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Members of the Parliament of Australia  
Parliament House  
Canberra, ACT 2600

## Urgent vaping law reform needed in Australia

We are writing to inform you of important developments in Health Minister Mark Butler's proposed crackdown on nicotine vaping products.

This letter is from forty five leading Australian and New Zealand tobacco control, public health and addiction experts with no links to tobacco or e-cigarette companies.

Under the Freedom of Information Act, correspondence between committee members of the [Australian National Advisory Council on Alcohol and Other Drugs \(ANACAD\)](#), the peak body that advises the Australian Government on issues related to alcohol and other drugs, reveals significant concerns that the current prescription policy is failing and that the Minister's proposed vaping crackdown will only make things worse. We fully endorse their concerns.

The Council's concerns can be found [here](#), and are summarised in a blog [here](#), and are that:

1. **The ban has created a dangerous black market:** "We know that reducing access to things that are desirable just results in a black market or people using/developing more dangerous substances. The entirely predictable result that the nicotine on the unregulated market is now more available and potent than that in the regulated one and is being sold to [young] people who should not have access."
2. **Further bans will make this black market worse:** "Further restrictions will likely only make the problem worse and we'll end up criminalising more people."
3. **Sensible, balanced regulation is the way forward:** "Sensibly balancing reduction of access and uptake among children and young people with increasing access for adults who want to stop smoking. Regulation that is too severe risks making smoking more attractive."
4. **Policy should be driven by evidence:** "We should encourage the TGA to ensure an evidence based policy. We want to avoid making policy driven by unsubstantiated anecdotal evidence or selective interpretations of the data."
5. **Border control won't work:** "Border control efforts with other illicit drugs is hugely costly with, typically, very little impact on the black market and virtually no impact on use."
6. **All flavours should NOT be banned:** "There is evidence that flavours that appeal to smokers encourage uptake of vaping instead of smoking among adults. Banning anything tends to increase the black market and possibly even experiments with home mixing of flavours."
7. **The 'gateway' theory of drug and alcohol use is flawed:** "There's no evidence that vaping results in young people who are not at risk of smoking tobacco to take up smoking."

The prescription-only prohibition model has failed to protect young people. It has also restricted legal access for adult smokers to an effective quitting aid and harm reduction strategy.

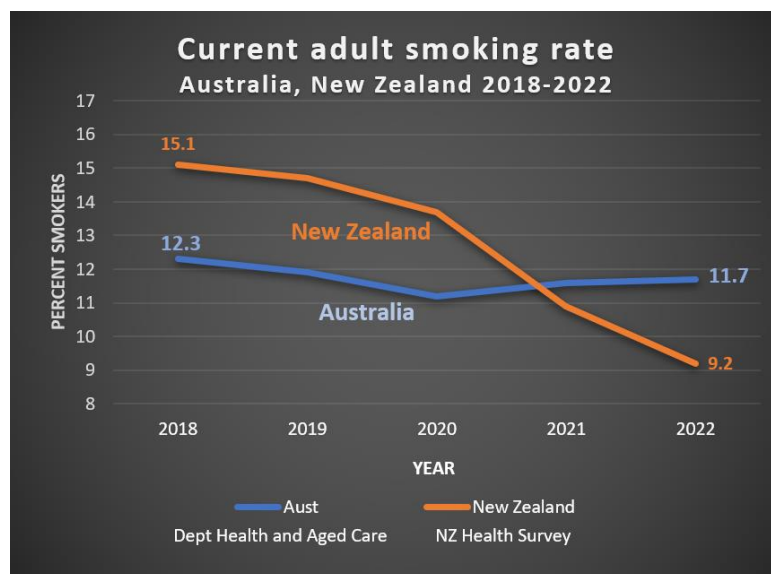
Minister Butler’s proposed crackdown will most likely further entrench the existing black market and result in ongoing access to vapes for young people.

The solution suggested by the expert advisers to the Minister is to regulate vapes as adult consumer products, like cigarettes and alcohol. Seventy-three percent of Australian adults agree vapes should be regulated this way, according to a recent Roy Morgan [survey](#) (page 38).

A regulated consumer model would give adult smokers legal access to safer products, with fewer harmful chemicals and basic consumer protections and would reduce access for young people. This model is working successfully in other western countries such as New Zealand and the United Kingdom.

The advice from ANACAD members is the same as that given to the Minister recently by forty four leading tobacco control and addiction specialists from Australia and New Zealand in an [open letter here](#).

Minister Butler has acknowledged that Australia’s smoking rate has flatlined. However, smoking rates are rapidly declining in many countries where vaping is readily available. For example, over the last four years, the adult smoking has decreased in New Zealand by 39%, compared to 5% in Australia (see graph) and vaping is a major contributor to this decline.



We are available to meet with you to discuss this critical public health issue. We are also more than happy to provide further information at your request.

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