

Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Bill 2024


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Vaping

QFCC Submission to the *Tobacco and
Other Smoking Products (Vaping) and
Other Legislation Amendment Bill 2024*



Queensland
Family & Child
Commission



Background

The Queensland Family and Child Commission (QFCC) appreciates the opportunity to provide input to the *Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Bill 2024*. We welcome the proposals in the Bill and acknowledge the action taken to protect children and young people from the harmful impacts of tobacco and other smoking products.

We also acknowledge the Commonwealth Government's introduction of the *Public Health (Tobacco and Other Products) Act 2023*¹ which came into effect on July 1, 2024, and restricts sale, supply, manufacture, importation and commercial possession of non-therapeutic vapes, and limits the sale of vapes to adults with a prescription to purchase from a pharmacy. The QFCC welcomes improved regulation on the sale and access to vapes and illicit nicotine products and emphasises that regulation must be outcome-oriented for the wellbeing of the public. In recognising the intent of the current Bill to enforce the Commonwealth ban on the supply and possession of vaping goods we support this multi-jurisdictional approach to safeguarding children, noting the Commonwealth laws have recently come under pressure from renewed lobbying.

In May 2023, QFCC provided a submission to the Health and Environment Committee's *Inquiry into reducing rates of e-cigarette use in Queensland* (the Inquiry)² which highlighted our concerns for the increased use of e-cigarettes and vaping amongst Queensland young people. The 2023 submission included the views and perspectives of the QFCC's Youth Advisory Council members.³ Principal Commissioner Luke Twyford attended the public hearing on 31 May 2023 along with [REDACTED], a young Queenslanders who outlined to the Committee her experience with addiction to vapes, and the risks that young people experienced when attempting to access vapes.

This current submission reflects the actions of the current Bill to address four areas of concern raised by the QFCC:

1. regulation of tobacco and other smoking product sales and advertisement to children and young people;
2. community consultation,
3. education and health campaigns, and
4. addressing the environmental impacts of vaping.

The QFCC is pleased to note the Bill intends to address the ease with which children and young people can access and purchase tobacco and other smoking products, particularly e-cigarettes and other illicit nicotine products. Access to these products is an ongoing issue, with recent data indicating that in 2022–2023, around half (49 per cent) of young people aged 18 to 24 years in Australia reported having used an e-cigarette at least once in their lifetime; this was almost double the 26 per cent of young people who had done so in 2019.⁴ The data also highlights that in 2019 only 9.6 per cent of young people aged 14 to 17 years had used an e-cigarette; this rate nearly tripled in 2022–23 to 28 per cent. These figures are concerning and highlight the need for greater protection of young people from the harmful effects of nicotine products.

¹ Federal Register of Legislation (2023), *Public Health (Tobacco and Other Products) Act 2023*. [Federal Register of Legislation - Public Health \(Tobacco and Other Products\) Act 2023](#)

² Queensland Family and Child Commission (2023), *Vaping: An inquiry into reducing rates of e-cigarette use in Queensland* (policy submission), [Microsoft Word - Vaping inquiry submission \(qfcc.qld.gov.au\)](#)

³ The QFCC employs a network of Youth Advocates from across the State. Youth Advocates are Queensland children and young people aged from 14-25 years who provide their views and lived experiences to assist the work of the Commission.

⁴ Australian Institute of Health and Wellbeing (2024), *Young people's use of vapes and e-cigarettes*, [National Drug Strategy Household Survey 2022–2023: Young people's use of vapes and e-cigarettes - Australian Institute of Health and Welfare \(aihw.gov.au\)](#).

Regulation of sale and advertisement

Regulation on the sale of tobacco and other smoking products

The QFCC supports the amendment to introduce new offences regarding the supply of illicit nicotine products to a child. We recognise the challenge posed for regulating sale of tobacco and other products when these items can be procured through means other than traditional retailers including children and young people accessing vaping products from adult friends and family members. Recent data indicates that 66.8 per cent of young people who use illicit nicotine products sourced them from friends and family.⁵

The amendment of the *Tobacco and Other Smoking Products Act 1998* (TOSPA) aims to address this alternative means of access by extending the regulation of the supply of nicotine products to include sale or access by adults outside of a commercial or therapeutic setting including supply by an adult family member or friend. The QFCC acknowledges the general deterrence impact of the creation of new offences relating to the supply of smoking products to children and young people.

“Vapes are really easy to access and get because it’s not regulated. You can get them through like Snapchat and Facebook messages. You could use a service to buy vapes and they literally deliver it to your door. You can also buy it online and all you have to click is the ‘yes, I’m 18’ button.”

In the 2023 submission to the Inquiry, young people throughout Queensland raised how the sale and promotion of e-cigarette products through social media platforms enabled access for young people. They stated that purchasing e-cigarettes was easy as there is an established network of people and accounts posting new shipments with flavours, prices and drop-off or pick-up options. Recent data indicates that 80 per cent of young people under 18 years would be in support of restricting the sale of e-cigarettes, including those without nicotine.⁶

Regulation on the advertisement of tobacco and other smoking products

The QFCC acknowledges the evolution of advertisement and product promotion in the digital age and the recognition in the Bill of the use of internet and social media in the advertisement and sale of tobacco and smoking products. Recent data indicates that 70 per cent of young people tried e-cigarettes “out of curiosity”. Around one-third said they used e-cigarettes for the flavours or taste and almost 20 per cent said it was because they think they are less harmful than regular cigarettes.⁷ Contemporary advertising including via the internet, social media, and online celebrity, has a broad reach particularly among children and young people.

“I think social media has played a big impact. I remember back when JUULs were a big thing...everyone was smoking a JUUL and it was like such a popular thing to post about on Snapchat and Insta and you see all these people with stories on it.”

We recognise that exposure to advertisements increases the risk and likelihood that children and young people will try illicit nicotine products and contributes to a decreased risk perception associated with these products amongst young users.

⁵ Cancer Council Victoria (2023), ASSAD 2022-2023: Australian secondary school students’ use of tobacco and e-cigarettes, [Secondary school students’ use of tobacco and e-cigarettes – 2022-2023 \(health.gov.au\)](https://www.health.gov.au/secondary-school-students-use-of-tobacco-and-e-cigarettes-2022-2023).

⁶ Australian Institute of Health and Wellbeing (2024), *Young people’s use of vapes and e-cigarettes*, [National Drug Strategy Household Survey 2022–2023: Young people’s use of vapes and e-cigarettes - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au/national-drug-strategy-household-survey-2022-2023-young-people-s-use-of-vapes-and-e-cigarettes).

⁷ Australian Institute of Health and Wellbeing (2024), *Young people’s use of vapes and e-cigarettes*, [National Drug Strategy Household Survey 2022–2023: Young people’s use of vapes and e-cigarettes - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au/national-drug-strategy-household-survey-2022-2023-young-people-s-use-of-vapes-and-e-cigarettes).

Our 2023 submission to the inquiry reflected young people's experiences of social media as a promotional tool in smoking, vaping and using tobacco products. The QFCC supports the proposal of new offences relating to displaying, advertising and promoting illicit nicotine products to serve as a general deterrence to retailers and distributors and improve regulation generally on advertisement of smoking products.

Community consultation

In drafting of the Bill, Queensland Health consulted with a variety of external stakeholders including Aboriginal and Torres Strait Islander organisations, retail associations, liquor licensed venue associations, health professional associations and peak bodies, public health organisations, the education sector, unions, and community sector organisations.

The QFCC appreciates the wide external consultation with organisations, retailers and services to develop the Bill. We emphasise the value of consultation with young people and families in the community who are impacted by vaping and e-cigarette use, to understand the needs of the community and gather insights into how best to implement changes which affect children and young people, particularly those as direct consumers.

In the 2023 Inquiry submission, the QFCC called for greater consultation with families and community. We maintain that families and communities should be engaged in the response to the use of tobacco, e-cigarettes and vaping products, and should be given sufficient resources and information to have their own conversations with their children about the consequences and harmful impacts of vaping.

Education and health campaigns

Limiting the sale and promotion of illicit nicotine products is a crucial step in promoting improved public health and the QFCC notes the need to address the motivation for using e-cigarettes to drive behaviour change. We recognise that decades after stronger tobacco laws were introduced there has been a significant reduction in smoking behaviour amongst young people than in decades prior; though we are concerned to see these figures on the rise in recent years.⁸ The implementation of targeted education and public health campaigns introduced in parallel with the tobacco laws assisted to shift the perceptions of smoking and influence community behaviour.

***"E-cigarettes were created as an aid to quit tobacco smoking. They were an adult product for an adult problem. Vapes were never meant to get into the hands of young people."*⁹**

At the heart of this issue is recognition of the reasons why people (particularly young people) smoke e-cigarettes and addressing these reasons. Regulation alone cannot change community behaviours; policy reform must incorporate educational campaigns which are informed by the needs of the target audience. Changing the habits and environment for young people who vape must consider the socio-developmental and individual drivers for why young people use illicit nicotine products.

***"To me this means that any initiative to reduce the use of vaping in Queensland needs to be aimed at all those multitude of reasons young people pick up a vape. We need to understand and respond to each of the root causes, and they will each require a different solution. That means no one solution will solve our issue, and in fact we need to take a balanced, holistic response."*¹⁰**

⁸ Cancer Council Victoria (2023), ASSAD 2022-2023: Australian secondary school students' use of tobacco and e-cigarettes, [Secondary school students' use of tobacco and e-cigarettes – 2022-2023 \(health.gov.au\)](https://www.health.gov.au/secondary-school-students-use-of-tobacco-and-e-cigarettes-2022-2023).

⁹ Commissioner Luke Twyford, Public Hearing – Inquiry into Reducing Rates of E-cigarette Use in Queensland 2023

¹⁰ Commissioner Luke Twyford, Public Hearing – Inquiry into Reducing Rates of E-cigarette Use in Queensland 2023

The QFCC recognises the value of consulting with young people and families when developing community awareness campaigns to best understand the target audience. We encourage solutions for reducing e-cigarette use by young people to be youth-designed and led.

In 2023, the QFCC sponsored the creation of a short film titled 'Grape', scripted and produced by a young Queenslanders which explores e-cigarette use among young people. 'Grape' aims to dispel myths about vaping and highlights its impacts. As an agency committed to empowering children and young people to influence decisions that affect them, we considered that the best way to ensure a public health campaign reaches and resonates with young people is to engage with them to develop it. This short film has received international recognition, and Queenslanders Aurora Iler has won multiple awards for the film.

The copyright license of the film has been secured by the Department of Education for use in anti-vaping education in schools across Queensland and serves as an educational awareness film to speak to teenagers and adolescents about the dangers of vaping.

"I think a lot of young people see it as a healthy version of smoking, especially the younger you are and the earlier you start, I think young people who vape don't really see it as something negative or bad for their health. They just see it as like a fun thing to do."

Community awareness and education surrounding e-cigarette products needs to consider the target audience. We recommend consultation with young people to best understand the delivery modes for such campaigns, with a specific focus on internet-based platforms including social media. Media consumption habits for today's young people is vastly different to the way information was conveyed following the implementation of the *Tobacco and Other Smoking Products Act 1998*. Traditional media campaigns in print and television are less effective in engaging young people who primarily view their news and entertainment through social media, including through Tik Tok trends and internet personalities.¹¹

"More people who have battled with collapsed lungs or other health issues are going to TikTok or Instagram and recording videos...the shock factor of them hooked up to a ventilator in the hospital being like this is what happened, this is a direct result of vaping."

The QFCC heard directly from Queensland young people that they wanted greater communication of evidence-based information about the adverse impacts of vaping through campaigns or programs intended to discourage uptake. They noted that awareness campaigns should be designed or led by people with lived experience because e-cigarette use is multi-dimensional, and should reach young people in a variety of settings.¹² During consultation, young people said they would like to see awareness messages delivered by young people with lived experience, rather than teachers or other sources who may not have a full appreciation of the appeal of vaping or have first-hand experience of its impacts. Young people identified multiple motivations for vaping—mental health-related, peer connection, addiction and external influence (from peers or social media). Accordingly, information about the harmful impacts of vaping and other preventative activities to discourage use must consider and align with the differing reasons people choose to vape. Information needs to reach young people where they spend most of their time – such as online, at home, and in school.

¹¹ Notley, T., Chambers, S., Zhong, H. (F.), Park, S., Lee, J. Y., & Dezuanni, M. (2023). News and Young Australians in 2023: How Children and Teens Access, Perceive and are Affected by News Media. [News and Young Australians in 2023 open access.pdf](#)

¹² Queensland Family and Child Commission (2023), *Vaping: An inquiry into reducing rates of e-cigarette use in Queensland* (policy submission), [Microsoft Word - Vaping inquiry submission \(qfcc.qld.gov.au\)](#)

Young people have told the QFCC that often parents do not know if their child is vaping or may not have the information and resources to prevent or deter them. This concern was echoed in a 2020 survey, finding that the majority of parents (73 per cent) were concerned that their children might try e-cigarettes yet more than half of parents (57 per cent) had not discussed this with their children.¹³ Efforts to discourage uptake and use of e-cigarettes among children and young people must also be complemented by efforts to equip parents and families with the knowledge and resources to educate and support their children. We also acknowledge that there should be increased awareness in education settings given children and young people spend a large percentage of their time at school.

Recent data indicates that more than 90 per cent of parents agreed or strongly agreed that secondary schools should provide more information about e-cigarettes to their students.¹⁴ It is critical to gain a better understanding of students', teachers' and parents' knowledge, attitudes and experiences of e-cigarette use to inform school-based prevention strategies. We recognise that schools are not currently equipped to respond well to vaping and more could be done to improve resourcing and skills in schools to educate children and young people on the impacts of vaping. Young people suggested that there needs to be a stronger focus on supporting young people to quit the behaviours, in a non-judgemental way, and provide them with the support and information to make informed decisions.

Environmental impacts

E-cigarette litter is emerging as a new and serious environmental issue. The QFCC supports the proposed inclusion of a new dangerous littering offence for incorrectly depositing a vaping device or vaping accessory. This is in line with the QFCC's 2023 Inquiry submission which highlighted the environment impacts of e-cigarette use. Young people noted that there is a lack of widespread information and awareness about the appropriate disposal of vapes as they are often made from single-use plastic and contain batteries that cannot be removed. We welcome the Bill's amendment of the *Waste Reduction and Recycling Act 2011* to minimise the overall impact of e-cigarette waste generation and disposal in Queensland.

Conclusion

The QFCC is supportive of the *Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Bill 2024*.

Improvements to the regulation of advertising and promotion, and restriction of the sale and distribution of smoking products and vapes is an important action in addressing increasing rates of e-cigarette and vape use, particularly amongst young people. The QFCC acknowledges that education and health campaigns need to be created and co-designed by consumers in parallel with regulation to provide a holistic response to this public health issue. We encourage solutions for reducing e-cigarette use by young people to be youth-designed and co-led.

¹³ The Royal Children's Hospital National Child Health Poll (2020), *E-cigarettes, vaping and teens: Do parents know the dangers?* Poll Number 17. The Royal Children's Hospital Melbourne, Parkville, Victoria.

¹⁴ Queensland Health (2023), *The health of Queenslanders: Report of the Chief Health Officer Queensland—Electronic cigarettes*, [Electronic cigarettes | Report of the Chief Health Officer Queensland](#).