

[Therapeutic Goods and Other Legislation Amendment \(Vaping Reforms\) Bill 2024 \[Provisions\] – Parliament of Australia \(aph.gov.au\)](#)

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Submission Senate Inquiry re vaping 2024

Personal description of Dr Alex Wodak AM:

Dr Alex Wodak AM, is an Emeritus Consultant at St Vincent's Hospital, Darlinghurst, NSW 2010. He was the Foundation Director of the Alcohol and Drug Service at St Vincent's Hospital from 1982 until he retired in 2012. In 1986, Dr Wodak and colleagues resorted to civil disobedience to establish the first needle syringe program in Australia. This contributed to the achievement of HIV control among/from people who inject drugs and also benefitted the general population. In 1999, Dr Wodak and colleagues resorted to civil disobedience to establish the first medically supervised injecting centre in Australia. Dr Wodak helped establish the National Alcohol and Drug Research Centre (1987), the Australian Society of HIV Medicine (1989) and the NSW Users AIDS Association (1989). He was the Foundation President of the International Harm Reduction Association (1996-2004). Dr Wodak has been a Short Term Consultant for the World Health Organisation, UNAIDS and the World Bank in many Low and Middle Income Countries. In 1992, Dr Wodak invited Professor Michael Russell to speak about tobacco harm reduction at an international conference in Melbourne. Dr Wodak has published about 300 scientific papers including a number of studies of smoking cessation in general practice and in prisons. Dr Wodak has no conflicts of interest to declare and in particular has never received funding from the tobacco industry or the vaping industry. Dr

Wodak was awarded an Order of Australia (AM) in 2010 for services to public health.

Dr Alex Wodak AM

Summary:

Accelerating the reduction of smoking related deaths & disease should remain one of the highest public health priorities in Australia. Smoking related deaths are still the most important preventable cause of deaths internationally including in Australia . Importantly, Professor Michael Russell noted in 1976 that ‘people smoke for the nicotine but die from the tar’. Since then, tobacco control policy has restricted the availability and reduced the demand for combustible cigarettes. In 2003 Hon Lik, a Chinese chemist, produced the world’s first commercially successful electronic cigarette (vape) which dispensed nicotine in an aerosol without combustion or tar and with vastly reduced numbers and concentrations of toxins. Vaping nicotine is considerably less dangerous than smoking with several highly regarded scientific organisations estimating that vaping is at least 95% safer than smoking. Smoking accounts for 21,000 deaths in Australia every year with each person dying from smoking losing on average 10 years of life. Smoking accounts for half the gap in life expectancy between advantaged and disadvantaged populations and is estimated to have cost the Australian economy \$136.9 billion in 2015/16. Smoking rates in Australia in recent decades have been lower than in most other advanced Western countries. But in the last decade smoking rates have declined faster in countries with higher rates of vaping (or higher rates of consumption of other safer nicotine products such as snus or heated tobacco products). Australia and New Zealand have had similar tobacco control policies for decades. Cigarette taxation and therefore cigarettes prices in Australia and New Zealand are the highest in the world. Both countries have a booming black market in illegal cigarettes and tobacco with the black market in Australia estimated to account for at lease 20% of the supply of cigarettes and tobacco. For decades the smoking rate in Australia was slightly lower than in New Zealand. In 2020, the New Zealand Parliament passed legislation to make vapes more available than combustible cigarettes. Since New Zealand changed its policy, the NZ smoking rate has declined twice as fast as the smoking rate in Australia. Australia’s vaping rate has been much lower than in New Zealand

because of high barriers to access. Concerns exist in both countries regarding the extent of youth vaping although youth vaping is predominantly transient, low frequency and experimental. By some measures, the vaping rate in New Zealand youth has started falling since vaping nicotine was legalised in 2020. There is no black market for vaping in New Zealand. However Australia has a dynamic vaping black market. Fewer than 10% of Australian vapers obtain vapes legally, ie with a valid prescription. The remainder of people vaping in Australia obtain their requirements from the vibrant black market.

1 Why is reducing smoking still a public health priority in Australia and globally?

- 21,000 smoking related deaths/year in Australia
- More smoking related deaths/year in Australia than combined deaths from alcohol plus prescription drugs plus illicit drugs plus HIV plus road crashes plus suicide
- 8 million smoking related deaths a year globally
- 1 billion smoking related deaths internationally between now and 2100
- smoking is still the most important preventable cause of death and disease in Australia
- up to 2 out of every three long-term smokers will die from a smoking related condition.
- Each person in Australia dying from a smoking related condition loses between 12 and 13 years of life expectancy
- Smoking accounts for half of the life expectancy gap between advantaged and disadvantaged Australians
- Smoking greatly exacerbates economic inequality as low income & disadvantaged have higher smoking rates and smoke more cigarettes per day
- An Australian smoking average number of cigarettes per day (13) spends \$8,000 per year on cigarettes but most vapers spend ~\$1,000-\$2,000 per year on vaping
- Australia's last decade of sluggish wage growth, recent inflation and high cost of living pressures have made life extremely difficult for low income people who have higher smoking rates and smoke more cigarettes per day but have great difficulty obtaining legal safer nicotine products

2 How does Australia's recent reduction in smoking compare with other countries?

- Maximally accelerating the decline in smoking rate should be the paramount aim of national and international tobacco control policy
- Among advanced countries, Sweden and New Zealand are closest to reducing daily smoking in adults to less than 5%.
- Snus (moist, oral, pasteurised tobacco in a sachet placed between the upper teeth and cheeks) was the first tobacco harm reduction product available. It has been available for over two hundred years but was mainly used by Swedish men (until recently). When Sweden joined the European Union, it was allowed to continue use of snus by Swedish citizens although snus is banned in all other EU countries. Swedish men compared to men from all other European Union countries have the lowest rates of smoking, smoking related diseases and smoking related deaths. Swedish men compared to Swedish women have lower rates of smoking, smoking related diseases and smoking related deaths.
- The experience of snus in Sweden provides proof of concept of tobacco harm reduction
- After snus recently become popular in men and women Norway, smoking rates have plummeted.
- After heated tobacco products were introduced to the Japanese market in 2016, cigarette sales more than halved in the next seven years. This is unprecedented. It occurred without any assistance from the Japanese government.
- Smoking rates have declined faster in New Zealand, the United Kingdom and the United States, all countries where barriers to vaping are lower than in Australia, than in Australia

3 Has Australia's policy on vaping been effective, relatively free of serious unintended consequences, cost effective?

- Very few doctors have been willing to prescribe nicotine for vaping
- Very few chemists have been willing to dispense nicotine for vaping
- Very few smokers have been willing to attend doctors and chemists to legally obtain nicotine for vaping
- Consequently over 90% of Australians vaping at present obtain their requirements from the black market

4 What should Australia do now to make its tobacco and vaping policy more effective and safer?

- All Australian governments should identify the reduction of smoking as fast as possible as the paramount aim of the nation's tobacco policy
- All Australian governments should declare that harm reduction should be the major strategy to reduce smoking as fast as possible
- Australia should as soon as possible replace its prescription requirement for nicotine for vaping with risk-proportionate regulation
- Smokers should be nudged from highly dangerous combustible cigarettes to lower risk, non-combustible, nicotine options including vaping nicotine, snus, heated tobacco products and nicotine pouches
- The rate of smokers switching from higher risk to lower risk options will be increased by lower levels of taxation, advertising and flavours
- Low taxation rates for lower risk options will not only increase the rate at which consumers consider switching but will also encourage producers and suppliers to transform from higher risk to lower risk options
- Vaping requirements should be available for adults only from licensed premises with age restricted sales monitored by CCTV
- The reduction of smoking in older Australians should be an even higher priority than reducing vaping in young Australian as smoking in older people carries a high risk of premature death or disease while vaping in young people, though unacceptable, is at low risk of premature death or disease

5 What can be done to reduce youth vaping in Australia?

- Youth vaping is a concern in Australia because vaping supply has been outsourced to the black market over which the government has no control.
- A reduction in youth vaping in Australia can only be achieved if the government gains majority or total control of the market
- Risk-proportionate regulation of vaping with licensed vaping outlets and mandatory CCTV recording of all sales will reduce youth vaping in Australia

6 Is harm reduction generally effective, safe & cost effective?

- Harm reduction has a remarkably good record effectiveness, safety & cost effectiveness

- Between 2000-2009, Australia's needle syringe program averted 32,000 HIV infections, 96,000 HCV infections, saved \$5.8 billion and cost \$243 million
- Tobacco harm reduction is likely to be even more beneficial and have lower costs

7 Has Australia experienced any serious negative unintended consequences from requiring a medical prescription for nicotine from vaping?

- Australia's black market has so far resulted in:
 - 60 firebombings of tobacconist or vaping shops
 - 3 killings attributed by police to criminal gangs fighting over the lucrative trade
 - Australia and New Zealand have the most expensive cigarettes in the world
 - At least 20% of the supply of cigarettes and tobacco in Australia is provided by the black market

8 Smoking and human rights

- All Australian citizens should be able to easily avail themselves of simple means funded by themselves to improve their health
- Australian smokers and vapers are denied simple means funded by themselves to improve their health including vaping, snus, heated tobacco products and nicotine pouches

9 Why does Australia severely restrict vaping, a much safer nicotine option, but allow the highly dangerous option of smoking to be readily available?

- There is no justification possible for severely restricting vaping, which is a very low risk, while dangerous cigarettes are readily available for adults from ~40,000 outlets
- Vaping is at least 95% less dangerous than smoking according to several reputable scientific organisations
- The relentless criticism of this approximate estimate by ideological tobacco control opponents of vaping has been scurrilous
- Whether vaping is 90% or 99% less dangerous than smoking is virtually irrelevant. The fact is that vaping is much less dangerous than smoking

10 Does Australia support harm reduction for tobacco in principle?

- Australia explicitly, formally and officially supports harm reduction for psychoactive drugs in the National Drug Strategy
- Australia explicitly, formally and officially supports harm reduction for psychoactive drugs in the National Tobacco Strategy
- The WHO Framework Convention on Tobacco Control (2003) explicitly endorses tobacco harm reduction. Australia has signed and ratified this treaty and it's therefore bound to implement its policies.
- However, Australia does not support tobacco harm reduction in practice

11 What is shaping opinion on vaping in Australia?

- The entire Australian health establishment, including all Health Ministers, Health Departments, Chief Health Officers, NHMRC, TGA, health organisations (apart from RANZCP), mainstream media, health/medical media has been united in vigorously opposing vaping in Australia.
- Yet several opinion polls have found that the overwhelming majority of Australians support the regulation of vaping like cigarettes and alcohol eg RedBridge found that 84% of respondents in a recent survey agreed/agreed strongly that vaping should be regulated like cigarettes and alcohol. The requirement that a medical prescription is needed to legally obtain nicotine for vaping has very low levels of support
- The vaping bill now under consideration by the Federal Parliament faces likely defeat in the Senate
- Opponents of vaping in Australia have conducted a ferocious, dishonest, disgraceful, disingenuous and unscientific campaign for several years. This will unfortunately tarnish the reputation of public health for many years to come after the current highly restrictive policy for vaping is terminated.
- Many smokers will switch from higher risk to lower risk options if the lower risk options are attractive, accessible, available and less expensive. Most people who inject drugs switched from sharing and reusing injecting equipment to no or little sharing or reuse after needle syringe programs started operating.
- There is interest in the tobacco industry in transforming from combustible cigarettes to a range of non-combustible lower risk options. Philip Morris International, the largest traded tobacco company in the world, increased its earnings from safer nicotine

products from less than one percent in 2015 to over 39 percent in the fourth quarter of 2023.

- The faster a tobacco company is transforming from higher risk, combustible cigarettes to safer nicotine products, the higher its share price. This suggests that investors might prefer to purchase shares in more rapidly transforming tobacco companies.
- It is extremely disappointing that despite apparent interest among consumers, producers and investors in transforming from deadly cigarettes to safer nicotine options, Australian governments, tobacco control and public health have been so recalcitrant.

12 Is Australia's policy on vaping prohibition?

- Strictly speaking, Australia's policy on vaping is not prohibition. But it is tantamount to prohibition.
- When demand for a commodity is very strong; authorities do everything they can to reduce the demand and supply of that commodity; yet controls are easy to subvert; authorities punish people possessing or supplying that commodity; then the commodity has been to all intents & purposes been prohibited whether that is admitted or not.
- Demand for vaping in Australia is very strong & growing
- Persons found in ACT in possession of nicotine for vaping without a prescription can receive a fine of up to \$32,000 and/or a prison sentence of up to 2 years

13 Does prohibition work?

- Australia has prohibited many commodities and behaviours
- These include:
 - Consumption of alcohol by First Nations Australians for about a century
 - Same-sex sex
 - Marriage of persons of the same gender
 - The sale and purchase of sex
 - The production and importation of heroin in 1955
 - The production, transport, sale, purchase and use of about 250 drugs from 1960s
 - Off-course betting on horse racing
- Many of these prohibitions have had to be stopped because authorities were unable to reduce consumption of these commodities or widespread existence of these behaviours

- Annual surveys of people who use drugs finds very high levels (eg in 2022 87%) reporting that obtaining heroin is 'easy' or 'very easy'
- Often the unintended negative consequences of failed drug prohibition are severe or very severe
- Although prohibition is often a failure as a policy, it is often an effective political strategy

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