

**Emma Davidson MLA**

Minister for Community Services, Seniors and Veterans

Minister for Corrections and Justice Health

Minister for Mental Health

Minister for Population Health

Member for Murrumbidgee

**RESPONSE TO QUESTION ON NOTICE****Questions on Notice Paper No 40****22 MARCH 2024****Question No. 1636****MS CASTLEY:** To ask the Minister for Population Health —

1. Is it legal in the ACT to sell e-cigarettes via Facebook marketplace; if not, have the police investigated this crime, and how do they monitor and police the selling of regulated products via Facebook or other social media channels.

**EMMA DAVIDSON MLA** - The answer to the Member's question is as follows:

In the ACT, sale and advertisements relating to e-cigarette products are regulated under the *Tobacco and Other Smoking Products Act 1927*, and complaints directed to Access Canberra for follow-up.

The supply of e-cigarettes without a tobacco license is illegal. Furthermore, it is illegal to supply nicotine e-cigarettes through any means to a person who is a minor or has not been prescribed e-cigarettes by an appropriate medical professional.

It is currently lawful to supply a vaping product that does not contain nicotine to an adult.

The Australian Department of Health also has responsibility for administering and enforcing tobacco advertising laws under the [Tobacco Advertising Prohibition Act 1992](#) (Cwlth).

On 1 April 2024, the *Public Health (Tobacco and Other Products) Act 2023* (Cwlth) commenced and consolidated national tobacco laws and extended advertising controls to e-cigarettes (including online advertisements).

This legislation gives the Australian Department of Health and Aged Care (which includes the Therapeutic Goods Administration (TGA)) additional regulatory responsibilities for online e-cigarette advertising.



On 21 March 2024, the Minister for Health and Aged Care, the Hon Mark Butler MP, introduced the *Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Bill 2024* in Parliament to prohibit the importation, domestic manufacture, supply, commercial possession and advertisement of non-therapeutic and disposable e-cigarette products. If passed, this legislation would further restrict the non-therapeutic sale and commercial possession of vaping products across Australia.

ACT Health notes the challenges of enforcing online e-cigarette advertisements from a state and territory level and acknowledges the importance national vaping and tobacco reforms and additional Australian Government resources for the TGA and Australian Border Force will lead to stronger enforcement responses.

The potential for exploitation by serious and organised crime groups in the supply of e-cigarettes increases complexity, and highlights the importance of engagement with other stakeholders, including ACT Policing and industry.

**Approved for circulation to the Member and incorporation into Hansard.**



**Emma Davidson MLA**  
**Minister for Population Health**

**Date:** 6 May 2024.....

This response required 2hrs 20mins to complete, at an approximate cost of \$216.28.