

Select stories in the media – October 2006

Date	Title	Journalist/Author	Page	Paper/Source	Summary
31 Oct 2006	Lawyers' conduct may lead to reopening of tobacco case	Dick, Tim	6	Sydney Morning Herald	An internal Clayton Utz document made public in The Age may lead to the Rolah McCabe case being re-opened. Senior Partners at Clayton Utz, Richard Travers and Glenn Eggleton acted unprofessionally in the knowledge that Rolah McCabe had not long to live and Eggleton gave evidence to the Supreme Court that was 'potentially perjurious'.
30 Oct 2006	Split pack to draw in younger smokers	Tsavidaridis, Dora	9	Daily Telegraph	British American Tobacco have released a new packaging style for Dunhill cigarettes, enabling the pack to be easily separated into two segments. According to the Daily Telegraph, presentations were made by tobacco company representatives to tobacconists and other retailers that the new packaging was targeted towards the "iPod generation". The packaging also includes double-sided fold out sections where their brand is advertised and thus circumvents the new graphic health warning messages once the pack is split.
30 Oct 2006	Needy smokers targeted	Horin, Adele	6	Sydney Morning Herald	Smoking prevalence still remains high among single parents, Indigenous Peoples, the mentally ill, the unemployed, prisoners and the homeless. The Cancer Council NSW has developed a five year plan to try and reduce smoking rates among disadvantaged groups.
29 Oct 2006	Cheated by the law	Birnbauer, William	1	Sunday Age	Internal Clayton Utz documents reveal the tricks used by tobacco industry lawyers, Glenn Eggleton and Richard Travers to stall and thwart legal processes in the Rolah McCabe case.

29 Oct 2006	Justice denied: how lawyers set out to defeat a dying woman	Birnbauer, William	16	Sunday Age	<p>It is well known that Rolah McCabe, a victim of lung cancer, took on Big Tobacco, won the case, but subsequently lost due to an appeal by the tobacco industry. This report discusses an internal investigation at Clayton Utz, instigated by David Fagan, of the conduct of its employees Brian Wilson, Richard Travers and Glenn Eggleton. The findings were documented in memos, some official memos to the Board and some drafts. Travers left the firm in July 2002.</p> <p>Extracts from the board memo about Travers in June 2002: "Travers engaged in correspondence with Slater and Gordon which no doubt was designed to frustrate the discovery process... His correspondence was confrontational and condescending. It failed to address appropriate and reasonable concerns raised by Slater and Gordon as to the conduct of the litigation... This occurred against the backdrop of uncontradicted evidence that Mrs McCabe had only months to live. It seems clear that it was the intention of Travers to misuse the litigation process to take advantage of that fact."</p> <p>Extracts from a draft board memo about Eggleton in August 2002: "[Eggleton's] intention was that BATAS give proper discovery only if pressed... His conduct shows a disregard for the court's processes and the obligations imposed on a solicitor... Eggleton failed to address the clear conflict of interest between BATAS on the one hand and himself/Travers/Wilson/Clayton Utz on the other. It appears that Eggleton deliberately kept Wilson in the dark to avoid disclosing that he had been so critical of Wilson." Eggleton left Clayton Utz in 2005. Eggleton and Travers now work at Altior.</p>
29 Oct 2006	Why tobacco was unhealthy for business		17	Sunday Age	<p>Story about Australian law firm, Clayton Utz, who represented the tobacco industry for close to twenty years but closed off associations after the Rolah McCabe case in 2002.</p>
27 Oct 2006	Tobacco vote – end of an industry		10	Adelaide Advertiser	<p>Victorian tobacco growers voted in favour of a Federal Government buyout of their licences.</p>

27 Oct 2006	Payout deals ends tobacco farming	Hart, Cath	9	Australian	Tobacco farming in Australia has officially ended following a vote on 26 October 2006 by farmers in Victoria to accept the Federal Government's deal to buyout their licences and provide financial assistance to move into alternative businesses.
27 Oct 2006	Bailout to end tobacco farming	Madigan, Michael	9	Courier Mail (Brisbane)	Tobacco farming in Australia has officially ended following a vote on 26 October 2006 by farmers in Victoria to accept the Federal Government's deal to buyout their licences and provide financial assistance to move into alternative businesses.
25 Oct 2006	Smoking mums 'pass on risks'	Pountney, Michelle	31	Adelaide Advertiser	The results of a study of 717 Adelaide women born between 1973 and 1975 were presented to the 25 th Annual Scientific Meeting of the Fertility Society of Australia. From the study group (154 were born to mothers who smoked during pregnancy). The daughters of the smokers were found to put on more body weight in adulthood and were more likely to suffer problems with their menstrual cycles.
24 Oct 2006	Small bub theory goes up in smoke	Gilchrist, Inga	4	MX (Melbourne)	Reports that about one in three pregnant women in Melbourne believe smoking will create a smaller baby and make labour easier.
23 Oct 2006	Smoking rates fall in schools		7	Canberra Times	A survey of NSW school students by the NSW Health Department has found that fewer school students are smoking cigarettes now than 20 years ago.
23 Oct 2006	Daughters of smokers pay heavily for their mothers' habit	Robotham, Julie	3	Sydney Morning Herald	The results of a study of 717 Adelaide women born between 1973 and 1975 at the Queen Elizabeth Hospital. From the study group (154 were born to mothers who admitted to smoking during pregnancy). The daughters of the smokers were found to put on more body weight in adulthood and were more likely to suffer problems with their menstrual cycles.
22 Oct 2006	Smokers at risk		10	Sunday Canberra Times – Relax	Reports on a Danish study that found that persistent smokers were six times more likely to develop COPD than non-smokers. The results were published in <i>Thorax</i> .
22 Oct 2006	Smoking in films a bad habit	Markson, Sharri	21	Sunday Telegraph	A survey of NSW school students by the NSW Health Department has found that 75 per cent of them believed seeing celebrities with cigarettes encouraged young people to start smoking.

18 Oct 2006	Children put sellers to cigarette sales test	Mannheim, Markus	7	Canberra Times	The ACT passed new compliance measures to enforce tobacco control laws prohibiting the sale of tobacco products to minors. The new measures involve using children to test whether shopkeepers in the ACT take heed of the minimum purchase age law.
15 Oct 2006	Vic ruling on smokers' rights outrageous	Downie, Graham	25	Canberra Times – Sunday Focus	Downie's opinion regarding the Victorian Civil and Administrative Tribunal ruling that licensed premises must provide a space for smokers to smoke other than the footpath.
14 Oct 2006	Gallic gall at smoking ban		32	Weekend Australian – Editor	Story about the introduction of smoking bans in public places in France from February 2007.
12 Oct 2006	Snuff faces ban in Qld		17	Hobart Mercury	A bill has been introduced into Queensland parliament banning smokeless tobacco products (snuff and chewing tobacco).
12 Oct 2006	Scottish pub study backs smoking ban	Rasdien, Peta	46	West Australian (Perth)	Story discussing the findings from the Scottish research, which investigated the health of bar workers following the introduction of smoking bans in public places: Menzies D, Nair A, Williamson PA, et al. Respiratory symptoms, pulmonary function, and markers of inflammation among bar workers before and after a legislative ban on smoking in public places. JAMA 2006;296:1742-48.
11 Oct 2006	Smoke ban signals good health for staff	Stark, Jill	5	Age (Melbourne)	Reports on a study investigating the health of bar workers following the introduction of smokefree pubs in Scotland (workers n=77; pubs n=40). The research was carried out by Ninewells Hospital in Dundee. Before the introduction of smoking bans, 79 per cent of bar workers had health problems due to working in a smoky environment. One month after pubs became smokefree, only 53 per cent reported symptoms and within two months it fell to 47 per cent. The study was published in JAMA.
11 Oct 2006	ACT quit smoking program has early success		45	Koori Mail	The ACT based "Nor more Bundah" program is reporting a 70 per cent success rate with the current group of program participants.
9 Oct 2006	Good smoke signals from school		14	Hobart Mercury	Editorial commenting on the Cancer Council Tasmania survey results noting that it is better to persuade young people not to smoke than to get smokers to quit.

8 Oct 2006	Smokers are not criminals [letters to the editor]		56	Sunday Mail (Brisbane)	Letters responding to the Tom Utleby piece.
7 Oct 2006	Smoko stubbed out from on high	Madigan, Michael	3	Courier Mail (Brisbane)	Piece about the "Australian smoko", noting that it has had its day and that smoking in work hours will eventually be banned in all workplaces.
7 Oct 2006	New help in war on bad habits		42	Hobart Mercury	Story about vaccines being developed for poor lifestyle choices such as smoking, drug use and over-eating. Discusses anti-nicotine vaccines in detail.
6 Oct 2006	Stubbed out: smoking breaks banned	Smith, Fiona	1	Australian Financial Review	When the Australian Department of Industry, Tourism and Resources moved into their new building at the start of October, they implemented a new policy prohibiting informal smoke breaks during work hours. The policy will eventually be implemented across the entire departmental workforce.
5 Oct 2006	Smokers run free at casino	Buttler, Danny	8	Herald Sun (Melbourne)	Alleges that Crown Casino is circumventing smoking bans by using high-roller exemptions for their gaming rooms.
5 Oct 2006	Teen see smoking as un-cool	Paine, Michelle	11	Hobart Mercury	A survey by the Cancer Council Tasmania reports that smoking prevalence among 12 to 17 year olds in Tasmania had dropped to 12 per cent, down from 17 per cent in 2002.
4 Oct 2006	Bracks vows to change smoking law	Lucas, Clay	4	Age (Melbourne)	The Bracks government is going to examine the Victorian Civil and Administrative Tribunal ruling. The government says that they never intended to ban smoking in the open air.
3 Oct 2006	Smoking ban threat to pub licences	Lucas, Clay	1	Age (Melbourne)	The Victorian Civil and Administrative Tribunal has ruled that licensed premises must provide a space for smokers to smoke other than the footpath.

3 Oct 2006	Lawyers tell councils to lift ban on outdoor smoking areas in pubs	Norrie, Justin	5	Sydney Morning Herald	Lawyers have advised the Local Government Association to lift the temporary ban on outdoor smoking areas because it would be difficult to “show a causal connection between the council’s approval of a [development application] and subsequent incidence of cancer.” The advice is to appease clubs and pubs who have been challenging councils on the issue. Industry rhetoric on the matter - David Costello, CEO ClubsNSW said councils “must not allow themselves to become a stooge of the anti-smoking lobby. Delays in approving outdoor areas will have only one effect – driving smokers and their cigarettes onto the footpath outside”. John Thorpe, NSW president of the AHA ‘accused mayors of acting as legislators’: “... it alienates young people when you force your will on them.”
2 Oct 2006	Get the point stop tobacco advertising		16	Adelaide Advertiser	Editorial on the proposal to ban point of sale tobacco displays in SA.
2 Oct 2006	Lung cancer rates down for men, up for women	Pollard, Ruth	5	Sydney Morning Herald	Lung cancer rates in NSW caused exclusively by smoking have fallen 21 per cent for men, but increased six per cent by women over the past decade.
1 Oct 2006	Vic ruling burns all in its path	Phillips, Mark	56	Australian Financial Review	The Victorian Civil and Administrative Tribunal has ruled that licensed venues must provide an on-site outdoor space for patrons to smoke. The new laws will be effective from July 2007.
1 Oct 2006	Smoke police fired up	Davies, Hannah	26	Sunday Mail (Brisbane)	Queensland Environmental Health Officers have commenced surveillance of pubs and clubs to ensure the second phase of the new smoking bans are not being breached.
1 Oct 2006	I’m the only one hurt by my smoking	Utley, Tom	54	Sunday Mail (Brisbane), Sunday Extra	The words of London Telegraph columnist Tom Utley: “If I thought I was harming my children by smoking in their presence, I wouldn’t do it. But I don’t believe that I am – and I will go on blowing smoke at them until I see a shred of convincing evidence that I am wrong”.