



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

**Select Committee on Electronic Cigarettes and Personal
Vaporisers (Vaping)**

INTERIM REPORT
**Inquiry into Electronic Cigarettes
and Personal Vaporisers**

May 2023

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Chair's Preface

The Select Committee on Electronic Cigarettes and Personal Vaporisers was established in March 2023 to inquire into and report on the use of electronic cigarettes and personal vaporisers. However, six weeks later the Commonwealth Government announced a number of measures to address the growing trend in the use of non-therapeutic vaping products for recreational purposes, by young people in particular.

As highlighted in this interim report, these new measures impact on the relevance of the Committee's terms of reference and raise questions as to the extent to which the inquiry is still necessary. The Committee subsequently formed the view that the purpose of its inquiry has been superseded by national decisions and has recommended that the Assembly agrees to dissolve the committee.

On behalf of the Committee I would like to thank all those who made submissions, and those who have started to write submissions, to the inquiry and the departmental representatives that appeared before the Committee and provided advice. I would also like to thank my fellow committee members for their bi-partisan approach to this inquiry.



Mr Brent Potter MLA

Chair

Committee Members

| | | |
|---|---|--|
|  | Mr Brent Potter MLA: Member for Fannie Bay | |
| | Party | Territory Labor |
| | Parliamentary Position | Acting Deputy Speaker |
| | Committee Membership | |
| | Standing | Legal and Constitutional Affairs (Chair) Public Accounts (Deputy Chair) Standing Committee on the ICAC |
| Select | Electronic Cigarettes and Personal Vaporisers (Vaping) (Chair) | |
|  | Mr Dheran Young MLA: Member for Daly | |
| | Party | Territory Labor |
| | Parliamentary Position | Deputy Speaker |
| | Committee Membership | |
| | Standing | House (Deputy Chair) Legal and Constitutional Affairs (Deputy Chair) Public Accounts Committee |
| Select | Electronic Cigarettes and Personal Vaporisers (Vaping) (Deputy Chair) | |
|  | Mrs Jo Hersey MLA: Member for Katherine | |
| | Party | Country Liberals |
| | Parliamentary Position | Acting Deputy Speaker |
| | Committee Membership | |
| | Standing | House |
| Select | Electronic Cigarettes and Personal Vaporisers (Vaping) | |
|  | Ms Kezia Purick MLA: Member for Goyder | |
| | Party | Independent |
| | Committee Membership | |
| | Select | Select Committee on Electronic Cigarettes and Personal Vaporisers (Vaping) |

Committee Secretariat

Committee Secretary: Ms Julia Knight

Administration/Research Officer: Mr Caelan Ikin

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Acknowledgments

The Committee acknowledges the individuals and organisations that provided written submissions and advice to this inquiry.

Terms of Reference

1. That a Select Committee on Electronic Cigarettes and Personal Vaporisers (Vaping) be appointed;
2. that the Member for Fannie Bay be appointed Chair of the Committee;
3. that the remainder of the Committee membership comprise the Member for Daly, one (1) Opposition Member and one (1) Independent Member to be nominated in writing to the relevant Whip or non-party aligned Member by 27 March 2023;
4. that the Committee is to report its findings back to the Assembly by 30 October 2023; and
5. that the terms of reference for the Committee be to inquire into:
 - i. the current scale and trends of e-cigarette and personal vaporiser use in the Northern Territory, including amongst children and young people;
 - ii. the health impacts of the use of e-cigarettes and personal vaporisers;
 - iii. the efficacy of e-cigarettes and personal vaporiser in helping people to quit smoking;
 - iv. the approaches being taken to discourage uptake and the use of e-cigarettes and personal vaporisers, including but not limited to, in Northern Territory Schools; and
 - v. best practice national and international regulatory responses to e-cigarettes and personal vaporisers.

Resolved by the Legislative Assembly on 22 March 2023.¹

¹ Parliamentary Record (Hansard) and Minutes of Proceedings, 14th Assembly, *Draft Daily Hansard – Wednesday 22 March 2023*, pp. 1-10, <https://territorystories.nt.gov.au/10070/902616>

Recommendations

Recommendation 1

The Committee recommends that, in light of the measures announced by the Commonwealth Government, the Assembly dissolve the Select Committee on Electronic Cigarettes and Personal Vaporisers (Vaping).

1 Inquiry Update

Background to the Inquiry

- 1.1 The Select Committee on Electronic Cigarettes and Personal Vaporisers (Vaping) was established on 22 March 2023 in response to growing concerns regarding the use of electronic cigarettes and personal vaporisers (vaping products) in the Northern Territory, with particular reference to young people.²

Conduct of the Inquiry

- 1.2 On 3 April 2023, the Committee called for submissions by 26 May 2023. The call for submissions was advertised via the Legislative Assembly website, Facebook, Twitter feed and email subscription service. In addition, the Committee directly contacted a number of individuals and organisations. As noted in Appendix 1, at the time of writing, the Committee had received 7 submissions to its inquiry. On 17 April 2023, the Committee held a public briefing with representatives from the Departments of Education and Health.³

Recent Developments

- 1.3 In November 2022 the Therapeutic Goods Administration (TGA) released a consultation paper and called for submissions by 16 January 2023 regarding potential reforms to the regulation of nicotine vaping products in Australia.⁴ Based on the TGA's subsequent advice, and supported by all State and Territory Health Ministers⁵, on Tuesday 2 May, the Hon Mark Butler MP (Minister for Health and Aged Care) announced a number of measures to:

reduce smoking and stamp out vaping – particularly among young Australians – through stronger legislation, enforcement, education and support.⁶

- 1.4 As summarised in the table below, these new measures impact on the relevance of the Committee's Terms of Reference and raise questions as to the extent to which the inquiry is still necessary.

² Parliamentary Record (Hansard) and Minutes of Proceedings, 14th Assembly, *Draft Daily Hansard – Wednesday 22 March 2023*, pp. 1-10, <https://territorystories.nt.gov.au/10070/902616>

³ see Appendix 2

⁴ Therapeutic Goods Administration, *Potential reforms to the regulation of nicotine vaping products: Consultation paper*, Commonwealth of Australia, Canberra, November 2022, https://consultations.tga.gov.au/medicines-regulation-division/proposed-reforms-to-the-regulation-of-nicotine-vap/user_uploads/tga-consultation-paper---nicotine-vaping-products---nov-22-1.pdf

⁵ Hon Mark Butler MP, *Minister for Health and Aged Care – Speech – National Press Club – 2 May 2023*, media release, p. 12, <https://www.health.gov.au/ministers/the-hon-mark-butler-mp/media/minister-for-health-and-aged-care-speech-national-press-club-2-may-2023?language=en>

⁶ Hon Mark Butler MP, *Taking action on smoking and vaping*, media release, 2 May 2023, p.1, <https://www.health.gov.au/ministers/the-hon-mark-butler-mp/media/taking-action-on-smoking-and-vaping?language=en>

| Committee's Terms of Reference | Commonwealth Government Measures ⁷ |
|--|---|
| Current scale and trends relating to the use of vaping products. | <p>The Commonwealth has concluded that over the past three years:</p> <ul style="list-style-type: none"> • there has been a significant increase in the use of non-therapeutic vaping products – particularly among people under 30 across Australia; • a black market of vaping products containing nicotine exists with these products being readily accessed from convenience stores, tobacconists and vape shops unlawfully by children and adolescents, and by adults for 'recreational' purposes (i.e. not for smoking cessation), without a prescription; • young vapers are three times as likely to take up smoking with the under 25's the only cohort in the community currently recording an increase in smoking rates; • vaping has become the number one behavioural issue in high schools and is becoming widespread in primary schools. |
| Health impacts of the use of vaping products | The Commonwealth has concluded that the health impacts of the use of vaping products require the introduction of significant restrictions on their availability. |
| Efficacy of vaping products in helping people to quit smoking | Therapeutic use of vaping products is recognised as a potential cessation aid for long term smokers and will remain available from pharmacies for people with a prescription. Restrictions regarding doctors' ability to prescribe will be removed and it will no longer be necessary to gain TGA approval to do so. |
| Approaches being taken to discourage uptake and use of vaping products | <p>Importation of vaping products will be restricted to those that comply with TGA standards and processes as a therapeutic product for sale in plain packaging and only available from pharmacies with the approval of a health professional.</p> <p>State and Territory Governments will work with the Commonwealth to close down the retail sale of vaping products outside of pharmacies.</p> <p>The Commonwealth budget will include:</p> <ul style="list-style-type: none"> • \$30m for support programs to help people quit; • \$63m for a national evidence-based information campaign, with a particular emphasis on young people; • increasing tax on tobacco by 5% per year for 3 years starting September 1 to discourage young people from trading vaping products for cigarettes as they become unavailable from retail outlets other than pharmacies; |

⁷ Hon Mark Butler MP, *Minister for Health and Aged Care – Speech – National Press Club – 2 May 2023*, media release, pp. 9-12, <https://www.health.gov.au/ministers/the-hon-mark-butler-mp/media/minister-for-health-and-aged-care-speech-national-press-club-2-may-2023?language=en>; see also Therapeutic Goods Administration, *Potential reforms to the regulation of nicotine vaping products: Consultation paper*, Commonwealth of Australia, Canberra, November 2022, https://consultations.tga.gov.au/medicines-regulation-division/proposed-reforms-to-the-regulation-of-nicotine-vap/user_uploads/tga-consultation-paper---nicotine-vaping-products---nov-22-1.pdf

| Committee's Terms of Reference | Commonwealth Government Measures ⁷ |
|--|---|
| | <ul style="list-style-type: none"> • extending and widening the <i>Tackling Indigenous Smoking</i> program to reduce the use of vaping products among First Nations people, as well as smoking. |
| Best practice national and international regulatory responses to vaping products | The Commonwealth, State and Territory Governments have committed to maintaining a precautionary approach to vaping products and closing loopholes that currently allow for the importation and retail sale of non-therapeutic vaping products for recreational use. |

Concluding Comment

- 1.5 In light of the above, the Committee has formed the view that the purpose of its inquiry and associated terms of reference have been superseded.

Recommendation 1

The Committee recommends that, in light of the measures announced by the Commonwealth Government, the Assembly dissolve the Select Committee on Electronic Cigarettes and Personal Vapourisers (Vaping).

Appendix 1: Submissions Received

Submissions received as at 17 May 2023:

1. Northern Territory Department of Education
2. Dr Colin Mendelsohn MB BS (Hons)
3. Northern Territory Principals' Association
4. National Health and Medical Research Council
5. Associate Professor Michelle I Jongenelis
6. Orygen
7. Australasian College for Emergency Medicine

Note:

Copies of submissions are available at: <https://parliament.nt.gov.au/committees/list/ECPV#Subs>

Appendix 2: Public Briefings

Public Briefings – 17 April 2023

Department of Education

Saeed Amin: Deputy Chief Executive Regional Services

Department of Health

Samuel Keitaanpaa: Director, Medicines and Poisons

David Scholz: Director, Clinical Policy and Planning

Note:

Copies of public briefing transcript and answers to questions taken on notice are available at: <https://parliament.nt.gov.au/committees/list/ECPV#Hearings>

Bibliography

Butler, M., *Minister for Health and Aged Care – Speech – National Press Club – 2 May 2023*, media release, <https://www.health.gov.au/ministers/the-hon-mark-butler-mp/media/minister-for-health-and-aged-care-speech-national-press-club-2-may-2023?language=en>;

Butler, M., (Minister for Health and Aged Care), *Taking action on smoking and vaping*, media release, 2 May 2023, <https://www.health.gov.au/ministers/the-hon-mark-butler-mp/media/taking-action-on-smoking-and-vaping?language=en>

Parliamentary Record (Hansard) and Minutes of Proceedings, 14th Assembly, *Draft Daily Hansard – Wednesday 22 March 2023*, <https://territorystories.nt.gov.au/10070/902616>

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