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Senator Marielle Smith
Chairperson
Senate Community Affairs Legislation Committee

Dear Senator Smith,

Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Bill 2024

The Collaboration for Evidence, Research, and Impact in Public Health ([CERIPH](http://curtin.edu.au/ceriph)) is a multi-disciplinary research centre within the School of Population Health in the Faculty of Health Sciences at Curtin University in Perth, Western Australia. The CERIPH staff aim to seek solutions that promote health, prevent disease, and protect populations from harm. As the Director of CERIPH and Professor of Public Health, I welcome, as does my colleague Dr Kahlia McCausland, the opportunity to provide a submission to the Community Affairs Legislation Inquiry: Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Bill 2024 (hereinafter referred to as Vaping Reforms Bill 2024).

The diversification by the tobacco industry into vaping products aims to reach new markets, and because of this, our government is tasked with developing appropriate legislation to protect the health of young Australians. We need to remember that the tobacco industry has a well-documented history of opposing effective public health regulations to restrict the availability and access to their products,^{1,2} such as those proposed in this *Vaping Reforms Bill 2024*. The tobacco industry is currently promoting its vaping products as a harm reduction approach while we know they are really seeking new customers³, as the industry is driven by the need to secure business and profit^{4,5}.

Our recently published research with young people, parents and school professionals based in Perth, Western Australia⁶, identified factors that enabled vaping among young people, such as the attractive characteristics of vapes; perception vaping is a normal social activity; and ease of access. The management of vaping products challenged school professionals who were looking for government leadership on how to manage the issue. The study participants stressed that strict legalisation is the best way to make these products less desirable and accessible, particularly for young people.

The affordability and the ease with which young people in our study were accessing vapes via various social and commercial channels was alarming and a significant enabler of their use, findings which are consistent with other research undertaken by others in Australia⁷⁻⁹ and reported in the popular press¹⁰. We know that **87% of Australian adults support reforms to stop the sale of vapes to people under 18 years**¹¹, all of which demonstrates the need for this issue to be addressed via government legislation and this *Vaping Reforms Bill 2024*.

Furthermore, young people, parents and school professionals told us that they want strategies implemented that prevent e-cigarette access and uptake, and reduce the overall use of vapes, recommending the use of a mixture of 'hard' (e.g., legislation) and 'soft' public tools (e.g., public health awareness and information campaigns). As an elected representative, it is essential you implement strategies that enable and optimise the health of Australian communities, as the proposed *Vaping Reforms Bill 2024* will do.



We support the *Vaping Reforms Bill 2024*, as a single national framework to reduce vaping rates and prevent adverse health outcomes from these products.

This Vaping Reform Bill 2024 will:

- stop the supply and accessibility of vaping products (products will no longer be sold at the corner shop), while also denormalising e-cigarettes, and in turn reducing recreational use.
- make vaping products a prescription medicine to be used therapeutically, while enabling supervision of their use by highly trained medical professionals (selling highly addictive products via general retail outlets, runs counter to Australia's rigorous standards for the regulation of medicines).
- keep vaping products out of the hands of children, while enabling e-cigarettes to have some clinical benefit as a smoking cessation tool.
- stop the inhalation of toxic and highly addictive substances by young people (sustained toxic chemical inhalation in the long term can only lead to an increase in chronic disease).
- minimise the risk of nicotine addiction, particularly among young people.
- reduce the cost of compliance monitoring and make illegal sales of vapes more visible.
- dramatically improve the effectiveness of current laws addressing the sale of nicotine vapes by closing the the loophole that retail and online shops exploit to sell falsely labelled 'non nicotine' vapes to young people.

The explosion of vaping prevalence among young Australians is the result of the illegal supply of nicotine vape products and the lack of distinction between nicotine and non-nicotine vapes – a significant loophole in the current legislation. The *Vaping Reforms Bill 2024* will address this loophole by improving the enforceability and effectiveness of the prescription-only model to operate as it was intended.

If Australia adopts a commercial consumer market for vaping products, increased use among young people should be expected, along with associated harm, ill health, and lifelong nicotine addiction. This is not an option as we need to protect young people, and the broader Australian community. The proposed *Vaping Reforms Bill 2024* will go a long way to reducing the health risks posed by vaping, particularly among young Australians, while still enabling access to therapeutic vapes for those Australians trying to quit smoking.

We would be happy to address any questions you might have regarding our submission.

With kind regards,

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Dr Kahlia McCausland, Research Fellow
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For more information about our tobacco control research please visit: <https://www.tobacco-vape-research.org.au/>

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11. Australian Institute of Health and Welfare. National Drug Strategy Household Survey 2022-23: Electronic Cigarettes and vapes. Supplementary data tables. Canberra: AIHW, 2024. 86.8% of Australian adults aged 18+ support or strongly support "Prohibiting the sale of electronic cigarettes/vapes, including those without nicotine, to people under 18 years of age".