

Victorian Government Response to

Inquiry into Vaping and tobacco controls



Department
of Health

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Where the term 'Aboriginal' is used it refers to both Aboriginal and Torres Strait Islander people.

Introduction

The Victorian Government welcomes the Report of the *Inquiry into Vaping and Tobacco Controls* (the Inquiry), conducted by the Public Accounts and Estimates Committee (the Committee). The Committee initiated its Inquiry in February 2024 due to the health concerns, economic impacts and increasing illicit trade of vaping and tobacco products. The Inquiry examined:

1. Trends in vaping and tobacco use and the associated, financial, health, social and environmental impacts on the Victorian community.
2. The causes and repercussions of the illicit tobacco and e-cigarette industry in Victoria including impacts on the Victorian justice system, and effective control options.
3. The adequacy of the State and Commonwealth legislation, regulatory and administrative frameworks to minimise tobacco and e-cigarette harm experienced in the community and control illicit trade compared to other Australian and international jurisdictions.
4. The effectiveness of current public health measures to prevent and reduce the harm of tobacco use and vaping in Victoria and potential reforms.

The Inquiry received 115 submissions and interviewed witnesses across three public hearings, gaining valuable insight from and learning about the experiences of health officials, public health organisations, Victoria Police, local councils, academics, state government departments and agencies, health professionals, retailers, schools, Commonwealth authorities, concerned parents, vapers and smokers.

The Inquiry's Report (the Report) reaffirms the scale of harm caused by smoking in Victoria where, despite steadily decreasing smoking rates, smoking remains the leading preventable cause of death and disease, costing the community around 4,000 lives annually. While efforts to further reduce smoking rates and the harm caused by tobacco are ongoing, it is essential that the hard-won gains achieved so far are not undone. The recent rapid growth in the availability of illicit tobacco which undermines tobacco control measures and is linked to serious and organised crime, combined with increasing rates of vaping, particularly among young people, necessitates urgent preventive measures, stricter regulations and greater penalties.

Young people, including school children, have been targeted by the vaping industry, with the Report remarking that “*the increase in vaping among school students over the last three years has been extraordinary.*” Vaping products are often mislabelled and frequently contain nicotine, just like tobacco, leading to addiction and adverse effects on brain development. As vape users are three times more likely to take up tobacco smoking than non-vape users, targeted programs are needed to safeguard the significant progress achieved to date and prevent young people becoming the next generation of smokers. In addition to health impacts, the Inquiry found the proliferation of discarded vaping products was an urgent environmental issue, largely due the fire risks associated with products containing lithium-ion batteries.

It is against this backdrop that the Report makes 27 recommendations aimed at strengthening tobacco and vaping regulation in Victoria, reducing harm and protecting public health. The Victorian Government supports 26 out of the 27 recommendations, either in full, in part or in principle. Supporting these recommendations aligns with work already underway, including with the Commonwealth Government to support the regulation and implementation of recent e-cigarette reforms.

The centrepiece of the government response is the *Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024* which will substantially address 10 of the 13 recommendations related to tobacco business licensing, compliance and enforcement. This Act amends the *Tobacco Act 1987* to establish a tobacco retailer and wholesaler licensing scheme and strengthen offences, enforcement and compliance provisions. This new, best practice and robust tobacco business licensing scheme is expected to make a significant positive impact to reduce the sale of illicit tobacco products.

The government remains committed to reducing the harms caused by tobacco and e-cigarettes and supports the Report's 10 recommendations that relate to health promotion and harm prevention, including through continued support for key partners Quit Victoria, Cancer Council Victoria and VicHealth. These organisations' statewide tobacco and vaping prevention and cessation campaigns will be complemented by local approaches led by Aboriginal Community Controlled Organisations, Local Public Health Units and other health services. In recognition that tobacco and vaping impact our diverse community in different ways, the government will review existing prevention and cessation support investments to ensure funding is continuing to meet the needs of all Victorians, particularly priority populations, while prioritising collaboration and co-design. Smoking and vaping prevalence targets in the Victorian Public Health and Wellbeing Outcomes Framework are also being refreshed to adopt a whole-of-population view, which will enable assessment of whether improvements in health and wellbeing are shared equally across Victoria.

Significant work is also underway which addresses vaping product waste disposal. The government has invested heavily in e-waste disposal and has a more extensive e-waste and battery collection network than most other jurisdictions. Investments by Sustainability Victoria to support battery and e-waste reprocessors have resulted in 98% of the Victorian population having access to a best practice e-waste disposal facility within a 30-minute drive. Through EPA Victoria, the government is leading work on behalf of the Heads of Environment Protection Agencies to develop the first national guidelines to assist industry and local councils on the safe disposal and management of end-of-life lithium-ion batteries. Finally, acknowledging the importance of community education to improve disposal behaviours, Sustainability Victoria, through its *Small Acts, Big Impact* campaign, is highlighting the importance of taking batteries to a drop-off point for recycling.

The government thanks the Committee for their Report and all organisations and individuals who made submissions to the Inquiry or appeared as witnesses at hearings. The government also acknowledges and thanks Better Regulation Victoria, which conducted a review in 2022 of Victoria's approach to illicit tobacco regulation and first recommended the introduction of a licensing scheme.

The Victorian Government response sets out a strengthened, contemporary and multi-faceted approach to tobacco and vaping control, the centrepiece of which is a new tobacco business licensing scheme and regulatory function within the Department of Justice and Community Safety. This response ensures that complementary regulatory, health promotion and harm reduction measures work in unison to further protect the Victorian community.

A response to each of the Report's 27 recommendations follows.

Response to recommendations

Guide to response

This response has been prepared in accordance with the Guidelines for Victorian Government Submissions and Responses to Inquiries.

The following key explains the four categories of response, which are consistent with these guidelines.

Key

Support in full	All elements of the recommendation are supported.
Support in part	Some elements of the recommendation are supported.
Support in principle	The Victorian Government generally supports the intent or merit of the policy underlining the recommendation, but does not necessarily support the method for achieving the policy.
Under review	Further analysis is required for the Victorian Government to determine its position.

Recommendation		Response	Comment
1	The authority responsible for Victoria's incoming tobacco licensing scheme, collect and publish data six monthly or more frequently as appropriate on the number and location of tobacco and e-cigarette retail outlets, the brand and type of tobacco and e-cigarette products	Support in principle	The Victorian Government recognises the Committee's findings in relation to the lack of data regarding the tobacco industry in Victoria, and the potential benefits of an enhanced understanding of the industry in supporting the objectives of the tobacco business licensing scheme. Consideration will be given to the most appropriate mechanism and frequency for any data collection requirements under the scheme.

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<p>sold and sales (in terms of both volume and customers).</p>		<p>The tobacco business licensing scheme being implemented covers tobacco products. Other nicotine products, such as e-cigarettes, nicotine patches and gum are regulated at the Commonwealth level through the existing therapeutic goods framework.</p> <p>It is now illegal for retail businesses, such as tobacconists, supermarkets and convenience stores, to sell any type of vape or vape product. The government is working with the Commonwealth on the effective regulation and enforcement of these reforms.</p>
<p>2 The Victorian Government consider strategies to address the gaps in empirical data on the prevalence and use of tobacco, e-cigarette and other nicotine products amongst Victorians aged under 14, including primary school aged children.</p>	<p>Support in principle</p>	<p>The Victorian Government acknowledges both the importance and the challenge of collecting data on tobacco and vaping use, particularly among young people.</p> <p>Broadly, the government will continue to monitor trends from existing reputable surveys including the Victorian Population Health Survey, the National Drug and Strategy Household survey and the Australian Secondary Schools Students Alcohol and Drug survey. Consideration will be given to any remaining data gaps, acknowledging that many existing sources specific to Victoria only cover people over 18, meaning other data collection methods and strategies will need to be investigated. This will need to reflect the challenges of obtaining adequate response rates from young people through traditional methods such as surveys.</p> <p>The government welcomes the recently announced increase in investment by the Commonwealth in data collection and monitoring, which is anticipated to provide additional valuable data to inform the evidence base to reduce and prevent vaping and smoking.</p> <p>The government will continue work with key funded partners, such as Cancer Council Victoria (including Quit Victoria) and VicHealth, to build on work such as the <i>Influencing Gen Vape</i> research report (commissioned by VicHealth and undertaken by The Behaviour Change Collaborative).</p> <p>There are also opportunities to build on local sources of data and intelligence to provide insights into what’s happening in our communities, including through Local Public Health Units.</p>

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<p>3 The Department of Education, in collaboration with the Department of Health, examine the barriers school children face in accessing support for nicotine use and addiction, including whether current programs are sufficient to determine if a dedicated counselling and support program for primary and secondary school children in relation to nicotine use and addiction needs to be set up and rolled out across Victoria.</p>	<p>Support in principle</p>	<p>The Victorian Government commits to identifying the supports available for students with nicotine addiction in schools and within the community, examining any barriers to accessing these supports, and identifying opportunities for improved referral to services for students at risk in school settings.</p> <p>The government will consider the need for, and resourcing of, a dedicated counselling support program for primary and secondary students, alongside other recommendations considering accessibility of specialist counselling and cessation services for young people (Recommendations 21, 22, 24 & 25).</p> <p>The government will ensure that the experience of young people who use nicotine is centred and prioritised – whether as a student in school or as a young person living in the broader community.</p>
<p>4 The Victorian Government, through agencies such as Sustainability Victoria, the Environment Protection Authority and Local Government Victoria provide further funding to expand the current e-waste disposal program in place across Victoria's councils to include e-cigarettes.</p>	<p>Support in principle</p>	<p>The Victorian Government has invested heavily in e-waste disposal and has a more extensive e-waste and battery collection network than most other jurisdictions, with 255 facilities across Victoria that accept e-waste. The Victorian Government, through Sustainability Victoria, has provided more than \$12 million to support the ban of e-waste from landfill, including 140 council collection infrastructure upgrades. The Victorian Government has also invested to support battery and e-waste reprocessors to increase the capacity of recycling infrastructure and apply new technology. These projects resulted in 98% of the Victorian population having access to a best practice e-waste disposal facility within a 30-minute drive. Due to the inclusion of a lithium-ion battery, e-cigarettes are generally considered a form of e-waste, however depending on the arrangements with the e-waste processing facility, some transfer stations may not be able to accept e-cigarettes. The government will audit current collection sites to assess their capacity to safely collect e-cigarettes. The government notes that a battery product stewardship scheme that includes embedded batteries would also involve collection requirements.</p>
<p>5 The Victorian Government establish e-cigarette waste disposal guidelines and regulations and advocate for the</p>	<p>Support in principle</p>	<p>Through EPA Victoria, the Victorian Government is leading work on behalf of the Heads of Environment Protection Agencies (HEPA) to develop the first national guidelines to assist industry and local councils on the safe disposal and</p>

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introduction of nationally consistent e-cigarette waste disposal guidelines and regulations.		<p>management of end-of-life lithium-ion batteries. The guidance covers embedded batteries, including those in e-cigarettes. This national guidance will:</p> <ul style="list-style-type: none"> • cover disposal, collection, transport and storage • help to prevent incorrect disposal and • target environmental and human health risks for those working in the waste management sector. <p>E-waste is regulated through the Environment Protection Regulations 2021 and has been banned from landfill disposal since 2019. As noted in response to Recommendation 6, the government acknowledges that a battery product stewardship scheme that includes embedded batteries could contribute to the regulation of e-cigarette waste disposal.</p>
6 The Victorian Government advocate to the Commonwealth Government for the development of a dedicated e-cigarette product stewardship scheme, including placing e-cigarettes on the next Commonwealth Minister for Environment’s annual priority product stewardship list.	Support in principle	<p>In line with a commitment made by Australia’s Environment Ministers, the Victorian Government has been working in collaboration with NSW to analyse the regulatory options for a nationally harmonised mandatory battery product stewardship scheme. Australia’s Environment Ministers have recently noted the need for urgent reforms to product stewardship arrangements for batteries to address the escalating risks of battery fires and create a safe, circular economy for batteries. Such a stewardship scheme would impose obligations on battery suppliers and incorporate standards relating to collection, safe transport and storage. Smaller loose batteries and embedded batteries in consumer electronic products, such as e-cigarettes, would likely be a priority focus due to the higher associated fire risk.</p>
7 The Victorian Government, through the Environment Protection Authority, develop and deliver a sustained community education campaign on the environmental risks posed by e-cigarettes and vaping, including information on how best to dispose of these products.	Support in principle	<p>As noted by the Committee, community education is dependent on improved options for e-waste disposal and effective product stewardship (Recommendations 4 and 6). The Victorian Government also recognises that educating the community provides an opportunity to improve disposal behaviours in the short term.</p> <p>The government, through Sustainability Victoria, has developed community education about how best to dispose of batteries through its <i>Small Acts, Big Impact campaign</i>. The campaign highlights how small acts, such as taking batteries to a drop-off point for recycling, can make a big impact for our environment. Sustainability Victoria’s website provides information about the safe</p>

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		<p>storage and drop-off of used batteries or e-waste. Sustainability Victoria has also created 15 unique guidance materials enabling councils to run battery-specific education and awareness campaigns across Victoria. Subject to budget, the government will explore opportunities to build on these campaigns to target and tailor messages to e-cigarette users in future.</p>
<p>8 The Victorian Government report to the Commonwealth Government on the outcomes of the new federal approach to e-cigarette regulation by 1 July 2026 and if necessary, advocate for any necessary reforms to national legislative, regulatory and administrative frameworks.</p>	<p>Support in full</p>	<p>The Victorian Government will continue to work closely with the Commonwealth Government to support reporting on the outcomes of e-cigarette reforms introduced by the Commonwealth Government.</p> <p>The government will continue to consider and, if necessary, advocate for any necessary reforms to national legislative, regulatory and administrative frameworks and will continue to work with the Commonwealth Government and all other state and territory governments to ensure the effective, efficient and coordinated implementation of the e-cigarette reforms.</p>
<p>9 The Victorian Government implement the suggested elements for an effective tobacco licensing system recommended by Better Regulation Victoria.</p>	<p>Support in part</p>	<p>The <i>Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024</i> implements a tobacco business licensing scheme which delivers the key elements for an effective tobacco business licensing system recommended by Better Regulation Victoria, including:</p> <ul style="list-style-type: none"> • specific requirements for licence applications (such as requiring a licence application to specify only one proposed licensed tobacco premises) • suitability requirements relating to operating a tobacco supply business under a licence and suspension or cancellation of a licence if a licensee is no longer suitable • requirements relating to displaying a licence in a licensed tobacco premises • powers for the tobacco regulator to collect information about an applicant or licensee for certain purposes • a requirement to keep and publish a Register of licensed tobacco suppliers.

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		<p>The business licensing scheme being implemented covers tobacco products. Other nicotine products such as e-cigarettes, nicotine patches and gum are regulated at the Commonwealth level through the existing therapeutic goods framework.</p> <p>It is now illegal for retail businesses, such as tobacconists, supermarkets and convenience stores, to sell any type of vape or vape product. The government is working with the Commonwealth on the effective regulation and enforcement of these reforms.</p>
<p>10 The Victorian Government's licensing scheme include:</p> <ul style="list-style-type: none"> a. High annual licence fees akin to the fees charged in Tasmania to cover the cost of administering and enforcing the scheme. b. Restrictions on the number of licences granted, density limits for each local government area, and prohibition of licenses within 150 metres of a school. c. Requirements for licensed retailers and wholesalers to collect data on the product type, brand name, product description and quantity sold, and keep records for at least two years. d. A public database on where nicotine retailers are located, a public register of licensees and quantities sold by location. 	<p>Support in part</p>	<p>The <i>Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024</i> implements a tobacco business licensing scheme which delivers the key elements set out in recommendation 10.</p> <ul style="list-style-type: none"> a. Licence fees will be set in accordance with Department of Treasury and Finance <i>Pricing for Value Guide</i> and determined as part of making regulations to support the tobacco business licensing scheme. A thorough regulatory impact assessment process will be undertaken to determine the appropriate fee structure and level. b. While the <i>Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024</i> does not include express limitations on where tobacco businesses can operate, the tobacco regulator may impose conditions on a licence to mitigate risks arising from businesses operating in certain locations, if necessary. The Minister may also give directions or issue guidelines to the tobacco regulator in relation to its function, which may include guidance on factors to consider when assessing a licence application, including, if necessary, location. As part of the establishment of the scheme the tobacco regulator will be able to collect data to monitor the sales of tobacco to inform future policy decisions in this area. c. As discussed at Recommendation 1, consideration will be given to the appropriate mechanism and frequency for any data collection requirements under the scheme. d. The tobacco regulator must keep a Register of licensed tobacco suppliers, which includes information in relation to each licence, including the business

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		<p>name under which the licensee sells tobacco products, the address of the licensed tobacco premises, the licensee’s licence number, and any other information as prescribed in the regulations. The Register will be published on the tobacco regulator’s website.</p>
<p>11 An evaluation framework be embedded in Victoria’s new tobacco and e-cigarette licensing scheme. The framework should include targets and timeframes to facilitate transparent reporting on its effectiveness in controlling the harm caused by nicotine products – legal and illicit.</p>	<p>Support in principle</p>	<p>The Victorian Government supports the objective of facilitating transparent reporting on the effectiveness of measures to control the harm caused by tobacco and other nicotine products.</p> <p>A statutory review of the tobacco business licensing scheme, required by the <i>Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024</i>, will be conducted after 5 years of operation. This will provide an opportunity to review the scheme’s effectiveness in achieving its objectives.</p> <p>The business licensing scheme being implemented covers tobacco products. Other nicotine products, such as e-cigarettes, nicotine patches and gum, are regulated at the Commonwealth level through the existing therapeutic goods framework.</p> <p>It is now illegal for retail businesses, such as tobacconists, supermarkets and convenience stores, to sell any type of vape or vape product. The government is working with the Commonwealth on the effective regulation and enforcement of these reforms.</p>
<p>12 The Victorian Government amend the relevant legislation to limit the enforcement powers of local government to smoke-free areas and, where necessary, information gathering on retailers and wholesalers involved in the illicit trade of tobacco, vapes and other nicotine products.</p>	<p>Under Review</p>	<p>Local government currently perform an important compliance and enforcement role under the regulatory framework established by the Tobacco Act. This includes activities in relation to smoke-free areas, advertising restrictions, sale to minors and the sale of illicit tobacco.</p> <p>The forthcoming introduction of a tobacco business licensing scheme will significantly change, and strengthen, that framework. In that context, the roles and responsibilities of all interested public entities, including local government, are being considered to ensure delivery of the framework’s objectives.</p>

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<p>13 The Victorian Government consider establishing an independent, well-resourced, standalone regulatory agency within the Department of Justice and Community Safety to work in close partnership with Victoria Police and Commonwealth agencies to undertake compliance and enforcement activities regarding legal and illicit nicotine products.</p>	<p>Support in part</p>	<p>The <i>Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024</i> establishes a tobacco business licensing scheme and regulatory function. The tobacco business licensing scheme and regulatory function will be administered by the Department of Justice and Community Safety. The tobacco regulator will build a strong operational relationship with Victoria Police, which will enable the regulator to focus on day-to-day compliance, inspection and enforcement activities, and Victoria Police to focus on the disruption of serious and organised crime associated with the illicit tobacco market.</p> <p>The business licensing scheme being implemented covers tobacco products. Other nicotine products such as e-cigarettes, nicotine patches and gum are regulated at the Commonwealth level through the existing therapeutic goods framework.</p> <p>It is now illegal for retail businesses, such as tobacconists, supermarkets and convenience stores, to sell any type of vape or vape product. The Victorian Government is working with the Commonwealth regarding the effective regulation and enforcement of these reforms.</p>
<p>14 The Victorian Government encourage the Commonwealth Government to allocate a fixed percentage of revenue from the tobacco excise to state and territory governments to support increased regulatory and enforcement activities regarding illicit nicotine products.</p>	<p>Support in full</p>	<p>The Victorian Government response includes significant efforts to protect Commonwealth revenue lost through illicit tobacco and to assist with the prohibition on the retail sale of vaping products.</p> <p>The government welcomes the recent announcement of an additional \$107 million in Commonwealth funding for compliance and enforcement activities associated with new laws on vaping products and will seek opportunities to advocate for allocations of the tobacco excise revenue (and other funding sources), which reflect the regulatory contributions of states and territories.</p>
<p>15 The Victorian Government amend the relevant legislation to incorporate the full suite of additional investigative and enforcement powers identified by Better Regulation Victoria for authorised officers employed by the new independent</p>	<p>Support in full</p>	<p>The Victorian Government recognises the need for adequate powers for licensing inspectors to support the effective enforcement of the tobacco business licensing scheme and enhance compliance with tobacco controls under the Tobacco Act.</p> <p>The <i>Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024</i> (the Act) incorporates the investigative and enforcement powers recommended by Better Regulation Victoria. Dedicated licensing inspectors</p>

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<p>regulatory agency established under Recommendation 13.</p>		<p>appointed by the tobacco regulator to monitor compliance with and enforce the scheme will have powers to:</p> <ul style="list-style-type: none"> • enter premises for compliance monitoring without consent from the owner or occupier in certain circumstances • seize tobacco products, equipment and documents involved in alleged offences by retailers • inspect, make copies or take extracts of documents • issue 'on-the-spot' fines • require businesses to produce documents and information. <p>In addition, the tobacco regulator will have the power to immediately suspend a licence if a licensee is suspected to have sold illicit tobacco. The Act also introduces an evidentiary presumption, which attributes the presence of excess tobacco on a premises as evidence of the sale of tobacco by the occupier.</p>
<p>16 The Victorian Government amend the legislation to define police officers as authorised officers with the power to obtain search warrants and carry out enforcement and investigation activities regarding nicotine products.</p>	<p>Support in part</p>	<p>The Victorian Government recognises the important role of Victoria Police in detecting and investigating criminal activity – especially serious and organised crime – associated with illicit tobacco.</p> <p>To support this critical role, the <i>Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024</i> provides Victoria Police with additional powers in relation to existing offences under the Tobacco Act and the new tobacco business licensing scheme, including the ability to obtain search warrants, enter premises and seize illicit items to support the detection and enforcement of serious criminal activity.</p> <p>Victoria Police will continue to have a range of existing powers under the Tobacco Act, including powers to issue infringement notices and commence proceedings under the existing provisions of the Act. Victoria Police also has powers under the <i>Crimes Act 1958</i>, and those related to the enforcement of Commonwealth vaping laws.</p> <p>Victoria Police will also play key roles in ensuring the suitability of licensees under the scheme through input on licensing decisions, information sharing to</p>

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		support the tobacco regulator in enforcing the licensing scheme, and in relation to criminal activity.
17 The Victorian Government amend the relevant legislation to strengthen retail and wholesale licence revocation capability and prohibit the sale of tobacco and other nicotine products by people under the age of 18 in Victoria.	Support in part	<p>The Victorian Government recognises the importance of ensuring that only suitable persons can sell tobacco in Victoria. The tobacco business licensing scheme established by the <i>Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024</i> provides robust powers for the tobacco regulator to suspend and cancel tobacco licences when a person is no longer suitable to hold a licence, including a power to immediately suspend a licence where illicit tobacco offences are suspected to have been committed. The tobacco regulator may also disqualify a person from holding a licence for up to 5 years.</p> <p>The government is committed to minimising young people’s exposure to tobacco and nicotine products and acknowledges the drivers for prohibiting people under 18 years of age from selling tobacco products. Only people over 18 years of age will be permitted to hold a licence to sell tobacco products under the new tobacco business licensing scheme.</p>
18 The Victorian Government review current penalties contained in State legislation regarding the illicit tobacco and cigarette trade with a view to increasing them.	Support in full	<p>The Victorian Government recognises the need for strong penalties to combat the illicit tobacco and cigarette trade.</p> <p>The <i>Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024</i> introduces new offences for possessing or supplying illicit tobacco and imposes the strongest penalties in the country for those who commit these offences.</p> <p>The new offences modernise and broaden existing illicit tobacco offences under the Tobacco Act to align with the Commonwealth tobacco legislation and remove barriers to enforcement.</p>
19 The Victorian Government continue to support Aboriginal Community Controlled	Support in full	The Victorian Government commits to continue support for Aboriginal Community Controlled Organisations (ACCOs) to develop and deliver vaping and tobacco

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<p>Organisations to develop and deliver vaping and tobacco control initiatives relevant to their local communities</p>		<p>control initiatives relevant to their local communities. This includes long standing support for the Best Practice Aboriginal Forum on Reducing Tobacco and E-Cigarette Related Harms, and Commonwealth funded programs such as Tackling Indigenous Smoking delivered by the Victorian Aboriginal Health Service.</p> <p>The government is committed to prioritising co-design as a critical design principle in developing and delivering initiatives to meet the self-determined needs of Aboriginal Victorians. This is an important consideration in the review of existing services, such as Quitline, as well as in the development and delivery of new initiatives, particularly innovative approaches to tackling the unique vaping-related challenges for young people.</p> <p>This collaborative engagement approach to preventative health and health promotion is in line with the government’s commitment to working in partnership with ACCOs through the Aboriginal Health and Wellbeing Partnership Forum. Recognising the need for self-determined, culturally safe and holistic preventative health programs for Aboriginal communities, the government has committed to funding \$2.6 million in the 2024-25 State Budget for Enhancing Systems and Embedding Culture and Kinship to the Victorian Aboriginal Community Controlled Health Organisation (VACCHO). Through this program, VACCHO will work with ACCOs to support Aboriginal Victorians in their local communities to connect to cultural practices to reduce risk-taking behaviour and improve preventative health behaviours, thereby reducing the incidence of chronic diseases.</p>
<p>20 The Victorian Government consider whether current targets are sufficient and where they are not, set more ambitious, comprehensive and segmented targets on the proportion of Victorians that smoke, vape and consume other nicotine products daily for the state public health and wellbeing plan. Outcomes should be</p>	<p>Support in part</p>	<p>The Victorian Public Health and Wellbeing Plan 2023-2027 (the Plan) is a Whole of Victorian Government policy framework guiding Victorian Government departments, funded agencies and other partners to implement activity that aims to prevent illness and promote and protect health and wellbeing. The Plan is supported by the Victorian Public Health and Wellbeing Outcomes Framework (outcomes framework) that includes 16 long-term targets committed to by the government through state or national polices. The majority of the current targets are to be achieved by 2025.</p>

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<p>reported in the Department of Health’s annual report.</p>		<p>Reporting against the outcomes framework, including assessment of progress towards identified targets, occurs every third year of the four-year public health and wellbeing planning cycle. A publicly available reporting dashboard, released in 2023-24, supports tracking of progress towards improvements in public health and wellbeing outcomes.</p> <p>The government is currently refreshing the outcomes framework, which was first developed in 2016. The refresh will include identifying new targets that the government has committed to through new state or national policies, such as the National Tobacco Strategy 2023–2030. Where there is no alignment between state and national policy targets, the most ambitious target will be adopted.</p> <p>The government recognises that for many outcomes the variation within a population group or area may be large and this can be masked in state reporting. The outcomes framework takes a whole-of-population view and enables assessment of whether improvements in health and wellbeing are shared equally across Victoria. The prevalence of tobacco and vaping use will be assessed across different population groups and geographic levels to identify inequalities.</p> <p>Reporting against the outcomes framework and refreshed targets will occur through existing reporting mechanisms, including a public health and wellbeing progress report in the third year of the four-year public health and wellbeing planning cycle, and the publicly available online reporting dashboard. The Department of Health’s annual report may also include narrative to support public health and wellbeing outcomes reporting.</p>
<p>21 The State Government review the funding allocated to preventative health care in light of the health costs borne by individuals and the community from nicotine dependence.</p>	<p>Support in principle</p>	<p>The Victorian Government is committed to reducing the harms caused by tobacco and e-cigarettes, as demonstrated through prioritisation in the Victorian Public Health and Wellbeing Plan 2023-2027 and the strategic partnership approach outlined in Quit’s 10-year Strategy: <i>Tobacco Free by ‘33</i>.</p> <p>This commitment is strengthened through existing investment in tobacco and vaping cessation and prevention through funding to Cancer Council Victoria (including Quit Victoria) and VicHealth, totalling \$9.4 million in 2024-25. This funding will continue to provide effective Quitline services, as well as pivoting where needed to address emerging needs of priority populations – particularly to</p>

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		<p>address increasing rates of vaping among young people. In partnership with the Department of Education, Quit has produced a set of curriculum-aligned resources addressing smoking and vaping for Years 7 – 8 and Years 9 – 10, and have commenced work on a resource for classroom use for Years 5 – 6* (See recommendation 26).</p> <p>VicHealth, with its origins in the Tobacco Act, remains a significant partner in preventing harms from tobacco and e-cigarettes. As an independent statutory authority, VicHealth determines its priorities and key investments. Currently, this includes significant support for tobacco and vaping initiatives and campaigns, including the Vaping Prevention Grants, as part of the collective impact approach to vaping.</p> <p>These major investments complement and enhance local efforts via Local Public Health Units, local government, community health and other health services, which allocate funds to tackling tobacco and e-cigarette harms based on the needs of their local communities in alignment with the Victorian Public Health and Wellbeing Plan. In particular, the current Community Health – Health Promotion program guidelines aim to achieve impact at scale and maximise best possible outcomes by having tobacco and e-cigarette related harm as one of three focus areas for investment.</p> <p>To have significant gains in reducing the burden of harms caused by nicotine, these services and initiatives need to be implemented alongside other key government levers. The tobacco business licensing scheme is a significant example of the government’s commitment to tackling this issue, alongside Victoria’s role in implementing the Commonwealth’s vaping reforms.</p> <p>Going forward, the government will undertake a broad review of existing tobacco and vaping prevention and cessation investments to ensure funding is continuing to meet the needs of all Victorians, particularly priority populations. This will be informed by the forthcoming review of the Victorian Quitline, as well as by evaluation from Commonwealth funded trials of innovative approaches to engaging young people and other priority cohorts occurring over 2024-27.</p> <p>Future Victorian efforts will focus on leveraging (and avoiding duplication with) Commonwealth initiatives, including significant work happening through the</p>

Recommendation	Response	Comment
		national cessation platform Quit.org.au, and national anti-vaping programs for young Australians (e.g. <i>Our Futures</i>).
<p>22 The Victorian Government review the impact of Quitline Victoria services for priority high-risk cohorts—especially those under the age of 18—and ability to meet any growing demand for nicotine cessation following the Commonwealth’s vaping reform legislation.</p>	<p>Support in full</p>	<p>Noting the recommendations of the Committee, the Victorian Government has prioritised a review of the Victorian Quitline with a focus on priority populations, including young people and Aboriginal Victorians. This is an immediate priority flowing from Commonwealth funding provided to Victoria to meet growing demand for tobacco and vaping cessation.</p> <p>The service review will be complemented by trials of innovative approaches to engaging with young people and Aboriginal Victorians, including exploration of a nicotine replacement therapy model and the use of new technologies. This will build on recent promising work such as the Digital Youth Vaping Cessation Tool, which was co-designed with young people and launched by Quit in December 2024 to deliver Artificial Intelligence SMS support to youths seeking support to quit vaping.</p> <p>The review will be complemented by a Quitline branding review, which will identify where Quit can transform and modernise its brand to appeal to a younger generation and solidify its identity as both a smoking and vaping cessation service.</p> <p>Following the service and branding review, the government will work closely with Quit Victoria, VicHealth and other partners to implement the findings and ensure the needs of priority populations are being met into the future. This will include considerations of linkages with other campaigns and initiatives happening both locally and nationally.</p>
<p>23 The Victorian Government review the funding for existing anti-smoking campaigns to pivot to address all nicotine products, including e-cigarettes and nicotine pouches.</p>	<p>Support in part</p>	<p>The Victorian Government broadly supports the transition of anti-smoking campaigns to also address anti-vaping. The government recognises the importance of campaigns directly addressing the issue of vaping, including among young people, however this requires careful consideration and consultation with key partners, such as Cancer Council Victoria. The government is also aware of the various campaigns currently being run by the</p>

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		<p>Commonwealth due to vaping reforms introduced in 2024, as well as campaigns developed through the Tackling Indigenous Smoking program, and will seek to promote these campaigns in Victoria and avoid duplication of this content during their campaign time.</p> <p>The government will actively monitor trends in emerging, potentially harmful and addictive nicotine products, such as nicotine pouches, and explore the appropriateness of incorporating these into future campaigns. Currently, there is limited evidence of the harms of emerging products which limits the ability to produce effective, evidence-based campaigns. The government will continue to work with Cancer Council Victoria and VicHealth to gather and assess evidence on current and emerging products as it becomes available.</p> <p>Finally, acknowledging that traditional large-scale campaigns do not resonate with all groups, alternative engagement and awareness-raising opportunities will continue to be explored. For example, utilising social media and amplifying the voices of positive peer role models.</p>
<p>24 The Victorian Government work to ensure co-design is prioritised in all government funded public health education nicotine campaigns targeting young people and other high-risk cohorts.</p>	<p>Support in part</p>	<p>The Victorian Government, in partnership with Cancer Council Victoria (including Quit Victoria) and VicHealth, has already taken several steps to ensure co-design is prioritised in education nicotine campaigns for priority populations and young people. This is demonstrated in the recent <i>Seeing Through the Haze</i> curriculum program, which engages students to not only learn about the harms of vaping, but also encourages them to come up with their own anti-vaping campaigns to be shared in their school.</p> <p>Future campaigns will consider a range of factors, including evidence of effectiveness and best-practice, alongside co-design and collaboration to ensure public health messaging and campaigns resonate with priority populations.</p> <p>The government acknowledges there is more work to be done to ensure co-design is at the heart of public health education nicotine campaigns and therefore is committed to working with key partners to ensure co-design is considered and reported on in future public health education nicotine campaigns.</p>

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<p>25 The Victorian Government review current funding for the development of peer-to-peer vaping cessation support services.</p>	<p>Support in principle</p>	<p>Tackling increasing rates of vaping among young people will require a variety of approaches, with peer-to-peer interventions, including brief advice, sharing of lived experiences and referral to cessation support services being important components.</p> <p>To be effective, these must be complemented by more formalised cessation supports. To this end, work is already underway to support the Victorian Quitline to meet the growing demand for vaping cessation services, particularly for young people, through employing more youth counsellors and introducing modern forms of communication, such as webchat and SMS services.</p> <p>Whilst the introduction of these modern forms of communication have been well received, the Victorian Government will continue to work with our partners, Quit Victoria and VicHealth, to investigate and implement effective and innovative ways to engage young people including through peer led or co-designed approaches. This includes the development of campaigns such as Minderoo’s campaign <i>Uncloud</i>, which has been licensed by VicHealth in 2024 and features stories and campaigns from young people negatively affected by vapes and nicotine addiction.</p> <p>Further, the government is committed to continuing to support both local and statewide approaches to vaping prevention and intervention programs. This will leverage the innovative work already underway by VicHealth and Quit to co-design and respond to the needs of young people, as well as local efforts through community health services and other partners.</p>
<p>26 The Department of Education commit to making tobacco and vaping education programs compulsory curriculum at the primary school level and supply schools with resources to implement them, aligned with current drug and alcohol education curriculum commitments.</p>	<p>Support in full</p>	<p>The Victorian Government commits to delivering tobacco and vaping education programs in government primary schools through the ‘Alcohol and Other Drugs’ (AD) focus area in the Victorian Curriculum 2.0 Health and Physical Education (HPE) curriculum.</p> <p>The AD focus area supports students from Foundation to year 10 to develop the understanding and skills required to inform healthy choices, including protective behaviours, harm minimisation and help seeking strategies relating to a range of substances.</p>

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		Resources developed to support the implementation of these programs will be made available to schools in the non-government sector.
27	Local government be represented on the advisory board to the new state regulatory authority responsible for the state nicotine licensing system.	Support in principle The Victorian Government recognises the critical role that local government has and continues to play in tobacco regulation and control under the Tobacco Act. The tobacco regulator will develop relationships with local government to ensure the appropriate flow of policy and operational information, noting the valuable local knowledge and intelligence they will be able to provide to the regulator.