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To whom it may concern,

The Australasian Association of Convenience Stores (AACCS), the peak body for the convenience industry in Australia, makes the following submission to the Department of Health's Therapeutic Goods Administration on the consultation for the Proposed amendments to the Poisons Standard.

The AACCS opposes the proposed amendment related to the scheduling of nicotine as covered on pages 31 to 35 of the *Consultation: Proposed amendments to the Poisons Standard - ACMS and Joint ACMS/AACCS meetings, June 2020* document.

There are numerous reasons for our opposition to the proposed amendment pertaining specifically to the use of nicotine in e-cigarette products.

Requiring people to have a prescription to be able to use e-cigarettes represents a wasted health opportunity. It makes it harder for people to access products that are safer for them, when we should be making it easier.

Convenience stores are a typical channel through which adults who smoke make their legal tobacco purchases.

By being able to offer these people a safer alternative via the same channel provides the most significant opportunity for these people to make the switch, in support of their efforts to quit.

We should be making it easier – not harder - for people to access products that might help them quit. But time is of the essence because demand for e-cigarettes is growing and criminals are filling the gap in the legal market with illegal products of unknown origin and ingredients.

The black market for e-cigarettes is significant and growing, and this represents a critical health risk to the community.

The draconian regulatory environment governing the sale of legal tobacco has directly boosted the illicit tobacco market in Australia and we have become one of the world's most lucrative markets for illegal tobacco.

Similarly, there is a growing black market trade of vaping products like e-cigarettes in Australia and the longer Governments refrain from regulating their legal sale by local retailers, the more foreign criminals will profit and the more vaping products of unknown sources and ingredients will end up in the community, including in the hands of minors.

Requiring consumers who want to purchase nicotine for use in e-cigarettes as a safer alternative to smoking to obtain a prescription introduces a burdensome level of red tape that will undermine the health potential of these products.

It will also encourage consumers to seek, or continue to seek, illegal sources for these nicotine products.

This is why the AACS has emphasised the urgent need for Government to develop a framework for the legal sale of e-cigarettes.

The proposed amendment will place additional burdens on medical practitioners at a time of unprecedented demand for their services.

Requiring people to seek a legal prescription to purchase nicotine for use in e-cigarettes introduces a new and entirely unnecessary level of red tape to our medical system. This is particularly dangerous in the context of the global pandemic, in which measures that ease the burden on health services should be prioritised.

We're being left behind internationally. For years, Australia has lagged progressive nations such as New Zealand and over 50 other countries in regulating the legal sale of e-cigarette products.

It is no coincidence that smoking rates have also stagnated of late in Australia, both in absolute terms and in comparison to the reductions being observed overseas.

There is international research to show that vaping products like e-cigarettes represent a safer alternative to smoking and that they can help many people in their efforts to quit. In its 2018 report *Evidence review of e-cigarettes and heated tobacco products 2018*, Public Health England again clearly stated that e-cigarettes are around 95% less harmful than smoked tobacco.

We believe all Australians deserve legal access to products that are safer for them, and which may help them quit smoking traditional smoking for good. Forcing them to obtain a prescription to access these products will almost entirely negate the potential health benefits.

Legal tobacco is an important product category for convenience stores. As the rate of smoking naturally declines, the businesses in our industry must maintain profitability by offering safer, better alternatives for these customers.

According to the 2019 AACS State of the Industry Report, legal tobacco accounts for approximately 39% of a typical convenience store's sales.

Illicit e-cigarettes, like illicit tobacco, are by their very nature non-compliant with any mandatory quality, safety or packaging requirements. Yet they are already available for sale – and not through responsible, trained retailers. Instead, these products used by Australians are either purchased from overseas or from criminals.

As proven by their responsible sale of restricted products like lottery tickets and tobacco, convenience stores are more than capable of responsibly selling safe e-cigarette products.

Interestingly, the Northern Territory organisation Territory Alliance recently announced plans to amend the current Tobacco Control Legislation to allow for the sale and regulation of nicotine vaping

products including e-cigarettes, in order to reduce the incidence of smoking and its associated health impacts.

This represents good policy in our view. We need to make it easier for people to quit smoking. Requiring a prescription to access nicotine for use in e-cigarettes makes it considerably harder.

Thank you for your consideration of our submission.

Yours sincerely,

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About the AACS

Established in 1990, the Australasian Association of Convenience Stores (AACS) is the peak body for the convenience industry in Australia.

Nationally, our industry employs over 40,000 people in approximately 7,000 stores. The majority of these stores operate as family run businesses, often under licence or franchise agreement, or independent ownership. They regularly employ family members and people from the local communities in which they operate.

The AACS represents the interests of these small businesses; their owners, staff, suppliers and customers.

The convenience industry in Australia was valued at approximately \$8.8 billion in merchandise sales in 2019 excluding petrol, according to companies contributing to the *2019 AACS Annual State of the Industry Report*. This report contains the most comprehensive information available on the convenience industry in Australia and we would be happy to provide a copy.

As an Association we enjoy strong ties with our international counterparts including the convenience stores associations in the US, Canada, the UK and New Zealand. We also visit similar stores in South East Asia to keep abreast of changing and emerging trends.