

Submission to The Economic Policy Scrutiny Committee regarding the Tobacco Control Legislation Amendment Bill 2018

Prepared by the Association of Alcohol and other Drug Agencies NT,  
Incorporated

September 19, 2018

The Association of Alcohol and other Drug Agencies NT (AADANT) would like to put forward their support of the amendments proposed to the Tobacco Control Legislation Bill. While the Australian Institute of Health and Welfare (AIHW) found no significant uptake of vaping and/or e-cigarettes in Australia, there is no conclusive data available to ensure the health and safety of those who may choose e-cigarettes.

AADANT supports the decision of the Economic Policy Scrutiny Committee to make applicable existing tobacco laws to vaping and e-cigarettes. Research from AIHW in the National Drug Strategy Household Survey 2016 Report found an overwhelming majority of Australians never used e-cigarettes. The age group 24-29 years have the highest daily tobacco smoking rates in Australia and prefer manufactured cigarettes (66.3%). The AIHW also found large proportions of Australians have never smoked, the highest rates of non-smokers are those aged 12-20 years old.

More than half of those who use e-cigarettes are between the ages of 40-70+ years and stated e-cigarettes as an aid for smoking cessation. AIHW data also shows over 70 per cent of young people 12-29 years of age have smoked e-cigarettes out of curiosity.

The Northern Territory has the highest prevalence of daily smoking for Australians 18+, from 2014–15 data at 21 per cent. The national rate is 15 per cent. (Tobacco in Australia, 2017)

AADANT supports the amendments to the Tobacco Control Legislation Bill as follows:

1. Whether the Assembly should pass the Bill: AADANT welcomes the regulation of e-cigarettes and vaping as more research needs to be done on the potential harms and risks associated. Research and education on the harmful effects of tobacco smoking has been documented international and nationally. The harms associated with smoking are directly linked to cancers and many other diseases. To date, no definitive link has been established between e-cigarettes and/or vaping and the development of cancers and/or other diseases. There is also no definitive research showing the use of e-cigarettes and vaping is significantly less harmful long-term.

AADANT fully supports harm minimisation and reduction models but cannot make an educated, well-researched argument against regulating the sale, supply, and consumption of e-cigarettes due to a lack of evidence-based, thorough research.

2. Whether the Assembly should amend the Bill: AADANT would like to see the bill open to further amendment in the future if and when substantial changes in research and education become available. The ability to relax the regulation of e-cigarettes

and/or vaping in future is important if evidence-based research shows significant health benefits to those who are currently smoking manufactured cigarettes and/or other tobacco products.

3. Whether the Bill has sufficient regard to the rights and liberties of individuals: Individuals who chose to vape or use e-cigarettes can still purchase and consume them at their will. Regulations suggested in the Tobacco Control Legislation Amendment Bill 2018 advise smoke-free areas, vending machine restrictions, sale or supply to children, and the prohibition of sale to children. AADANT supports the regulation of e-cigarette and vaping products to match that of tobacco products until substantial medical research is undertaken to show otherwise.

The AIHW report from 2016 shows the highest rate of those trying e-cigarettes out of curiosity was the age group 12-29 years old. Amendments to Tobacco Control Legislation will prohibit the sale of e-cigarettes to those under 18 years of age potentially reducing the harmful impact of e-cigarettes and/or vaping to those under the legal age of adulthood in Australia.

The largest population consuming e-cigarettes and/or vaping is 40-70+ years old, used by the majority of this age group for tobacco smoking cessation. The proposed amendments will not infringe on the rights of people in this age group to purchase and consume e-cigarettes, though it will ensure they are consuming e-cigarettes in public places with tobacco smokers.

4. Whether the Bill has sufficient regard to the institution of Parliament: While e-cigarettes and vaping are not illegal practises, much like tobacco smoking, they need to be regulated to ensure health and safety of those who choose not to consume these products and those who choose to despite health warnings. Without sufficient evidence to show e-cigarettes and vaping are not harmful to the health of the consumer or bystander, the Tobacco Control Legislation Amendment Bill 2018 has sufficient regard to the institution of Parliament.

#### References:

Greenhalgh, EM, Bayly, M, & Winstanley, MH. 1.14 Smoking by Australian states and territories. In Scollo, MM and Winstanley, MH [editors]. Tobacco in Australia: Facts and issues. Melbourne: Cancer Council Victoria; 2017.

National Drug Strategy Household Survey 2016: Detailed Findings. Australian Institute of Health and Welfare, 2017, National Drug Strategy Household Survey 2016: Detailed Findings. Tobacco Chapter: Reliability Tables