

5 October 2018

Select Committee on Personal Choice and Community Safety  
Parliament House  
4 Harvest Terrace  
WEST PERTH WA 6005  
Via email: [pccs@parliament.wa.gov.au](mailto:pccs@parliament.wa.gov.au)

Dear Select Committee Members,

**RE: Australian Health Promotion Association (WA Branch) Submission for the Personal Choice and Community Safety Inquiry**

The Australian Health Promotion Association Ltd (AHPA®) is the peak body for health promotion in Australia, and the only dedicated professional association specifically for people interested or involved in the practice, policy, research and study of health promotion.

Health promotion not only embraces actions directed at strengthening the skills and capabilities of individuals but also actions directed towards changing social, environmental, political and economic conditions to alleviate their impact on populations and individual health.

The World Health Organization defines health promotion as the process of enabling people to increase control over the determinants of health and thereby improve their health<sup>1</sup>.

Creating environments that make the healthier, safer choice easier for people is a core health promotion approach.

Australia is one of the healthiest countries in the world largely because of effective health promotion and public health strategies that have helped to create social and environmental conditions that enable Australians to enjoy healthy and happy lives.

The vast majority of Australia's spiralling health costs are caused by obesity, tobacco and alcohol. These preventable risk factors generate more than ten times the disease burden of any other risk factor<sup>2</sup>. Rather than responding to treating individuals, public health serves to improve the health of the whole population. To maintain and improve our quality of life, Australia must continue to address the greatest overall threats to our health and wellbeing.

The WA Branch of AHPA welcomes the opportunity to provide a submission for the Personal Choice and Community Safety Inquiry to help the Select Committee make informed decisions. In this submission we

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<sup>1</sup> See World Health Organization, 1986, The Ottawa Charter for Health Promotion. Available at: <http://www.who.int/healthpromotion/conferences/previous/ottawa/en/>

<sup>2</sup> See Australian Health Promotion Association, 2016, Media Statement: Treatment Costs, Health Promotion Saves. Available at: [https://www.healthpromotion.org.au/images/MediaStatementElectionAHPAJune2016\\_NATIONAL.pdf](https://www.healthpromotion.org.au/images/MediaStatementElectionAHPAJune2016_NATIONAL.pdf)

will demonstrate that careful, evidence-informed stewardship is good for the public's health, and provide evidence on: tobacco and e-cigarettes, bicycle helmets, life jackets, pool fencing, and alcohol. However we would like to note that, on behalf of the members that we represent, we believe that establishing this Select Committee to inquire broadly into 'matters related to personal choice and community safety' is inefficient. It is a drain on the limited resources of the public health and health promotion workforce, which should not require them to publicly defend their work given the evidence base on which it is underpinned.

We would also like to note our concerns about the potential for bias by the Chair of the committee, given the fact that his political party, the Liberal Democrats, receives donations from Phillip Morris Limited and tobacco industry front-group, the Alliance of Australian Retailers Pty Ltd<sup>3</sup>. Phillip Morris has a commercial interest in this Inquiry given they produce and market e-cigarettes that under current WA laws, are not permitted for sale in this state.

### About AHPA

AHPA supports over 1,100 members and subscribers across Australia, from government departments and agencies, universities, non-government organisations, community-based organisations and groups, private companies and industries, and students. Membership of AHPA is diverse, and includes designated health promotion practitioners, researchers and students, as well as others involved in promoting physical, mental, social, cultural and environmental health, whose primary profession or area of study may be something different, but whose responsibilities include health promotion and promoting health more broadly.

AHPA provides a forum for the exchange of information, knowledge, ideas and advocacy for population health and health promotion. One of AHPA's main priorities is to contribute to discussion, debate and decision-making on health promotion policy, practice and research, and advocate for evidence-informed approaches.

The Association is governed by a Board of Directors at a national level with operational branches in most states and territories across Australia. AHPA is committed to improving the health and wellbeing of all Australians. As the peak body for health promotion, AHPA advocates for the development of healthy environments in which all people can live, work and play.

### Terms of reference

*"The Select Committee is to inquire into and report on the economic and social impact of measures introduced in Western Australia to restrict personal choice 'for the individual's own good', with particular reference to —*

- (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;*
- (2) outdoor recreation such as cycling and aquatic leisure, including any impact on the wellbeing, enjoyment and finances of users and non-users; and*
- (3) any other measures introduced to restrict personal choice for individuals as a means of preventing harm to themselves."*

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<sup>3</sup> See Australian Electoral Commission, Donor Annual Return 2016-17 – Phillip Morris Limited. Available at: <https://periodicdisclosures.aec.gov.au/Donor.aspx?SubmissionId=64&ClientId=10094> ; Donor Annual Return 2015-16 – Alliance of Australian Retailers Pty Ltd. Available at: <https://periodicdisclosures.aec.gov.au/Donor.aspx?SubmissionId=60&ClientId=28800>

### **Personal choice, community safety and government stewardship**

The terms of this inquiry, as noted above, state that *‘the Select Committee is to inquire into and report on the economic and social impact of measures introduced in Western Australia to restrict personal choice ‘for the individual’s own good’*. The misleading implication is that individuals are considered incapable of making their own decisions.

In AHPA’s 2015 submission to the federal inquiry into personal choice and community impacts, Gemma Crawford, President of AHPA wrote<sup>4</sup>:

*“The personal freedom to make decisions is an essential requirement for individual health and wellbeing. However personal freedom is only possible within supportive environments that protect us from adverse social conditions and harmful behaviour such as violence and addiction. Our individual actions do not occur in a vacuum. Invariably individual actions impact on others within society. Individuals do not always have all of the required resources at their disposal to weigh up all of the relevant costs, risks and benefits of decisions in order to make informed decisions.”*

It is now widely recognised that information and education play a relatively small role in preventing harmful behaviour, and that laws, regulations and policies (e.g. around pricing and supply) are more than often necessary to create safer and healthier places, products and situations. There are hundreds of examples where population-wide regulations are the fairest, most effective and economically viable approach. Prevention of cardiovascular disease through regulations banning trans-fats, limiting dietary salt in margarine and smoke-free public places are far cheaper and more effective than cardiovascular screening and treatment. Likewise, road safety measures such as mandatory bicycle helmets and seatbelts, and random breath testing involve a relatively small limitation of individual choice for the greater good, including safer roads which results in fewer deaths and injuries, saving lives and saving money.

The push to be free from government interference fails to recognise a government’s responsibilities to protect community health and safety, and fails to place public health interests before vested interests. Even the most conservative and socially acceptable regulations will inevitably be criticised by vested interests, who claim that their personal freedoms (to make profits or engage in harmful behaviour) are being restricted by the ‘nanny state’.

This ‘nanny-state’ argument ignores the pragmatic fact that careful regulation is often the simplest, most effective, fair and transparent way to ensure everyone has the freedom to enjoy a healthy and happy life. WA must maintain this balanced approach in order to remain an advanced and compassionate society. For a practical guide on undertaking a measured, evidence-informed public health approach, we encourage the Select Committee to refer to ‘Public Health: Ethical Issues’ by the Nuffield Council on Bioethics, in which the authors note that *“... ‘doing nothing’ is an active decision by the state that will have an impact on people’s ability to lead a healthy life”*.

Additionally, if the Select Committee require further evidence as to why evidence-informed stewardship is good for the public’s health, we refer them to a comprehensive article written by Professor Simon Chapman, ‘One hundred and fifty ways the nanny state is good for us’<sup>5</sup>.

To ignore or remove evidence-informed measures that are in place in WA around risk-reduction products and outdoor recreation will only place further burden on our taxpayers-funded health system.

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<sup>4</sup> Australian Health Promotion Association, 2015, Inquiry into Personal Choice and Community Impacts Submission. Available at:

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Economics/Personal\\_choice/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Personal_choice/Submissions)

<sup>5</sup> See Professor Simon Chapman, 2018, One hundred and fifty ways the nanny state is good for us. Available at: <http://theconversation.com/one-hundred-and-fifty-ways-the-nanny-state-is-good-for-us-15587>

We trust that this inquiry will recognise that sensible regulation results in better, fairer, more cost-effective and long-term health outcomes for everyone, whilst ensuring individuals are involved in decisions about their health.

### **The evidence and why regulation is good for the public's health**

#### E-cigarettes, e-liquids and heat not burn tobacco products

In Australia the Therapeutic Goods Administration (TGA) is responsible for regulating the supply, import, export, manufacturing and advertising of therapeutic goods. As stated on their website *"the TGA safeguards and enhances the health of the Australian community through effective and timely regulation of therapeutic goods"*<sup>6</sup>. All smoking cessation products that are lawfully available for sale in Australia have been evaluated by the TGA for safety and efficacy, and have been registered with the TGA<sup>7</sup>.

To date the TGA has not approved e-cigarettes as a smoking cessation product<sup>8</sup>.

We encourage the Select Committee to read Cancer Australia's Statement<sup>9</sup> on e-cigarettes in Australia, which is also supported by the Australian Medical Association, Cancer Council Australia, National Heart Foundation of Australia and Thoracic Society of Australia and New Zealand, and summarises the current public health evidence as reviewed by the National Health & Medical Research Council, the TGA and other leading evidence-based agencies.

#### Mandatory bicycle laws

Legislation requiring the use of bicycle helmets is a simple and cost-effective strategy to prevent cycling-related head injuries. Since the introduction of mandatory helmet legislation in Australia over 20 years ago, there has been a significant and sustained long-term reduction in cycling related head injuries<sup>10</sup>. A large body of evidence supports this finding; with a recent study finding helmet use reduced the risk of head injury in cyclists involved in crashes with motor vehicles by up to 74%<sup>11</sup>.

#### Mandatory life jacket laws

Over the past 10 years in WA there have been 46 boating-related drowning deaths. Currently in WA it is a requirement that life jackets must be carried for each person over the age of 12 months on board a recreational vessel being operated in unprotected waters (waters not contained within a lake, river or estuary, or by any breakwater). Lifejackets are a key safety feature in recreational boating. A National Marine Safety Committee study found that people who survived a boating incident were more than two times more likely to have been wearing a lifejacket compared to those who died, and concluded that if lifejacket usage increased to 50%, 2-3 lives could be saved nationally each year<sup>12</sup>.

<sup>6</sup> See Australian Government Department of Health Therapeutic Goods Administration, nd, Who we are & what we do. Available at: <https://www.tga.gov.au/who-we-are-what-we-do>.

<sup>7</sup> See Australian Government Department of Health Therapeutic Goods Administration, 2015, Electronic cigarettes. Available at: <https://www.tga.gov.au/community-ga/electronic-cigarettes>

<sup>8</sup> See Australian Government Department of Health, 2018, E-cigarettes. Available at: <http://www.health.gov.au/internet/main/publishing.nsf/Content/mc16-031907-reduce-the-harm-from-tobacco>.

<sup>9</sup> See Cancer Australia et al. 2018, Statement on e-cigarettes in Australia. Available at: [https://canceraustralia.gov.au/sites/default/files/statement\\_on\\_e-cigarettes\\_february\\_2018\\_0.pdf#\\_ga=2.158968761.2065463224.1538653161-374889567.1530604221](https://canceraustralia.gov.au/sites/default/files/statement_on_e-cigarettes_february_2018_0.pdf#_ga=2.158968761.2065463224.1538653161-374889567.1530604221)

<sup>10</sup> Olivier, J., Walter, S. R., & Grzebieta, R. H., 2013, Long-term bicycle related head injury trends for New South Wales, Australia following mandatory helmet legislation. *Accident Analysis & Prevention*, 50, 1128-1134. Available at: <https://dx.doi.org/10.1016/j.aap.2012.09.003>

<sup>11</sup> Bambach, M. R., Mitchell, R. J., Grzebieta, R. H., & Olivier, J., 2013, The effectiveness of helmets in bicycle collisions with motor vehicles: A case-control study. *Accident Analysis and Prevention*, 53, 78-88. Available at: <https://dx.doi.org/10.1016/j.aap.2013.01.005>

<sup>12</sup> See Australia New Zealand Safe Boating Education Group, 2018, Lifejackets. Available at: <http://www.anzsbe.com.au/index.php/safety/pfd/>

### Pool fencing

A 10-year review prepared by the Royal Life Saving Society WA found that on average four children under five fatally drown each year (average cost of each death AUD \$4.64 million), making drowning the leading cause of preventable death in children of this age group<sup>13</sup>. Pool fencing is necessary to protect children from harm as the risk of relying on adult supervision alone is too high.

### **Gaps where we should do more**

#### Introduction of minimum floor pricing for alcohol

Alcohol consumption can cause significant harm to not only the user but also those around them. In 2015 in WA there were 565 alcohol-attributable deaths<sup>14</sup> and it has been reported that alcohol use costs the community \$3.1 billion per year in policing costs, hospitalisations, road crashes and ambulances<sup>15</sup>. This is why the costs of failing to effectively regulate alcohol are too great to leave up to individual choice. Careful, evidence-based, cost-effective regulation is needed in the area of alcohol availability, pricing and promotion.

There is a well-established connection between alcohol prices, alcohol consumption, and alcohol harms. As the price of alcohol decreases, drinking increases (inclusive of heavy drinkers). As drinking increases, so does the likelihood of alcohol-related harm. Minimum pricing is a regulatory measure used to set a floor price per standard drink, meaning that alcohol cannot be sold below this floor price<sup>16</sup>. With cheap alcohol being increasingly available, a minimum price would reduce retailers' ability to heavily discount and sell alcohol at very cheap prices. The introduction of a minimum price for alcohol is expected to have the greatest impact on heavy and dependent drinkers whilst moderate drinkers will be less affected. That's because heavier drinkers tend to buy cheaper alcohol, and more of it, compared to lighter drinkers. The AHPA (WA Branch) strongly supports the introduction of minimum pricing of alcohol in WA.

### **Conclusion**

Laws, regulations and policies create safer and healthier places, products and people. While regulation may reduce personal choice and freedom to some extent, it is needed for appropriate governmental stewardship particularly where evidence shows the impact of personal choice has a negative and detrimental effect on other people and causes greater cost to society. Where careful, evidence-based government stewardship is in place in WA, it is in fact good for the public's health.

In response to the terms of reference by the Select Committee on Personal Choice and Community Safety, the AHPA (WA Branch) recommends that the Committee:

- Acknowledge the importance of regulation as a key public health strategy.
- Reinforce the responsibility of governmental stewardship in protecting community health and safety.
- Consider current gaps and opportunities to improve upon careful, evidence-informed stewardship to improve the public's health.

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<sup>13</sup> Nimmo, L., 2015, A 10-year analysis of drowning in toddler aged 0-4 years in Western Australia (2003/04 to 2012/13), Royal Life Saving Society WA, Perth. Available at: <https://royallifesavingwa.com.au/your-community/facts-and-figures/drowning-reports>

<sup>14</sup> National Drug Research Institute, Bulletin 16: Estimated alcohol-attributable deaths and hospitalisations in Australia, 2004-2015, Curtin University, 2018.

<sup>15</sup> Alcohol Think Again, Alcohol and Youth Health Infographic 2017, Available at: <https://alcoholthinkagain.com.au/Resources/Alcohol-Use-Statistics>

<sup>16</sup> WA Alcohol and Youth Action Coalition, 2018, The Case for a Minimum (Floor) Price for Alcohol in WA. Available at: <https://mcaay.org.au/assets/publications/the-case-for-a-minimum-floor-price-for-alcohol-in-wa.pdf>

We appreciate the opportunity to make this submission and present our ideas to you. Please do not hesitate to contact us on [wabranch@healthpromotion.org.au](mailto:wabranch@healthpromotion.org.au) should you require additional information or have any queries in relation to this submission.

Yours sincerely,

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