

## Clive Bates – response to questions from the committee

### 1. Questions from Senator Sheldon received 19 November 2020

#### QoN 01

Are you aware of Australia's obligations under Article 5.3 of World Health Organisation's Framework Convention on Tobacco Control "*in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law*"?

Answer: Yes, I am aware of Article 5.3 and was present in the FCTC negotiations as an NGO while it was formulated in 2000-3. I confirm in answers to the questions below and more generally that I have no competing interests with respect to the tobacco industry, nicotine or pharmaceutical industries. Based on science, ethics, and experience, I am confident that tobacco harm reduction is an important public health strategy with potential to avoid millions of cases of disease and premature death over the coming decades. I hope my written and oral evidence to the committee makes clear the reasons why. However, the low-risk products involved in tobacco harm reduction are necessarily made by tobacco, nicotine, or pharmaceutical companies. This has led to confusion, not always innocent, and sometimes innuendo about the motivations of supporters of tobacco harm reduction. I am content therefore to correct these misunderstandings. I have answered the questions below with the committee's due diligence with respect to FCTC Article 5.3 and conflicts of interest in mind.

I would also like to take this opportunity to explain my perspective on the commercial entities involved. My motivation is focused on public health and is grounded in family history, my six years of experience supporting tobacco harm reduction as a tobacco control strategy while Director of Action on Smoking and Health (UK), and subsequently ten years of experience as a senior civil servant interested in good policymaking. I believe it is right to argue for policies that would benefit public health even if, as a consequence, it means that some companies benefit by selling the products that greatly reduce risks to health compared to smoking. The alternative would be to forego public health benefits in order to retain an unequivocal anti-corporate stance. Given the history in this field, there are many who do take a strongly anti-corporate stance and believe that companies that make consumer nicotine products are always and inevitably in conflict with public health. While I understand their concern, I do not believe that is always true or supported by evidence. The experience of snus in Sweden provides the clearest counter example. Sweden has abnormally low rates of smoking (5% daily versus 24% for the EU as a whole – 2017 Eurobarometer). This translates to low rates of smoking-related disease particularly among Swedish men. This is because a tobacco product, snus, made by tobacco companies is widely used for nicotine consumption as an alternative to cigarettes, especially among men. The idea of tobacco harm reduction is to generalise that experience with a wider range of products in a wider range of settings by using a range of smoke-free products to reduce harmful exposures to *tobacco smoke*. For this reason, I have advocated lifting the European Union ban on snus outside Sweden on public health grounds, even though it would also benefit a

tobacco company and – many others in public health have supported this approach for many years.<sup>1</sup> However, those pursuing an anti-corporate logic to its conclusion are inevitably drawn to dogmatic opposition to tobacco harm reduction because of their distaste and distrust for the companies involved in making the products, *irrespective of any costs in terms of public health and lives lost*. It is undoubtedly easier to adopt a public stance of hostility to these companies and everything they do rather than to support tobacco harm reduction as a positive public health strategy. However, the consequences of that approach for public health and the ethics of deliberately constraining the options for smokers to reduce their health risks by switching to lower-risk products should not go unexamined.

### **QoN 02**

Have you or your organisation received any support, whether financial or non-financial, direct or indirect, from any parties involved in the production, distribution or sale of tobacco, nicotine or vaping products?

Please provide details of that support, including:

- a. the nature of that support;
- b. the amount or value provided;
- c. the name of the entity or person providing it; and
- d. any other related information.

Answer: No, I have not received support and do not have conflicts of interest.

### **QoN 03**

Have you or your organisation, received any support, whether financial or non-financial, direct or indirect, from associated entities of tobacco companies?

If yes, please provide details of that support, including:

- a. the nature of that support;
- b. the amount or value provided;
- c. the name of the entity or person providing it; and
- d. any other related information.

Answer: No, I have not received support and do not have conflicts of interest.

### **QoN 04**

Have you received any assistance, or liaised or consulted with, any other person or organisation in the preparation of your evidence to this inquiry?

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<sup>1</sup> The advancement of the scientific basis for the EU Tobacco Products Directive: Letter from practising scientists to the European Commission 31 May 2011 [\[link\]](#)

If yes, please provide the details of any persons and/or organisation that assisted, or with whom you liaised or consulted, in the preparation of your evidence to this inquiry, including:

- a. the name of the persons or organisation;
- b. the ABN or CAN, if applicable; and
- c. any other related information.

Answer: no. The evidence provided to the committee is entirely my own work.

#### **QoN 05**

Did you make inquiries as to whether the persons/organisations you consulted or liaised with receive any support, whether financial or non-financial, direct or indirect, from parties involved in the production, distribution or sale of tobacco, nicotine or vaping products?

If yes, please provide the details of those inquiries, including:

- a. what assurances were sought;
- b. dates of those inquiries; and
- c. whether they were made in written form or orally.

Answer: not applicable.

#### **QoN 06**

Have you, or any organisation with which you are associated, received any support, whether financial or non-financial, direct or indirect, from the following organisations, or persons associated with, the following organisations:

- a. The Institute for Public Affairs;
- b. Centre for Independent Studies;
- c. The Sydney Institute;
- d. Australian Taxpayers Alliance;
- e. Australian Institute For Progress;
- f. Mannkal Economic Education Foundation;
- g. Legalise Vaping Australia; and
- h. any ATLAS network member organisation.

Answer: No, I have not received support and do not have conflicts of interest.

**QoN 07**

Please provide the details of support given by the organisations listed in question 4, including:

- a. name of the organisation;
- b. nature of the support;
- c. amount or value provided; and
- d. any other related information.

Answer: not applicable.

**QoN 08**

Have you consulted, or had any contact with the groups or persons associated with groups listed in question 4, regarding your submission to this inquiry, or regarding your policy on vaping, tobacco, nicotine or any related products?

If yes, please provide the details of the organisations listed in question 4 with which you had contact, including:

- a. name of the organisation; and
- b. what the nature of the contact was.

Answer: not applicable