

**Submission  
No 4**

## **E-CIGARETTE REGULATION AND COMPLIANCE IN NEW SOUTH WALES**

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I would like to provide eight points to assist the Parliament with its analysis.

1. Vaping is much less harmful than smoking, and may well pose negligible risk over the longer term. We know this beyond reasonable doubt, given the radically reduced exposures to toxicants and the improvements in health experienced by people who switch from smoking to vaping.

2. Vaping functions as an economic substitute for smoking and displaces smoking at the individual and population levels - we have good evidence for this from randomised controlled trials, observational studies, population trends, quasi-experimental economic studies and extensive user testimony. These behaviours are economically coupled, meaning that regulation or taxation applied to vaping has an effect on smoking. It is also the reason why regulation of vaping designed to deter use (rather than make it safer) tends to have perverse unintended consequences.

3. The demand for nicotine is rooted in a range of psychosocial factors and is more robust and resilient than any particular way of taking it. People will switch between different types of nicotine products more easily and more rapidly and in greater numbers than switching from nicotine use to nicotine abstinence. The idea that this demand can be eliminated is without any foundation - no one would argue that we are about to eliminate alcohol use. The health impact will be determined by the products used to consume nicotine.

4. Excessive regulation and prohibition of the type used in Australia does not cause regulated or prohibited products to disappear, but it does transfer the market demand for nicotine to supply by a mixture of criminal networks and gangs, informal providers and consumers finding workarounds (and these may be more risky than a regulated product made more easily available). If the supply of licit or illicit safer products is constricted, then authorities should expect a shift back to legal or illicit sales of cigarettes. More stringent enforcement will lead to a 'professionalisation' of the criminal supply chain.

5. Most youth vaping is frivolous, infrequent and probably transient - it does not amount to a significant public health concern compared to smoking or a wide range of other youth risk behaviours. More intensive and frequent vaping is likely to be mainly confined to those with a high propensity to use nicotine. In the absence of vapes, these people would be likely to be smokers. For this group, typically from more disadvantaged backgrounds, vaping offers significant health and welfare benefits.

6. The Australian authorities have dogmatically followed the advice of Australia's famously self-confident tobacco control experts. Yet the result has been the creation of a mess: a lawless and chaotic market, a war-on-drugs mindset without learning anything from the war on drugs, a humiliation for regulators, and a humbling of politicians who accepted their advice. It is time for a rethink and to listen to those who understand these markets rather than those hoping they can make the market for nicotine vanish somehow.

7. Australia has established an oppressive and stigmatising environment for adults who wish to quit smoking or choose to use the relatively innocuous drug nicotine in a safer way. Australia's policy has placed often insurmountable obstacles before those trying lawfully to protect their own health and welfare, on their own initiative and at their own expense. It is a completely inappropriate and unethical approach to the relationship between citizens and the state.

8. The main role of a sub-national government in the circumstances created by the Federal government will be damage limitation and whatever efforts it could make to reverse the position of the Federal government and national regulator.