



# **Inquiry into vaping and tobacco controls**

**Public Accounts and Estimates Committee (Victoria)**  
**Asthma Australia Submission, March 2024**

## **ABOUT ASTHMA AUSTRALIA**

Asthma is a respiratory condition that affects 2.7 million Australians, with children being the most impacted. Asthma is responsible for at least one Australian death every day, making it a serious health concern. More than 30,000 people are hospitalised each year due to asthma, yet 80% of these hospitalisations are considered potentially avoidable.

Despite the prevalence of asthma, it is often misunderstood, causing fear and anxiety for those living with the condition. Asthma Australia has been the leading charity for people with asthma and their communities for over 60 years.

The challenges of climate change, unhealthy air, and health inequity make it more important than ever for people with asthma to have a voice. We search for new and progressive approaches to challenge the status quo. Our work is grounded in evidence and centred on the experiences of people affected by asthma. We believe by listening to those living with asthma, designing solutions with them, and influencing change, people with asthma can live freely, unrestricted by their asthma.

## OUR SUBMISSION

Asthma Australia strongly welcomes the inquiry of the Public Accounts and Estimates Committee (the Committee) into vaping and tobacco controls in Victoria. We have been **strong advocates for improved regulation of e-cigarettes and tobacco in Australia** given the well-known detrimental health effects of tobacco smoking and the growing evidence in relation to the serious health impacts of vaping. Vaping has been shown to be a gateway into tobacco smoking and as its prevalence rises has the potential to reverse the progress Australia has made on reducing smoking rates.<sup>1</sup> As a result, we strongly support the legislative and regulatory measures that the Federal Government has recently introduced to address recreational vaping.

In our submission, we briefly highlight key issues for people with asthma in relation to vaping and smoking and outline our position on recent and ongoing reforms in this area, as well as the further measures required to help protect the health of Victorians. In addition, we would like to acknowledge the important work that Quit and the Cancer Council Victoria have undertaken in this area and indicate our support for their submission and recommendations to this inquiry.

We urge the Victorian Government to use the opportunity that this Inquiry affords to address the notable gaps in its smoking product regulation and legislation and develop and implement much needed regulation to support the health of all Victorians. Asthma Australia welcomes being contacted for any future contributions to this important consultation.

## TRENDS IN VAPING AND TOBACCO USE AND THE ASSOCIATED HEALTH IMPACTS

### TOBACCO USE AND ASTHMA

There are many well-established and widely known, detrimental health impacts of smoking tobacco for people with asthma. These include:<sup>2</sup>

- Smoking and passive smoking can **trigger and exacerbate asthma symptoms, increase asthma flare-ups and reduce the effectiveness of asthma medications.**<sup>3</sup>
- Passive tobacco smoking can be particularly **harmful to babies and young children** and can lead to the development of asthma and other health conditions.<sup>4</sup>
- Adults with asthma have higher rates of daily tobacco smoking than the general population with **one in seven smoking** (14.1%),<sup>5</sup> compared with 10.6% of the general population.<sup>6</sup>
- The combination of asthma and tobacco smoking worsens asthma control and increases the chance of permanent lung damage lungs and of lower lung function.<sup>7</sup> It also increases the risk of developing chronic obstructive pulmonary disease (COPD).<sup>8</sup>

### E-CIGARETTES AND ASTHMA

The growing evidence about the detrimental health effects of vaping is summarised below.

#### Health impacts

The 2022 systematic review of global evidence on e-cigarettes and health outcomes has found conclusive evidence that vaping can result in **respiratory diseases, lung injury**, addiction, burns and

injuries, intentional and unintentional poisoning and acute nicotine toxicity, including seizures.<sup>9</sup> More research into the effects of e-cigarettes and respiratory health outcomes is needed however as evidence suggesting detrimental associations is currently limited or insufficient.

### Indirect health impacts

- **Secondhand vapour**

Vaping causes indoor and outdoor air pollution, which may detrimentally affect people with asthma through acting as triggers to asthma symptoms and flare-ups and risks factors to its development. Although there is a need for more research on the health effects of e-cigarette vapour and respiratory outcomes such as asthma, we regularly hear from consumers about how e-cigarette vapour affects their health and triggers their asthma symptoms.

- **Gateway into tobacco smoking**

There is strong evidence of a significant gateway effect of vaping on tobacco smoking, which is a significant asthma risk factor and trigger. The evidence shows that never smokers and non-smokers who **vape are around three times more likely to take up tobacco smoking compared to people who do not use e-cigarettes.**<sup>10</sup> This gateway effect could have a particularly devastating effect on the health of younger generations and reverse the progress Australia has made in reducing tobacco use.

### Impact on children and adolescents

**Children with asthma in Australia bear a disproportionate burden of the disease.** Asthma is the leading cause of burden of disease for people aged 5–14 years and 460,000 children have asthma.<sup>11</sup> Children are much more likely than adults to be hospitalised for asthma, with over 17,000 children with asthma hospitalised in 2022.<sup>12</sup>

In 2019, 9.6% of people aged 14 to 17 years in Australia had ever used e-cigarettes.<sup>13</sup> **In 2022-23, 28% of 14-17 years had used e-cigarettes, nearly triple the amount of young people in just 3 years.**<sup>14</sup> Further, the top reason for first using e-cigarettes amongst respondents aged 14-17 years as reported by the National Drug Strategy Household Survey in 2022-23 was ‘out of curiosity’ (74%).<sup>15</sup>

The prevalence of asthma amongst young people alongside the known detrimental respiratory health effects of e-cigarettes is particularly concerning given the rise of vaping amongst children and young people and the gateway effect of vaping into tobacco smoking.

## THE ADEQUACY OF THE STATE AND COMMONWEALTH LEGISLATION, REGULATORY AND ADMINISTRATIVE FRAMEWORKS TO MINIMISE HARM FROM ILLICIT TOBACCO AND E-CIGARETTES

### VICTORIAN LEGISLATION, REGULATORY AND ADMINISTRATIVE FRAMEWORKS

Victoria has fallen behind its peers in Australia and is now the only jurisdiction that does not have a retail licensing scheme for the sale of tobacco and e-cigarettes. Retail licensing schemes help to ensure that retailers are appropriately following legislation related to smoking products and that governments are able to effectively enforce such legislation. Victoria now has an opportunity to develop a best practice retail licensing scheme incorporating the strongest elements of the

approaches in other jurisdictions.<sup>16</sup> **We urge the Victorian Government to introduce a retail licensing scheme for smoking products that covers both tobacco and e-cigarettes.** A retail licensing scheme, alongside the revisions to the Victorian Tobacco Act 1987 we recommend below, are critical elements to minimising the prevalence and secondhand health impacts of smoking products.

### **Tobacco and other product advertising and promotion**

We recommend that the Victorian Tobacco Act 1987 (the Act) be amended to include the following measures relating to advertising and promotion of smoking products in Victoria.

- **Remove retail price boards to prevent their use for advertising by tobacco companies.** Price boards hold a prime position visually and there is some evidence to suggest that tobacco companies compete for the top positions in view of this.<sup>17</sup> Price boards have been prohibited in the Australian Capital Territory and Queensland.
- **End retail display ban exceptions for specialist tobacconists.** Their ongoing exemption under the Tobacco Act 1987 places Victoria behind all other jurisdictions.
- **Regulate the advertising of smoking products in trade publications so that smoking products can only be presented using text only.** Ending the use of imagery and videos in trade publications would prevent tobacco companies from using them to promote their products to retailers.
- **Review and enforce the prohibition of tobacco industry payments and incentives to retailers.** Cancer Council Australia has found that tobacco companies offer incentives (e.g. prizes and gifts) to tobacco retailers in Victoria to encourage them to promote specific products and maximise sales. This is despite the practice is effectively prevented by provisions set out in the Act, highlighting the need for enforcement.
- **Prohibit the sale of smoking products using vending machines.** Vending machines are commonly found in licensed liquor venues. Evidence shows that encountering smoking products at liquor licensed venues is associated with a smoking relapse.<sup>18</sup> Such vending machines also further normalise the use of smoking products and reinforce the link between their use and socialising.
- **End online sales of smoking products.** Online sales increase the ease of access of smoking products for all Victorians and people who live in Australia, including children and young people.

### **Secondhand smoke and vapour from e-cigarettes**

There is no safe level of secondhand smoke and aerosol and, as outlined above, there is evidence that both secondhand tobacco smoke and exposure to vapour from e-cigarettes cause significant health harms.<sup>19,20</sup> Hence, ensuring that all public places in Victoria are smokefree are important aspects to protecting human health.

We recommend that the Victorian Government review the smokefree provisions contained in the Act to ensure harmful exposure to all secondhand tobacco and vape emissions are minimised. To this end, the Government should look to include the following additions to the Act:

- **Smoking signs that include specific reference to no vaping.** Currently, smokefree areas do not have to make specific reference to vaping.
- **The inclusion of outdoor workplaces as smokefree areas, including outdoor drinking areas.** Currently, employees are not protected from second hand emissions in outdoor areas.

- **The inclusion of all outdoor public events as smokefree areas.** Currently, underage music events and food fairs must be smokefree, but not other cultural, community and musical festivals.
- **The inclusion of all beaches and national parks as smokefree areas.**
- **The inclusion of pedestrian malls and the grounds of all other public spaces, such as hospital and health services, as smokefree areas.**

Making these changes to the Act would not only help protect people from the secondhand harms of tobacco and e-cigarette use but would also help denormalise their use, and help those users who are trying to quit.<sup>21</sup>

## COMMONWEALTH LEGISLATION, REGULATORY AND ADMINISTRATIVE FRAMEWORKS

**Asthma Australia has strongly welcomed the decisive legislative and regulatory measures that the Federal Government has recently made, and is in the process of making, to tobacco and e-cigarette controls.** These include:

- The Public Health (Tobacco and Other Products) Act 2023 (Cth), which covers a number of measures to discourage the use of tobacco products, restrict the promotion of e-cigarettes and address notable legislative gaps.
- **Critical reforms to curb the rising prevalence of recreational vaping, particularly amongst children and young people.** These include the prohibition of the importation of all vapes excluding those to be accessed by prescription for therapeutic use. It also includes legislative reform preventing the manufacture, advertisement, supply and commercial possession of any non-prescription vape in Australia, about which MPs and Senators will soon be able to vote. We are currently campaigning alongside the Cancer Council Australia and other public health organisations in support of this legislation.<sup>22</sup>

**We ask that the Victorian Government accompany the Federal Government’s vaping reforms with robust enforcement and compliance measures, educational campaigns and increased support for people to give up smoking vapes and tobacco.** Such strong action is critical at the state level if Australia is to be successful in ending recreational vaping and realising the health benefits that this will have for people who vape, for people with asthma and other health conditions affected by passive smoking, and for a future generation being protected from addiction to nicotine and taking up tobacco smoking.

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<sup>1</sup> Banks E, Yazidjoglou A, Brown S, Nguyen M, Martin M, Beckwith K, Daluwatta A, Campbell S, Joshy G. Electronic cigarettes and health outcomes: systematic review of global evidence. Report for the Australian Department of Health. National Centre for Epidemiology and Population Health, Canberra: April 2022.

<sup>2</sup> Greenhalgh, EM, Ford, C, & Winstanley, MH. Chapter 3- The Health Effects of Active Smoking. In Greenhalgh, EM, Scollo, MM and Winstanley, MH [editors]. Tobacco in Australia: Facts and issues. Melbourne: Cancer Council Victoria; 2021.

<sup>3</sup> <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/drug-types/tobacco#harms>

<sup>4</sup> <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/drug-types/tobacco#harms>

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- <sup>5</sup> <https://www.abs.gov.au/statistics/health/health-conditions-and-risks/asthma/latest-release>
- <sup>6</sup> [Smoking and vaping, 2022 | Australian Bureau of Statistics \(abs.gov.au\)](#)
- <sup>7</sup> Asad Tamimi, Dzelal Serdarevic, Nicola A. Hanania (2012). The effects of cigarette smoke on airway inflammation in asthma and COPD: Therapeutic implications, *Respiratory Medicine*, Volume 106, Issue 3, 2012, Pages 319-328, <https://doi.org/10.1016/j.rmed.2011.11.003>.
- <sup>8</sup> Laniado-Laborín R. Smoking and chronic obstructive pulmonary disease (COPD). Parallel epidemics of the 21 century. *Int J Environ Res Public Health*. 2009 Jan;6(1):209-24. doi: 10.3390/ijerph6010209. Epub 2009 Jan 9. PMID: 19440278; PMCID: PMC2672326.
- <sup>9</sup> Banks E, Yazidjoglou A, Brown S, Nguyen M, Martin M, Beckwith K, Daluwatta A, Campbell S, Joshy G. Electronic cigarettes and health outcomes: systematic review of global evidence. Report for the Australian Department of Health. National Centre for Epidemiology and Population Health, Canberra: April 2022.
- <sup>10</sup> Ibid.
- <sup>11</sup> Australian Institute of Health and Welfare (AIHW) 2022, Australian Burden of Disease Study 2022. AIHW: Canberra
- <sup>12</sup> AIHW. Principal diagnosis data cubes. Separation statistics by principal diagnosis, 2018-19, 2017-18, 2016-17. AIHW: Canberra.
- <sup>13</sup> [National Drug Strategy Household Survey 2022–2023: Young people’s use of vapes and e-cigarettes - Australian Institute of Health and Welfare \(aihw.gov.au\)](#)
- <sup>14</sup> Ibid.
- <sup>15</sup> [National Drug Strategy Household Survey 2022–2023: Vaping and e-cigarette use in the NDSHS - Australian Institute of Health and Welfare \(aihw.gov.au\)](#)
- <sup>16</sup> [InDepth 11B: Licensing of tobacco sellers - Tobacco in Australia](#)
- <sup>17</sup> Wakefield, M., Zacher, M., Scollo, M., and Durkin, S. Brand placement on price boards after tobacco display bans: a point-of-sale audit in Melbourne, Australia. *Tobacco Control*. 2012; 21: 589-92.
- <sup>18</sup> McKee SA, Krishnan-Sarin S, Shi J et al 2006. Modelling the effect of alcohol on smoking lapse behaviour. *Psychopharmacology* 189(2): 201-210
- <sup>19</sup> [Tobacco in Australia: Facts and Issues website](#)
- <sup>20</sup> [18.6.9 Exposure to secondhand e-cigarette emissions - Tobacco in Australia](#)
- <sup>21</sup> Nuss T, Srinivasan G, Bayly M, Mitsopoulos E, Scollo M, et al., What factors helped Victorian adults who smoke decide to make a quit attempt? Findings from the 2018+19, and 2022 Victorian Smoking and Health Surveys 2024
- <sup>22</sup> <https://www.cancer.org.au/critical-action-on-e-cigarettes-needed>