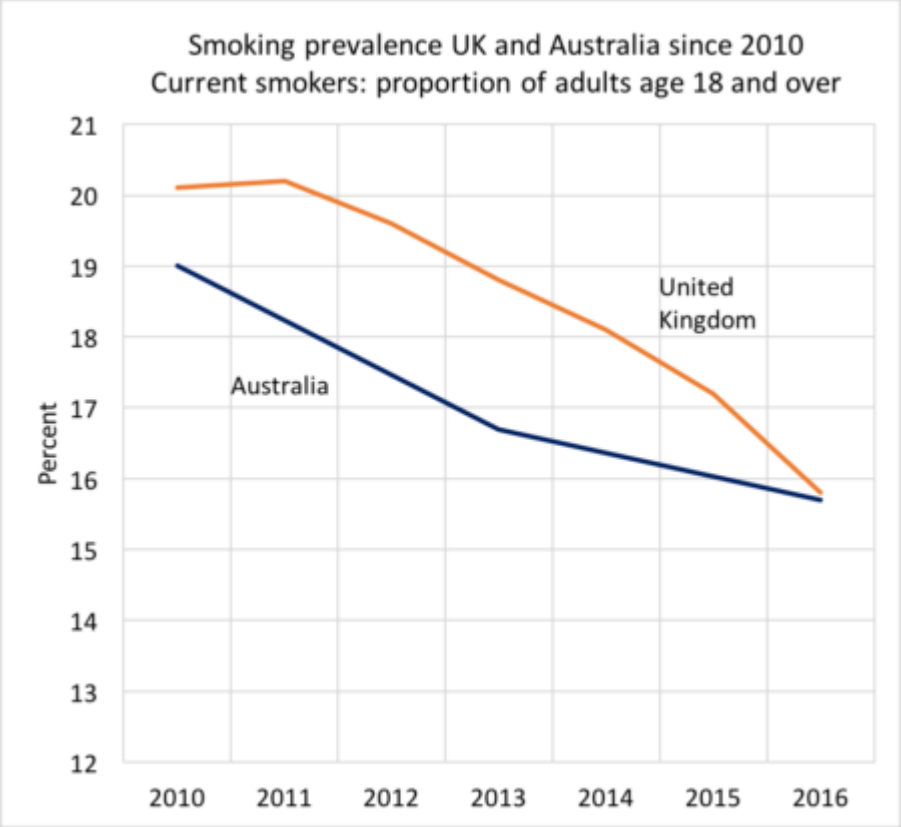
# Challenging the prohibitionists – submissions to Australian parliamentary inquiry into e-cigarettes

written by Clive Bates | 21 July 2017




Since 2013, UK smoking prevalence fell at three times the rate of Australia despite Australia's plain packs and sharp tax increases. Why might that be?

Really, it should be a no-brainer!  But here is an effort to encourage Australia's legislators to look beyond the unaccountable clique that dominate Australia's tobacco control field, and instead to look kindly on lifting the absurd Australian *de facto* prohibition of e-cigarettes and other low risk nicotine products.

Let's boil it down to its essentials: supporters of e-cigarette prohibition somehow think it makes sense to deny at-risk citizens, smokers, access to much safer products that are alternatives to the market leader and to only allow the most dangerous products, namely "*tobacco prepared and packed for smoking*", onto the consumer nicotine market. Well, I guess it would make sense if you were

trying to protect the cigarette trade and harm as many smokers as possible. In my view, Australia's policy has no basis in science, ethics or compassion. The approach bears the twin hallmarks of fanaticism and incompetence, *and it needs to change*.

So, here at some length is my submission to the Parliament of Australia, House Standing Committee on Health, Aged Care and Sport, *Inquiry into The Use and Marketing of Electronic Cigarettes and Personal Vaporisers in Australia* [link to inquiry]

**Submission #271 by Clive Bates (PDF – 30 pages)**

Executive summary (1 page) reproduced below…

## *Executive summary*

- *I am pleased to provide this evidence to assist the Committee's important work. This submission follows the format of the five questions set in the terms of reference for the inquiry.*
- *E-cigarettes and personal vaporisers function as consumer products and alternatives to smoking. Their positive impact for public health arises from their attractiveness as alternatives to smoking. These products are not medicines and not poisons in the way they are used by consumers and medicines and poison regulation are inappropriate and ill-fitting regulatory frameworks.*
- *The experience from the United Kingdom and United States has been highly positive. In both cases, smoking has fallen rapidly among both adults and youth as vaping has risen, consistent with vaping products being used to quit smoking and displace cigarettes in the marketplace.*
- *Declines in smoking in the UK have proceeded at three times the rate of Australia since 2013, despite Australia's punitive tobacco policy. The United Kingdom now has achieved parity in adult smoking prevalence with Australia on a like-for-like basis – the first time since records began.*
- *E-cigarettes and personal vapourisers do not involve the combustion of*

*tobacco leaf and inhalation of thousands of toxic products of combustion. They are, beyond any reasonable doubt, much less harmful than smoking. Though we cannot have decades of data, nor are we entirely ignorant. Based on what is known, a working estimate endorsed by UK experts is that e-cigarettes are at least 95% lower risk than smoking, and may be substantially lower than that.*

- *There is no scientific, ethical or compassionate case for Australia's de facto ban on e-cigarettes and personal vaporisers. The is no credible case to justify why Australians exposed to the health risks, stigma and punitive cost of smoking should be denied options widely available, welcomed by consumers and successful elsewhere. The burden of proof remains with the prohibitionists.*
- *There are many regulatory options available, but the primary concern should be with the unintended consequences of overzealous regulation. This can have the effect of protecting the cigarette trade and sustaining smoking by degrading the appeal of the lower-risk alternative.*
- *The proposal made to amend the Poison Schedule should have been accepted by the TGA – it makes no sense on to permit the most dangerous forms of nicotine ("tobacco prepared and packed for smoking") and to impose a de facto ban all the lower-risk alternatives.*
- *The best regulatory approach will be to provide a light-touch framework of standards and only deviate from a market-based approach where there is a clear consumer benefit. This will minimise the risk of unintended consequences. No additional tax on these products is justified.*
- *The prohibition on other low-risk tobacco and nicotine products, for example smokeless tobacco and heated tobacco products, should also be lifted to widen the options for smokers to quit.*

## Submissions of note

- Terry Barnes
- Clive Bates
- Ron Borland
- Chris Bullen
- Jeannie Cameron

- End Smoking NZ
- Konstantinos Farsalinos
- Coral Gartner and Wayne Hall
- Peter Hajek
- Neil McKeganey
- Ann McNeill
- Colin Mendelsohn
- New Nicotine Alliance (Australia)
- New Nicotine Alliance (UK)
- Riccardo Polosa
- Louise Ross
- The Royal Australian and New Zealand College of Psychiatrists
- Royal College of Physicians (London)
- Chris Snowdon
- Gerry Stimson
- Tim Stockwell (submits major Canadian assessment)
- David Sweanor
- Australian Taxpayers' Alliance and MyChoice Australia
- Steve Woodward (former Director ASH Australia)

Some great quotes in this twitter thread by The Vaper @vaper_the

See all submissions on Parliament of Australia inquiry web site