

Legislative Council Select Committee on Personal Choice and Community Safety

Via email: [pccs@parliament.wa.gov.au](mailto:pccs@parliament.wa.gov.au)

5 October 2018

Dear Committee Members,

**Re: An inquiry into personal choice and community safety**

We welcome the opportunity to provide a submission to the Legislative Council Select Committee inquiry into *Personal Choice and Community Safety*. It is imperative that decisions and regulations regarding community safety are foremost based on robust evidence.

We provide comment on terms 1 and 3 of the inquiry:

*(1) risk-reduction products such as e-cigarettes, e-liquids and heat-not-burn tobacco products, including any impact on the wellbeing, enjoyment and finances of users and non-users;*

*(3) any other measures introduced to restrict personal choice for individuals as a means of preventing harm to themselves.*

We are making two main requests of the committee:

1. That existing restrictions on tobacco products should be maintained.
2. That the sale of e-cigarettes within Western Australia should remain prohibited while there remains a lack of high quality evidence on the effectiveness of e-cigarettes as a successful cessation or harm reduction tool and limited studies on the long-term health consequences of e-cigarette use.

Australia has an excellent record of health policies that are based on high-quality evidence and is recognised as one of the world leaders in reducing smoking rates and addressing the harmful consequences of tobacco products. Smoking rates in Western Australia have declined from 17.1% in 2006 to 10.8% in 2016<sup>1</sup>, preventing thousands of tobacco-related deaths. The policies that have achieved this reduction, including increasing taxation on tobacco products and the introduction of plain packaging legislation, have successfully reduced tobacco-related harms in spite of opposition primarily from the tobacco industry and commercial interests that they impinged on personal choice. In reality, there are a multitude of external environmental and social factors that impact

health-related behaviour, and government policies (or the lack thereof) necessarily shape both individuals' personal choices and community safety as a whole. Despite Australia's overall reductions in smoking rates, tobacco use amongst people experiencing socio-economic disadvantage remains high. There are a disproportionate number of retailers selling tobacco products in these areas and this both normalises consumption and presents significant barriers to individuals attempting to quit. The addictive nature of tobacco products means that the decision to continue use is rarely a personal 'choice'. The evidence is clear that we need to maintain and strengthen tobacco control policies to avoid a relapse in the proportion of disease attributable to tobacco use.

There has been growing discussion both internationally and within Australia on e-cigarettes, however robust high-quality peer-reviewed evidence on the health impacts of e-cigarettes remains scarce.<sup>2</sup> Tobacco industry and commercial voices dominate the calls for e-cigarettes to be legalised and distributed as a harm-reduction alternative to cigarette smoking – however the TGA has concluded that there is insufficient evidence to support the use of e-cigarettes as a cessation aid, or harm-reduction tool.<sup>3</sup> Existing evidence suggests a number of mechanisms through which e-cigarettes may have negative consequences for health including harm from nicotine vaping, the potential for a 'gateway' effect and the normalisation of smoking behaviour, leading to increased smoking rates.<sup>4</sup> Additionally, there is emerging international evidence regarding the safety of e-cigarette use with a recent study in the United States finding that 2035 people attended hospital emergency departments from 2015-2017 as a result of burn injuries caused by e-cigarettes.<sup>5</sup>

In the current climate of vocal industry representatives and vested interests, it is essential that policy and legislation continues to be based on evidence generated through high-quality research to maintain and enhance community safety. We urge the committee to maintain existing restrictions on tobacco products and, given the current lack of high-quality evidence, continue to prevent the sale of e-cigarettes in Western Australia.

Kind regards,

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5 October 2018

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5 October 2018

Craig Cumming  
5 October 2018

1. Radomiljac A, Joyce S, Powell A. Health and Wellbeing of Adults in Western Australia 2016, Overview and Trends. Western Australia; 2017.
2. National Health and Medical Research Council. Insufficient evidence for the safety of e-cigarettes. 2017 [cited 2018 3 October]. Available from: <https://nhmrc.gov.au/about-us/news-centre/insufficient-evidence-safety-e-cigarettes-0>
3. Department of Health Therapeutic Goods Administration. Electronic cigarettes. 2015 [cited 2018 4 October]. Available from: <https://www.tga.gov.au/community-qa/electronic-cigarettes>
4. Cancer Council Australia. Position Statement - e-cigarettes. [cited 2018 4 October]. Available from: [https://wiki.cancer.org.au/policy/Position\\_statement\\_-\\_Electronic\\_cigarettes](https://wiki.cancer.org.au/policy/Position_statement_-_Electronic_cigarettes)
5. Rossheim ME, Livingston MD, Soule EK, Zeraye HA, Thombs DL. Electronic cigarette explosion and burn injuries, US Emergency Departments 2015–2017. Tobacco Control. 2018.