

Select Committee on Personal Choice and
Community Safety
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Mannkal Economic Education Foundation believes that a prosperous society is one based on limited government and allows for individual initiative and responsibility. To this end, Mannkal has prepared a submission to the Western Australian Legislative Council's Inquiry on Personal Choice and Community Safety with regard to paternalistic laws in Western Australia.

This submission has been prepared on the basis that individuals are capable of making informed decisions about their own lives, and they are ultimately responsible for the consequences which arise from their own actions. While individuals should be free to act in the manner they see fit, this is currently inhibited by draconian and inconsistent Western Australian legislation regarding vaping products and e-cigarettes, devices which simulate smoking by heating up liquids to create a vapour which users inhale.

Although e-cigarettes are an alternative to traditional nicotine-delivery products, such as cigarettes and cigars, they do not necessarily need to contain nicotine. While cigars and cigarettes are subject to regulation, they are widely available to consumers who can choose whether they use them or not. This is not the case with e-cigarettes which in many instances are banned in Western Australia. While many countries have moved towards a more liberal policy surrounding e-cigarettes, the Western Australian *Tobacco Control Act 2006* places restrictions on the sale of products which are designed to resemble tobacco products. These restrictions should be removed as they are an unnecessary intrusion into the lives of citizens. Individuals should be free to decide for themselves if they would like to use e-cigarettes.

In removing these restrictions, Western Australia would be following the example of many other jurisdictions. For example, the state of New Hampshire in the United States. The sale and use of e-cigarette products is legal to those over 18 years of age in New Hampshire, and although smoking is banned in some public areas, business owners can decide if they allow vaping in bars and restaurants.

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This policy allows for individual responsibility for the use of e-cigarettes and other vaping products for adults, but still provides protections for minors.

The current legislation in Western Australia restricts personal freedom. It should be up to individuals, not the state, to decide whether or not they will make use of any product, including e-cigarettes. A policy which allows for e-cigarettes to be bought and sold in Western Australia would enable individuals to decide for themselves. They would be free to make use of alternatives to traditional nicotine-delivery products. This has the added benefit of providing a far less harmful alternative to cigars and cigarettes. The punitive and unjustified restriction of e-cigarettes in Western Australia diminishes the initiative and responsibility of the individual. Mannkal recommends the policy in Western Australia to draw on the New Hampshire experience to allow for individuals to decide which products they will use and for business owners to have the ability to provide a vaping or non-vaping venue.

Kind regards,

Andrew Pickford
Executive Director

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