

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

NOTICE OF MOTION

Dr Marisa Paterson MLA: I give notice that I shall move - that this Assembly:

(1) Notes that:

- a. Vaping is the inhaling of a vapor created by an electronic cigarette (e-cigarette) or other vaping device;
- b. Ingredients in e-cigarettes include e-liquids and may or may not include nicotine and other toxic contaminants. The coil of an e-cigarette releases heavy metals which are inhaled;
- c. E-cigarettes are relatively new products, and the evidence is still evolving around their health impacts, however studies have shown negative health impacts;
- d. In line with the nationally agreed *Principles that underpin the current policy and regulatory approach to electronic cigarettes (e-cigarettes) in Australia*, under the *Tobacco and Other Smoking Products Act 1927 (ACT)* it is an offence to:
 - i. supply vaping products to people aged under 18;
 - ii. be reckless about whether the person to whom the vaping product is sold is under 18 years old (including failing to check identification);
 - iii. purchase a vaping product for use by someone aged under 18 years old; and
 - iv. display advertisement for e-cigarettes and vaping products;
- e. Under the *Medicines, Poisons and Therapeutic Goods Act 2008 (ACT)* it is an offence to commercially sell or supply liquid nicotine for use in e-cigarettes;
- f. The advertising of vaping products, including packaging, is not currently regulated under Commonwealth legislation;
- g. Young people, under the age of 18, in our community are vaping, which can create pathways to tobacco smoking nicotine addiction;
- h. ACT Health is working with the ACT Education Directorate to raise awareness of the impacts of e-cigarettes for children and young people;
- i. There is currently insufficient evidence to show whether e-cigarettes are effective in helping people to quit smoking; and
- j. In 2020, the ACT Government's submission to the Australian Senate Select Committee on Tobacco Harm Reduction, called for:
 - i. effective internet safeguards to prevent children purchasing vaping products;
 - ii. national regulations, or nationally recognised approach to flavoured nicotine vaping products;
 - iii. regulation of e-cigarette packaging and product names to ensure their use is not marketed to appeal to young people;
 - iv. display of health warnings or advisories consistent with evidence, as validated by the National Health and Medical Research Council; and
 - v. requirement for child-proof packaging for nicotine liquid and nicotine salts.

(2) Calls on the ACT Government to:

- a. continue to develop programs that educate and inform Canberrans, particularly younger Canberrans, about the risks of e-cigarettes and prevent their uptake and use;
- b. review relevant ACT legislation to ensure current arrangements are contributing to minimising the harm being caused by e-cigarettes and vaping, across our community, and particularly young people;
- c. continue to advocate with relevant Commonwealth Ministers for amendments to Commonwealth legislation to regulate e-cigarettes by:
 - i. amending the national tobacco control legislation to expand the scope of the plain packaging and advertising legislation to include non-tobacco smoking products;
 - ii. restricting the type of e-liquid flavours and vaping devices permitted to be sold in Australia to those that are less likely to appeal to children and young people; and
 - iii. requiring child-safe packaging;
- d. seek consideration by the Health Ministers' Meeting on stronger national measures for vaping products including e-cigarettes;
- e. report back to the Assembly on progress no later than the first sitting week in December 2022.



Dr Marisa Paterson MLA
3 August 2021