

Response ID ANON-RYAM-DHTT-D

Submitted to Public Health (Tobacco and Other Products) Legislation 2023
Submitted on 2023-07-13 16:44:09

Information about you

1 What is your name?

What is your name?:

Damian Mitsch

What is your organisation?:

Australian Dental Association

If you would like to remain anonymous, please indicate here:

No

2 What is your email address?

Email:

damian.mitsch@ada.org.au

3 Do you have any concerns with your submission, including your name, being published on the Department's Consultation Hub page?

Please explain your concerns here::

No

4 Have you read and accepted the Privacy Notice?

I have read and accepted the privacy notice?:

Yes

Conflicts of interest (actual or perceived)

5 Is your organisation a:

Non-government organisation

Conflicts of interest (actual or perceived)

7 Have you or your organisation ever provided services, assistance or support (whether monetary or non-monetary in nature) to the tobacco industry and/or the e-cigarette industry?

No

Conflicts of interest (actual or perceived)

9 Have you or your organisation ever received services, assistance or support (whether monetary or non-monetary in nature) from the tobacco industry and/or the e-cigarette industry?

No

Questions about the Exposure Draft

11 Is the legislation package appropriate and adapted to consolidate these instruments?

Yes

You can opt to provide a more detailed answer here:

Chapter 1- Introduction

12 Do you have any feedback on the definitions or interpretation provisions in the package?

Yes

What are your views?:

The bill defines a 'tobacco product' as the following designed or intended for human consumption or use:

- (a) processed tobacco in any form;
- (b) a product that contains tobacco as an ingredient.

We suggest the following addition, to include all forms of tobacco, not just those manufactured:

- (c) any component of any species of the tobacco plant.

The consultation paper describes:

limiting the exposure of the public to communications, recommendations or actions that may persuade people to:

- (i) start smoking or continue smoking
- (ii) start vaping or continue vaping

In case this language is used elsewhere, we suggest the following addition:

- (iii) start consuming smokeless tobacco or continue consuming smokeless tobacco

13 Do you have any feedback on the commencement provisions and anticipated transition timeframes?

No

What are your views?:

Chapter 2: Advertising and Sponsorship Regulation-updated to additionally capture e-cigarettes

14 Do you have any feedback on the proposed advertising and sponsorship provisions of the Bill?

Yes

What are your views on proposed advertising and sponsor laws?:

The bill proposes:

None of the following constitutes a tobacco advertisement:

- (a) the performance, exhibition or distribution, in good faith, of an artistic work

Smoking or vaping could be incorporated or promoted in ways beyond what is necessarily to convey artistic meaning. This might tend to influence those who have never smoked before, or act as a trigger for those who have either quit smoking or are trying to quit.

The bill proposes:

A contribution of the following kind made to a person or entity covered by subsection (2) does not constitute a tobacco sponsorship:

- (a) a gift;
- (b) a payment or reimbursement of expenditure incurred during the course of an election.

These exceptions appear to have potential for being counterproductive.

15 Are the proposed advertising and sponsorship provisions likely to address emerging forms of media through which tobacco or e-cigarettes will be promoted?

Not Answered

What are your views on advertising and sponsorship?:

We understand the proposed reforms include a comprehensive advertising ban in Australia and that the ban would include new media platforms and other forms of advertising, promotion and sponsorship.

We agree it is important that the public's exposure to advertising and promotion of tobacco products which pose a risk to population health is limited.

We believe the proposed advertising and sponsorship provisions should aim to address and incorporate emerging forms of media through which tobacco or e-cigarettes will be promoted.

16 Are there other types of promotion that need to be considered?

Yes

Other types of promotion that needs to be considered:

Other types of promotion that may need to be considered:

Tobacco-related content available online.

Sponsorship of youth-oriented and other events, sports teams, cultural activities, and other public or private entities.

Point of sale promotions.

Chapter 3: Product Regulation and standardisation

17 Do you have any feedback on the packaging and product requirements set out in Chapter 3 and in the Regulations?

Yes

You can opt to provide a more detailed answer here:

We consider it may be helpful to:

Set limits for nicotine levels in tobacco products to help limit their harm and addictive potential.

Consider implementing reduced ignition propensity standards for cigarettes, which incorporate bands of thicker paper that self-extinguish when not actively smoked, reducing the risk of fire caused by unattended cigarettes.

18 Are there any novel or innovative product or packaging features that could be better addressed by the draft Bill?

Yes

You can opt to provide a more detailed answer here:

We consider it may be helpful to:

Ensure that packaging includes accurate and evidence-based health information and cessation resources. This could include quit-smoking helpline numbers, web addresses, or QR codes that provide access to support services.

Consider opting for more sustainable packaging materials, i.e. biodegradable or recyclable to help reduce the environmental impact of tobacco packaging.

Require child-resistant packaging for tobacco products to reduce the risk of accidental ingestion or exposure by young children. Child-resistant caps, locks, or other innovative opening mechanisms might be implemented to enhance safety.

Integrate visual cues and reminders within the packaging that encourage smoking cessation. This might include motivational quotes, images representing healthy living, or progress trackers to support users in their journey to quit smoking.

Noting that the bill does refer to e-cigarettes, consider whether reference to e-liquids and vaping devices would be helpful.

We consider that equivalent requirements should likely apply to all forms of smoking and inhaling nicotine and other addictive substances.

19 Do you have any feedback in relation to the offence and civil penalty provisions set out in Chapter 3?

No

You can opt to provide a more detailed answer here:

Chapter 4: Permanent bans on certain regulated tobacco items

20 Do you have any feedback on the permanent ban on certain regulated tobacco items provisions set out in Chapter 4?

Yes

You can opt to provide a more detailed answer here:

The bill proposes that the following tobacco products are permanently banned under this Act:

- (a) chewing tobacco;
- (b) snuffs intended for oral use .

We suggest the following addition:

- (c) snuffs intended for inhalation into the nasal cavity

Re 'bush tobacco'

It would be helpful for the bill / regulations / explanatory memoranda to clarify positions on 'bush tobacco' manufacture, retail, or usage.

'Bush tobacco' has several traditional uses. Variants include pituri, pitjuri and mingkulpa. The leaves contain toxic chemicals, including some known to cause cancer and there is some evidence that health outcomes are similar to those of smoking commercial tobacco. (Source: tacklingsmoking.org.au).

Relatedly, the ADA considers the use of betel quid (nut) containing areca nut should be avoided to prevent pre-cancerous and cancerous lesions of the mouth.

Chapter 5: Reporting and information disclosure

21 Do you have any feedback on the reporting requirements set out in Chapter 5 and the Regulations?

Yes

You can opt to provide a more detailed answer here:

We were unable to locate any reference to e-cigarettes in chapter 5 of the bill.

We're uncertain if the reporting requirements apply to e-cigarettes.

We encourage consideration of the merits of reporting requirements applying to e-cigarettes

Chapter 6: Compliance and enforcement

22 Do you have any feedback on the proposed compliance and enforcement provisions set out in Chapter 6?

No

You can opt to provide a more detailed answer here:

Chapter 7: Miscellaneous

23 Do you have any feedback on the transitional arrangements including those set out in the Public Health (Tobacco and Other Products) Consequential Amendments Bill and associated Regulations?

No

You can opt to provide a more detailed answer here:

Almost finished, thank you for your input so far.

24 You are welcome to attach explanatory documents in support of your submission. Please note the Department may not consider substantive documents.

Attach a document here to support your submission:

No file uploaded