

Supplementary questions: Therapeutic Goods Administration

1. With respect to illegal product seizures:

- a. From 1 January 2023 – 31 December 2023, how many illegal vapes were seized by the TGA in Australia? Please provide data broken down by state/territory.**
- b. Since 1 January 2024, how many illegal vapes have been seized by the TGA in Australia? Please provide data broken down by state/territory.**

The Australian Government's regulatory reforms implemented progressively from 1 January 2024 are closing loopholes that have been exploited by importers and suppliers to evade regulation. This will make enforcement easier for regulators and create greater disincentive for illicit dealings in vapes through stronger offences and penalties.

Between 1 October 2021 and 31 December 2023, the Therapeutic Goods Administration (TGA) seized, or facilitated surrender of, over 141,000 vapes.

From 1 January 2024 to 3 May 2024, more than 688,000 vapes have been seized by or surrendered to the TGA.

The TGA is unable to provide a breakdown of seizures by state and territory at this time.

Between 1 January 2024 and 3 May 2024, the Australian Border Force has seized more than 767,000 vapes at the Australian border.

The NSW Ministry of Health is responsible for leading vape enforcement at the point of wholesale and retail supply in NSW through inspections and, if required, warrant activity. The TGA is working closely with state government agencies, including the NSW Ministry of Health, to support enforcement efforts.

2. What action is the TGA taking to identify and seize stockpiles of illegal vapes?

Vape regulation is a shared responsibility between the Commonwealth and state and territory governments.

The TGA collects and analyses data from partner agencies and reports of non-compliance from the public. We also conduct web-scraping to identify sites allegedly selling nicotine vaping products illegally and undertake seizure operations.

TGA enforcement activities are conducted both independently and jointly with partner agencies, such as the New South Wales Ministry of Health, who provide intelligence and support. Coordination across jurisdictions is pivotal to the success of enforcement operations targeting all stages of the unlawful vape supply chain.

Interjurisdictional cooperation is coordinated both at the working level and as part of formal mechanisms, such as the National Vaping Working Group. The National Vaping Working Group is co-chaired by the Secretary of the NSW Ministry of Health and the Commissioner of the Australian Border Force and includes members from each state and territory health and police agency, as well as the Therapeutic Goods Administration, Australian Border Force and Australian Federal Police. Further information is available at: www.tga.gov.au/products/unapproved-therapeutic-goods/vaping-hub/vapes-compliance-and-enforcement.

In April 2024 the TGA, with the assistance of Victoria Police, seized over 478,000 vapes from a warehouse in Melbourne in the largest single seizure to date.

3. The Committee heard evidence from the University of Wollongong that there is no specific set of molecules in a tobacco-flavoured product. Will the TGA specify which flavour compounds will constitute the 'tobacco' or 'mint' flavour profile in pharmaceutical vapes?

At this stage, the TGA does not intend to define the compounds that constitute a particular flavour.

Nationally and internationally there is work underway to try and identify such a list but the TGA does not anticipate such restrictions can be incorporated at this time.

Instead, the risks associated with the potential compounds in flavours are being managed through defining prohibited ingredients. Defining flavours to stipulate that all ingredients must relate to the flavour or stability thereof is under consideration.

4. How is the TGA working with NSW Health to coordinate action on vaping reform?

The TGA continues to consult and engage with all states and territories, including the NSW Ministry of Health, throughout the process of developing, drafting and implementing the vaping reforms.

The TGA maintains regular contact with all states and territories at multiple levels through subject-specific policy and operational forums such as the National E-Cigarette Working Group, the National Vaping Working Group, the Vaping Compliance Enforcement Forum and other working-level relationships.

The TGA has also undertaken a recent round of consultations on the Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Bill 2024 with all states and territories, including NSW.

The TGA and NSW Ministry of Health cooperate on joint enforcement operations and provide information and other assistance on each other's operations and enforcement work as appropriate.