

The Secretariate
Legislative Assembly Committee on Law and Safety
NSW Parliament House
6 Macquarie St
Sydney NSW 2000

Re: E-cigarette Regulation and Compliance in NSW hearing on 5 April 2024, supplementary questions

Dear Secretariate,

Thank you for the opportunity to appear before the Legislative Assembly Committee on Law and Safety (the Committee) at the *E-cigarette regulation and compliance in NSW* hearing on 5 April 2024. In response to your emails on Wednesday 10 April 2024 and Thursday 11 April 2024 please find below our answers the question on notice and supplementary questions.

Question on notice.

Dr Hugh McDermott - How effective are on-the-spot fines for tobacco? I've never seen anyone enforce it. Who enforces it and how often?

Unfortunately, Cancer Council NSW does not have access to data on the number of on-the-spot fines handed out for tobacco or vape use in banned areas. We understand that NSW Health inspectors are tasked with enforcement and compliance activity in no smoking areas and can issue cautions and on the spot fines. NSW Health also have online and telephone-based reporting where anyone can report complaints about indoor or outdoor smoking or tobacco or e-cigarette retailing. Cancer Council advocates consistently in all our community-based interactions on tobacco and/or vaping that anyone experiencing issues in this regard should lodge a report. NSW Health's Centre for Population Health would be best placed to answer any further questions from the Committee on enforcement or compliance¹.

Supplementary questions

- 1. Are current NSW programs and initiatives to help young people quit vaping adequate? How can they be strengthened or enhanced?**

The current advice for young people looking to quit vaping is to visit their General Practitioner, youth health service or other health service, or call the NSW Quitline. This advice is promoted

¹ <https://www.health.nsw.gov.au/tobacco/Pages/smoke-free-laws.aspx#:~:text=Enforcement%20of%20smoking%20bans,who%20break%20the%20smoking%20bans.>

in NSW Health vaping campaigns and resources as the primary support pathway. Although we do not yet know how effective telephone-based services like the NSW Quitline are for young people. We do have some qualitative insights from the Generation Vape study that indicate young people prefer online, text or app support options. The most recent wave of Generation Vape (Wave 6) also explores cessation support in greater detail and highlights the importance in continuing to fund robust representative research projects such as Generation Vape in future waves. Ongoing funding ensures that NSW has the best possible data on which to draw from in planning and implementing both tobacco and vaping control policy including cessation support.

To further explore effective support options for young people, Cancer Council NSW partnered with Nib Foundation in July 2023, to scope, pilot, develop and evaluate a new online platform to help young people ages 14-24 quit vaping². The platform will be designed and built with young people and target those aged 14-24 years, and their parents and carers. The platform is expected to be developed by July 2025 with evaluation planned for 2025/26.

We recommend that the NSW Government continue to consult and partner with trusted community and non-government organisations such as Cancer Council NSW to align efforts and provide a coordinated approach to vaping cessation. Collaboration across sectors will support streamlined mapping, establishment, promotion, and referral to appropriate cessation care pathways to support young people to quit.

2. What do you consider best practice in designing public health campaigns aimed at young people?

Campaigns play a pivotal role in addressing public health issues like vaping and can lead to increased knowledge and awareness, positive behaviour change, improved social norms and increased quitting intentions and attempts. In NSW, we have seen a range of effective youth-targeted anti-vaping campaigns developed by NSW Health including *“Do you know what you’re vaping”* and *“Every vape is a hit to your health”*³. We have also seen the launch of *“Uncloud,”* a multi-channel anti-vaping campaign run by Minderoo Foundation using a variety of youth influencers⁴.

Best practice in designing public health campaigns includes ensuring that a number of key elements listed below underpin the development of a comprehensive social marketing approach and the development of any social marketing campaign.

1. Adopting a user centred approach as much as possible through the inclusion of the target audience and those that influence them across the development of the campaign.

² <https://www.cancercouncil.com.au/news/cancer-council-nsw-partners-with-nib-foundation-to-help-young-people-quit-vaping/>

³ <https://www.health.nsw.gov.au/vaping>

⁴ <https://www.uncloud.org/the-facts/>

2. Conducting an Environmental Analysis including other policy levers and mechanisms (influences, partners, and competitors).
3. Undertaking Target Audience Segmentation and Analysis.
4. Undertaking a target audience Channel Analysis, where will the target audience be best placed to see and engage with the message.
5. Using Formative Research for informing strategic directions (developing insights), and pre-testing communication and other strategy elements to ensure highest levels of engagement and minimise any unintended negative consequences.
6. Applying appropriate behaviour change theory to guide understanding of the targeted problem and inform behavioural and communication objective setting and strategy formulation.
7. Developing the Social Marketing Intervention Mix (incorporating considerations of product/benefit, price/cost, place/settings, and promotion/partnerships).
8. Conducting Process and Outcome Evaluation (including return-on-investment analysis); and
9. Employing an integrated strategic planning and management system including robust governance surrounding the campaign and its evaluation.

While campaigns are a key component of public health, they cannot be effective in isolation and must run alongside a suite of comprehensive tobacco and vaping control measures such as policy reform, strong enforcement and compliance efforts, vaping education in schools, and vaping cessation support options.

3. What action would you like to see the NSW Government take to ensure a higher degree of compliance with smoke-free environment regulations?

Under the Smoke-free Environment Act 2000 people cannot use e-cigarettes in smoke-free areas. Using e-cigarettes on public transport vehicles including buses, trains and ferries is also banned under the Passenger Transport (General) Regulation 2017. We applaud the work Authorised Officers are doing across NSW to enforce the legislation. Currently, NSW Health Inspectors can enforce the ban on using e-cigarettes where smoking is banned, including issuing cautions or on the spot fines of \$300.

Cancer Council NSW recommends community education to raise awareness that existing smoke free environment law includes e-cigarettes. NSW Health has developed health promotion posters to communicate that no smoking means no vaping⁵. We recommend NSW Health link other government agencies, private transport providers, local councils and the pubs and clubs' industry to disseminate and amplify this message to increase compliance with smoke-free environment legislation across all settings.

⁵ <https://www.health.nsw.gov.au/tobacco/Pages/no-smoke-no-vape-a4.aspx>



Stronger enforcement and a planned review of the Smoke-free Environment Act 2000 will reduce people's exposure to second-hand smoke or vapour from e-cigarettes, protect children and families and create a more supportive environment for those who have quit. Cancer Council NSW recommends that we review the legislation to ensure that we protect non-smokers, families and people working in pubs, bars, and clubs by strengthening the definition of an 'enclosed public place' and extending protections to crowded outdoor areas.

Cancer Council NSW is happy to provide further information or discuss this information in more detail with the committee. Please reach out to me on [REDACTED] via email at [REDACTED]

Yours Sincerely,

Alecia Brooks
Manager, Tobacco Control Unit
Cancer Council NSW