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Public Health (Tobacco and Other Products) Bill 2023 and the Public Health (Tobacco and Other Products) (Consequential Amendments and Transitional Provisions) Bill 2023

Submission to the Standing Committee on Community Affairs

October 2023

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TEQSA Provider ID: PRV12002 (Australian University)

CRICOS Provider Code: 00120C

Purpose and scope

Thank you very much for the invitation to provide a submission to the inquiry regarding the Public Health (Tobacco and other Products) Bill 2023.

Based on the available evidence, the most effective strategies for tobacco control operate at the population level and involve combatting interference from the tobacco industry, reducing the affordability of tobacco products, implementing smoke-free environment policies, conducting mass media campaigns, imposing comprehensive bans on promotion, advertising and sponsorship, and implementing plain packaging and graphic health warnings.

Our expertise relates primarily to epidemiology and public health, rather than detailed legal matters. Broadly, the epidemiological and public health evidence strongly supports the provisions within **Option 3: Consolidate and further strengthen the tobacco control regulatory framework in line with international precedents and Measures 1-12**. As well as safeguarding public health, these measures will enable Australia to better fulfill its obligations under the World Health Organization Framework Convention on Tobacco Control (FCTC).

Response

Tobacco smoking is Australia's leading cause of premature death and disability, causing >20,000 deaths annually.¹ Up to two-thirds of all current smokers will die from their habit if they do not quit, and smokers lose on average 10 years of life expectancy.² Smoking is also a major driver of health inequity, with the greatest educational mortality disparities observed for smoking-related diseases³ and 50% of deaths in Aboriginal and Torres Strait Islander peoples aged 45 and over attributable to tobacco.⁴ Tobacco use cost the Australian economy an estimated \$137B in 2015-16.⁵ In recognition of this appalling toll, the Australian Government has set targets to reduce current daily adult tobacco smoking prevalence to 5% or lower in the general population and 27% or lower in the Aboriginal and Torres Strait Islander population by 2030.⁶

Tobacco products are responsible for >8M deaths globally each year, with deaths increasingly concentrated in low and middle-income countries.⁷

Effective tobacco control requires a comprehensive approach, as outlined under the FCTC. Australia's tobacco control measures are recognised as key drivers in reducing smoking uptake, increasing smoking cessation and improving the transparency and accountability of the tobacco industry.

Tobacco industry activities, including those designed to evade and subvert regulation, drive the tobacco epidemic. These activities include: legal threats and actions; intimidation; lobbying and influencing policy; claiming a public health role; support through allies; marketing; corporate social responsibility; involvement in illicit tobacco, influencing science; and product innovation.⁸ All pose major threats to health and must be combatted through strong and robust legislative, regulatory policy and other measures, including those that are agile and can adapt to the inevitable innovative measures of the industry. Tobacco industry innovation aims to outpace our regulatory

and tobacco control measures and undermine Australia's tobacco control measures and public health efforts to reduce smoking prevalence and prevent nicotine addiction.

The need for urgent action is highlighted by the combination of the sunseting of key regulations covering packaging and advertising and promotion, and evidence that Australia is not on track to achieve its 2030 targets. Both indicate the need to accelerate tobacco control efforts. The Public Health (Tobacco and other Products) Bill 2023 contains strong and world-leading measures that will support accelerated action. Among the proposed options, the evidence is most supportive of Option 3 (covering measures 1-12). Adopting these measures will enable Australian laws to keep pace with, and potentially get ahead of, industry product innovation and marketing tactics and further support tobacco control efforts. Further, we support the Cancer Council Australia's recommendations regarding:

1. Definitions of 'tobacco sponsorship' and 'e-cigarette sponsorship'
2. Prohibited ingredients – tobacco product accessories
3. Definition of 'targeted online advertising'
4. The need for further restriction on trade communications.

Hence, the evidence is supportive of the urgent need to introduce the Public Health (Tobacco and other Products) Bill 2023 **Option 3: Consolidate and further strengthen the tobacco control regulatory framework in line with international precedents and Measures 1-12:**

1. Consolidate legislation
2. Update and improve health warnings
3. Further restrict advertising provisions
4. Improve coverage, enforcement and compliance for tobacco control
5. Further standardise the size of tobacco packets and products- cigarette pack, carton, stick size, roll your own (RYO), tobacco pouch size and little cigar and cigarillo pack size
6. Reduce tobacco product attractiveness and palatability by restricting the use of additives
7. Reduce tobacco product attractiveness by regulating product design features that create novelty value
8. Prohibit the use of brand and variant names that falsely imply reduced harm
9. Require Harm Promotion Inserts to encourage and empower smokers to quit
- 10A. Require mandatory disclosure of tobacco industry sales volumes and pricing
- 10B. Require mandatory disclosure of tobacco industry advertising promotion and sponsorship activities and expenditure
11. Protect tobacco control policy from commercial and other vested interests
12. Dissuasive measures on tobacco products.

Australia is a recognised leader in tobacco control. The Public Health (Tobacco and other Products) Bill 2023 is critically important for tobacco control in Australia. It is also of great international importance in terms of demonstrating best practice and providing an example for the rest of the world as to what can be done to combat tobacco. It is also important that the Bill is introduced without delay, including those delays likely to be sought by the tobacco industry and its allies: lives depend on it.

References

1. Australian Institute of Health and Welfare. Australian Burden of Disease Study 2018: Interactive data on risk factor burden, Tobacco use. Available from: <https://www.aihw.gov.au/reports/burden-of-disease/abds-2018-interactive-data-risk-factors/contents/tobacco-use>
2. Banks E, Joshy G, Weber M, Liu B, Grenfell R, et al. Tobacco smoking and all-cause mortality in a large Australian cohort study: findings from a mature epidemic with current low smoking prevalence. *BMC Med* 2015; 13(38). Available from: <https://doi.org/10.1186/s12916-015-0281-z>
3. Welsh J, Joshy G, Moran L, Soga K, Law H, et al. Education-related inequalities in cause-specific mortality: first estimates for Australia using individual-level linked census and mortality data. *Int J Epidemiol* 2021; 50(6):1981-1994. Available from: <https://doi.org/10.1093/ije/dyab080>
4. Thurber KA, Banks E, Joshy G, Soga K, Marmor A, et al. Tobacco smoking and mortality among Aboriginal and Torres Strait Islander adults in Australia. *Int J Epidemiol* 2021 Jul 9;50(3):942-954. Available from: <https://pubmed.ncbi.nlm.nih.gov/33491081/>
5. Whetton S, Tait RJ, Scollo M, Banks E, Chapman J, et al. Identifying the Social Costs of Tobacco Use to Australia in 2015/16. Perth, Western Australia: The National Drug Research Institute at Curtin University, 2019.
6. Australian Government Department of Health. National Preventive Health Strategy, 2021. Available from: <https://www.health.gov.au/resources/publications/national-preventive-health-strategy-2021-2030?language=en>
7. World Health Organization. WHO Report on the Global Tobacco Epidemic, 2019. Geneva, Switzerland: World Health Organization, 2019. Available from: <https://www.who.int/publications/i/item/9789241516204>
8. University of Bath. Tobacco Industry Tactics 2023. Accessed October 5, 2023. Available from: <https://tobaccotactics.org/article/tobacco-industry-tactics/>