017, Mai Frandsen, Postdoctoral Research Fellow at the University of Tasmania noted, 'Quitting is hard - ask any smoker. Not only are the benefits, like other health behaviour changes, not immediate, but quitting smoking requires the smoker to go through a nasty period of withdrawal, while knowing the withdrawal symptoms could be immediately relieved by smoking.'

<http://theconversation.com/why-we-should-pay-people-to-stop-smoking-84058>

Detailing the addictive effects of nicotine, the United States National Institute on Drug Abuse (NIDA) has noted, 'Research has shown how nicotine acts on the brain to produce a number of effects. Of primary importance to its addictive nature are findings that nicotine activates reward pathways—the brain circuitry that regulates feelings of pleasure. A key brain chemical involved in mediating the desire to consume drugs is the neurotransmitter dopamine, and research has shown that nicotine increases levels of dopamine in the reward circuits. This reaction is similar to that seen with other drugs of abuse and is thought to underlie the pleasurable sensations experienced by many smokers. For many tobacco users, long-term brain changes induced by continued nicotine exposure result in addiction.'

<https://www.drugabuse.gov/publications/research-reports/tobacco/nicotine-addictive>

Supporters of lifting the legal smoking age to 21 argue that if the onset age is delayed many potential smokers will not acquire the habit. It is claimed that this is significant because these potential smokers will be protected from an addictive behaviour which they may find very difficult to stop.

3. Most smokers begin smoking in childhood or adolescence

The importance of preventing early onset smoking is repeatedly stressed. Both Australian and overseas studies have demonstrated that a majority of smokers begin the habit while in either childhood or adolescence. It has been argued that if the establishment of the behaviour can be delayed then many will not begin at all.

The study 'Tobacco in Australia: Facts and issues,' released by the Cancer Council Victoria in 2016 states, 'Most adults who smoke started smoking when they were teenagers, therefore preventing tobacco use among young people is an integral part of ending the tobacco epidemic.' <http://www.tobaccoinaustralia.org.au/chapter-1-prevalence/1-6-prevalence-of-smoking-teenagers>

Similar conclusions have been drawn in the United States. The United States Campaign for Tobacco-Free Kids states, 'Lifetime smoking and other tobacco use almost always begins by the time kids graduate from high school. Young kids' naïve experimentation frequently develops into regular smoking, which typically turns into a strong addiction—well before the age of 18—that can overpower the most well-intentioned efforts to quit. Any efforts to decrease future tobacco use levels among high school students, college-aged youths or adults must include a focus on reducing experimentation and regular tobacco use among teenagers and pre-teens...

According to the National Survey on Drug Use and Health, nearly 80 percent of all adult smokers begin smoking by age 18; and 90 percent do so before leaving their teens.'

<https://www.tobaccofreekids.org/assets/factsheets/0127.pdf>

Australian philanthropist and iron ore magnate Andrew Forrest has proposed lifting the legal smoking age to 21 in the hope that this will mean many potential smokers will simply never acquire the habit. Mr Forrest has stated, 'We need to stop fuelling big tobacco preying on our vulnerable youth. We know that once young people have hit 18, many will not have made up their minds to smoke or not.

Nearly 90 per cent of adult smokers start as children. By the time they reach 21, they are hooked and become lifelong customers of big tobacco.'

It has been claimed that young people are generally less well-informed and less risk averse and so are a vulnerable to taking up dangerous habits. In March 2017, Dr. Arandia, a pulmonologist at ManilaMed, Manila Medical Center in the Philippines, has noted that adolescents smoke because of peer pressure, stress, and the desire to feel older or more mature. Dr. Arandia has stated, 'By raising the legal smoking age to 21, we give impressionable teens a better chance of 'riding out' their more susceptible years so that by the time they can smoke legally, they are better informed, more mature, and less likely to make the decision to experiment with smoking.' <http://manilamed.com.ph/doctor-raising-legal-smoking-age-21-significantly-reduce-smoking-prevalence/>

4. Lifting the smoking age disrupts the peer group through which cigarettes are distributed. It has been argued that lifting the legal smoking age to 21 would significantly reduce young people's access to cigarettes. One of the key reasons offered is that many young adolescent smokers obtain cigarettes from slightly older peers. 15 and 16 year olds are likely to have overlapping friendship groups with 18 and 19 year olds and thus are easily able to acquire cigarettes from their slightly older friends who can legally consume them.

If the legal smoking age were raised to 21, this friendship group overlap would be far less likely to occur. 21 year olds do not normally socialise with 16, 17 or 18 year olds and so would not be passing cigarettes to their younger peers.

The United States Campaign for Tobacco-Free Kids has stated, 'Research shows that kids often turn to older friends and classmates as sources of cigarettes. Increasing the tobacco age to 21 would reduce the likelihood that a high school student will be able to legally purchase tobacco products for other students and underage friends.'

United States public health authorities have modelled the delay in smoking initiation among under-age smokers likely to result from lifting the legal smoking age to 21.

In 2015 the United States Institutes of Medicine (IOM) released a report commissioned by FDA, that used modelling to conclude that increasing the age of purchase of tobacco products to 21 could decrease initiation rates among youth and young adults. The impact was greatest among 15-17 year olds with approximately a 25% decrease in initiation, but there was also a strong impact among 18 and 19-20 year olds, with approximately a 15% decrease in initiation rates for both age groups.

https://truthinitiative.org/sites/default/files/Tobacco%2021%20Policy%20Statement_0.pdf

The IOM concluded 'Raising the MLA to 19 will...not have much of an effect on reducing the social sources of those in high school. Raising the MLA to 21 will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school students.'

http://www.nationalacademies.org/hmd/~/media/Files/Report%20Files/2015/TobaccoMinAge/tobacco_minimum_age_report_brief.pdf

5. Lifting the legal smoking age would assist retailers in complying with smoking laws

It has been claimed that lifting the smoking age to 21 would encourage retailers to comply with the law. In Australia, several studies have reported the relative ease with which young people are currently able to purchase cigarettes despite the introduction of laws that make it illegal to sell tobacco products to those under 18.

<http://www.health.gov.au/internet/publications/publishing.nsf/Content/tobacco-res-access-minors~tobacco-res-access-minors-overview>

It has been suggested that it would be far harder for retailers to claim that they have mistaken a customer's age if the legal smoking age were increased. A 16 or 17 year old is unlikely to be assumed to be 21 but might be assumed to be 18.

Currently Australian cigarette retailers are expected to require proof of age from any potential consumer they believe to be under age. There are, however, a variety of means whereby this monitoring of age can be circumvented. Young people have false identifications; while some retailers claim not to have released that the consumer was below the legal age and should have been subjected to an age check.

South Australia has recognised some of the deficiencies of the current monitoring process. Since 1999 the state has undertaken rounds of compliance testing of retailers. The South Australian legislation does not require the checking of proof of age as the only defence for selling tobacco products to a minor, as is the case in some other Australian states. The South Australian program includes a comprehensive retailer education and awareness raising campaign. Thus, a heavier onus is placed on the retailer. Sale is to be denied if the potential purchaser could reasonably be assumed to be under 18, even if he or she is carrying proof of age. <http://www.health.gov.au/internet/publications/publishing.nsf/Content/tobacco-res-access-minors~tobacco-res-access-minors-overview>

Supporters of this more rigorous attitude argue that lifting the legal smoking age to 21 would make it easier to implement laws restricting the sale of cigarettes. Age differences would be more obvious and a driver's licence, held by many over 21 but somewhat fewer at 18, is a more reliable form of identification and proof of age. In New South Wales for example, in 2014, 82 percent of 21 year olds had a driver's licence. In South Australia, the figure in 2013, was 84 percent. <https://chartingtransport.com/2015/03/09/trends-in-drivers-license-ownership-in-australia/>

Arguments against the smoking age increasing to 21

1. The number of people smoking and taking up smoking is in decline

Critics of the proposal to increase the legal smoking age to 21 argue that current smoking trends do not justify such an action.

Researchers from the Australian Institute of Health and Welfare (AIHW) compiled a report into smoking patterns, released in September 2016, which found less than 13 per cent of Australians are daily smokers. AIHW spokesman, Tim Beard, stated, 'That's one of the lowest smoking rates in the world...It's come down by a good 3 percentage points [since 2010]...

Even 15, 20 years ago it's almost halved. It was 21, 22 per cent ... so the rates are just continuing to drop quite dramatically and that's a very large drop compared to some of the

international rates you look at.’ <http://www.abc.net.au/news/2016-09-29/smoking-rates-at-record-lows-as-number-of-smokers-almost-halves/7886316>

The report found improvement in a majority of indicators used to measure smoking rates under a strategy to reduce tobacco usage. Analysts are particularly pleased with smoking trends among young people. There has been a decline in smoking among children and young adults which has been seen as an indicator that lifting the legal smoking age to 21 is an unnecessary measure.

The report indicated that fewer high school students were experimenting with cigarettes and that young adults were adopting the habit at a lower rate. Mr Beard stated, ‘We’ve also found that in general terms ... when you look at school students and young adults taking up smoking, they’re not only taking up at a much lower rate, but they’re also taking it up later. When you put those two things together, it’s a very powerful story about the fact that the smoking rates are coming down with those factors working in combination.’

<http://www.abc.net.au/news/2016-09-29/smoking-rates-at-record-lows-as-number-of-smokers-almost-halves/7886316>

2. There are many measures already in place in Australia to discourage smoking

Those who are opposed to increasing the legal smoking age to 21 argue the measure is unnecessary as Australia has a large number of other measures in place to discourage smoking and protect public health.

Federal law bans smoking in all Australian Commonwealth government buildings, public transport, airports, and international and domestic flights. Further bans are in place but are governed by individual states. Currently all Australian states and territories have banned smoking in vehicles with children, in some enclosed public places, particularly most major company-owned workplaces, and most enclosed restaurants. Tobacco products cannot be sold or supplied to persons under 18 years old, but there is no legal age to use them. While there are other restrictions dependent on state laws.

https://en.wikipedia.org/wiki/List_of_smoking_bans_in_Australia

In addition, Australia has the most rigorous standards in the world limiting the advertising of cigarettes and tobacco products. In 1972 the federal government introduced mandatory health warnings for radio and television cigarette advertisements. In September 1976 a total ban on tobacco and cigarette advertisements on TV & radio commenced. In December 1989 tobacco advertising was banned from all locally produced print media — this left only cinema, billboard and sponsorship advertising as the only forms of direct tobacco advertising.

In 1992 the Tobacco Advertising Prohibition Act 1992 expressly prohibited almost all forms of tobacco advertising in Australia, including the sponsorship of sporting or other cultural events by cigarette brands.

In April 2010, the Australian government announced plans to prohibit the use of tobacco industry logos, colours, brand imagery or promotional text of tobacco product packaging from 2012, requiring that brand names and product names be displayed in a standard drab brown colour, font style and position in a policy known as "plain packaging".

As of December 2013, most cigarette packaging carried graphic images of the effects of smoking as well as information about the names and numbers of chemicals and annual death rates. Television ads included video footage of smokers struggling to breathe in hospital. Since then, the number of smokers has been reduced by one quarter.

https://en.wikipedia.org/wiki/Tobacco_advertising

3. People are generally treated as legal adults from the age of 18

Opponents of the legal smoking age being lifted to 21 argue that this limitation strips away the rights of a significant section of the Australian community who in virtually every other context are judged mature enough to make their own decisions.

These critics argue that if 18 is deemed a suitable age at which to be treated as an adult before a court, to purchase alcohol, drive a car or enter the armed forces, then it should also be the age at which it is possible for an individual to decide whether or not to purchase a packet of cigarettes. Bill Rowlings, chief executive of Civil Liberties Australia, has said, 'If you're going to look at what age people are entitled to do things, you've got to look at driving and at drinking alcohol and other measures.' <http://www.theaustralian.com.au/national-affairs/state-politics/tasmania-plans-to-ban-under-25s-from-smoking/news-story/d6b62eeaf3ac26fecc90184e434646bd>

The same point has been made with regard to United States anti-smoking legislation in an article written by Lindsay Stroud and published in Inside Sources on April 26, 2016. Stroud stated, 'At the age of 18, a person enters new parameters of life. They are able to go to war, to vote, to be held legally responsible for contracts that can amass significant debt, such as credit cards and student loans, and at 18 years old, a person can and will be defined as an adult in a court of law. But despite all of the responsibilities the government heaps on young adults, many officials believe they simply can't handle making tobacco-related...decisions.' <http://www.insidesources.com/states-should-not-increase-tobacco-use-age-to-21/>

When a legal smoking age of 21 was proposed for California, civil liberty issues were a significant concern. Assemblyman Keith Richman was reported speculating, 'I think that people are going to wonder whether 18-year-olds who can join the armed forces should have the right to smoke and make that choice on their own.'

<http://abcnews.go.com/US/story?id=91870&page=1>

The same point was made by Thomas Savidge in an opinion piece published in The Daily Caller on May 31, 2016. Savidge stated, 'Eighteen year olds help decide who governs the country; they pay taxes; they routinely take on potentially crippling levels of student debt; fight our nation's wars; and if they commit a crime they are tried and sentenced as adults. Surely they can be trusted to choose whether or not to smoke.'

<http://dailycaller.com/2016/05/31/raising-the-smoking-age-to-21-is-a-terrible-idea/>

4. Lifting the legal age is likely to result in non-compliance

Opponents of the smoking age being lifted to 21 argue that there would be a significant level of non-compliance. Put simply, sellers and consumers would break the law.

Currently, the high cost of cigarettes in this country as a result of government imposts results in a significant black market within which illegally grown or supplied tobacco and cigarettes are sold outside the law. It has been claimed that nearly 15 percent of the tobacco consumed in Australia is illegally imported and around 14 percent of the total tobacco consumed in Australia is black market. https://www.vice.com/en_au/article/yvjnxx/australias-illicit-tobacco-trade-is-booming-thanks-to-rising-cigarette-prices

<http://www.thecourier.com.au/story/4403437/ballarats-black-market-of-smokes-video/>

Illegal sale of imported or locally grown untaxed tobacco (commonly known as 'chop chop') is via tobacconists, grocers and even service stations that keep the product under the counter.

<http://www.smh.com.au/national/where-theres-smokes-20100429-twmg.html>

Given the extent of this illegal trade, in the event of an increase in the legal smoking age, it is likely that many tobacco sellers would also be prepared to sell to customers below the age of 21.

Research conducted in 1996 indicated that there were already significant numbers of cigarette outlets selling cigarettes to minors. A 1999 report stated, 'For older male and female smokers, the primary source of supply of cigarettes is through illegal purchases from retail

outlets, with 55 per cent of 16–17 year old males and 45 per cent of 16–17 year old females reporting purchasing their own cigarettes.’

<http://www.health.gov.au/internet/publications/publishing.nsf/Content/tobacco-res-access-minors~tobacco-res-access-minors-overview>

In 2011 a Western Australian Health Department sting found almost 40 per cent of Perth retailers sold tobacco to minors when tested. <http://www.abc.net.au/news/2012-03-30/retailers-caught-selling-cigarettes-to-minors/3922902> In a similar operation conducted in Canberra in 2013, nine of 24 stores tested were found to be selling cigarettes to people under 18. <http://www.canberratimes.com.au/act-news/retailers-nabbed-selling-cigarettes-to-children-20130219-2eqan.html> Simon Chapman, Emeritus Professor in Public Health at the University of Sydney has speculated that were the smoking age to be raised, ‘with prosecutions of shopkeepers for selling cigarettes being very uncommon, many [retailers] would reason that the risks of being caught selling, let alone of being fined, are minuscule.’ <https://theconversation.com/when-is-a-smoker-an-adult-why-we-shouldnt-raise-the-legal-smoking-age-to-21-56985>

In addition, there would remain the networks of friends and relatives who currently supply minors with cigarettes. Once the young smoker was aged between 18 and 21 the number of people prepared to help him or her acquire cigarettes illegally may well increase as it would no longer be seen as a question of protecting a minor.

A 2001 study conducted in ten Massachusetts communities (where there is a legal smoking age of 18 and where retailer compliance rates are 90 percent or above) found that teenage clerks sell to other teenagers, steal tobacco, and help their friends steal from their employers; while friends who are 18 years of age or over are a second major source for older adolescents. Parents also often purchase tobacco for their older adolescent children.

<http://tobaccocontrol.bmj.com/content/10/4/323>

5. A total ban on cigarettes would be fairer and more consistent than further imposts and restrictions

It has been argued that to prevent those between 18 and 21 from buying a product that is legally offered for sale to all other adults is inconsistent.

In an opinion piece published in the Los Angeles Times on March 11, 2016, Mike Males claimed that California’s recent lifting of the legal smoking age to 21 was a poor idea. Males stated, ‘Lawmakers mistakenly believe they are protecting youths when they restrict them from (and punish them for) behaviors that are perfectly legal for adults.’ Males argued that such actions were not only seen as unjust but tended to be ineffective as in some jurisdictions where this had been tried smoking rates among young people increased.

<http://www.latimes.com/opinion/op-ed/la-oe-0313-males-teen-smoking-20160313-story.html>

It has been noted in the United States that a recent increase in cigarette smoking among young adults ‘has occurred concomitantly with an increase in other risk-taking behaviours regarding substance use, including binge drinking and the use of marijuana and other illicit drugs.’ http://tobaccocontrol.bmj.com/content/12/suppl_1/i60 The implication here is that there is an element of rebellion in smoking and other risk-taking behaviour of young people and therefore they may be more likely to begin the smoking habit if they feel they are being unjustly prevented from smoking relative to the rest of the adult community.

This is part of a more general argument that smokers, as a group, are treated inconsistently from a legal and public health viewpoint. The product they wish to consume is currently deemed legal and yet there are dramatic use limitations and exorbitant taxes imposed upon it. It has been claimed that the only legally consistent action for governments would be to ban the sale of cigarettes rather than imposing ever-greater restrictions and taxes on a product still legitimately offered for sale.

In response to the most recent limitations in Victoria on the locations where it is legally possible to smoke, Herald Sun commentator, Rita Panahi, noted the inconsistency of keeping the sale of a product legal, yet imposing physical restrictions upon where it can be consumed that make it virtually unusable. Panahi stated, 'I have to admit smokers are entitled to ask just where they can enjoy their filthy, yet entirely legal, habit.'

The same question can be asked regarding the taxes imposed on cigarettes. These are justified from a public health perspective, yet, Panahi has noted, 'When the dangers of asbestos were fully realised, the government banned the importation, sale and use of all products containing the material; they didn't just impose a tax.' <http://www.heraldsun.com.au/news/opinion/rita-panahi/rita-panahi-smoking-is-vile-but-its-not-illegal/news-story/ca589ba164b862f4dddb112cec3eb825>

At least some opponents of the on-going limitations placed on smokers argue that if the product is deemed to be harmful enough to warrant these restrictions then a complete ban is required. In an opinion piece published in *The Conversation* on July 6, 2012, Craig Dalton, Conjoint Senior Lecturer in the School of Medicine and Public Health at the University of Newcastle, argued 'When will we finally reach the logical conclusion that banning tobacco is much more compassionate than squeezing smokers with more and more painful stigmatisation?' <https://theconversation.com/should-we-set-a-date-for-a-tobacco-free-australia-8056>

Further implications

Australia has been a world-leader in taking initiatives to reduce the sale of cigarettes and other tobacco products. Graphic product warnings and plain packaging are measures that were first introduced in this country.

The disincentives Australian governments have put in place to discourage Australians from purchasing cigarettes have been successful and the number of Australians smoking and taking up the habit is at record low. However, it is difficult to predict the impact that instituting a further measure, lifting the age at which cigarettes can be legally purchased, would have. Increasing the legal smoking age may, as its proponents argue, create a clear divide between school-age potential smokers and all other smokers, as no one of school age would any longer be legally able to smoke. Illicitly acquiring cigarettes from slightly older friends and siblings would be more difficult for school-age young people to achieve.

However, it seems unlikely that the effective legal age would actually be 21. 18, 19 and 20 year-olds interested in experimenting with cigarette smoking will probably find occasions where they can do so. The discrepancy between the legal drinking age and the legal smoking age is likely to be keenly felt. The different onset ages for smoking and drinking among post-school age consumers may well result in less supervised drinking (and smoking). There are already bans on smoking in a wide range of public venues; however, totally prohibiting smoking among those between 18 and 21 may well drive the practice further underground and take a substantial proportion of young people's social drinking with it.

There is the possibility that a ban on legal smoking until the age of 21 may foster a rebellious backlash, provoking more young people to experiment with cigarettes because they regard the limitation on their freedom of choice unjust. A great deal of productive work has been done educating the general public about the dangers of cigarette smoking. It would be regrettable to take any action that might reduce the impact of this campaign.

The real world implications of making cigarettes harder to obtain for those under 21 may have other unintended consequences. Research has already indicated that those who become dependent on cigarettes have a greater likelihood of becoming dependent on marijuana. This may simply indicate that dependent personalities will become dependent on whatever substance is available to them. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4337852/>

In a situation where marijuana and cigarettes are both legally prohibited to young adults, one consequence of the cigarette prohibition might be an increase in marijuana smoking. There remains some dispute over the relative harm caused by the most commonly used recreational drugs. A 2015 study found that alcohol presents the highest risk of death, followed by nicotine, cocaine and heroin. Marijuana was found to be significantly less deadly, though not without harmful side-effects. <http://www.iflscience.com/health-and-medicine/new-study-suggests-risks-marijuana-use-have-been-overestimated/> Marijuana use is increasing in the United States at the same time as prohibitions on cigarette smoking have become greater. Cari Nierenberg, in an article published in Live Science on August 10, 2017, stated, 'One explanation is the growing perception that marijuana has few risks.' <https://www.livescience.com/60094-marijuana-popularity.html> It will be interesting to observe the relative status in Australia of marijuana and tobacco-based cigarettes as perceived public health risks. Any changes in their respective legal status will also be interesting to note.

Newspaper and other items used in this issue treatment

See the Internet Information section.