

MARK BUTLER MP
MINISTER FOR HEALTH AND AGED CARE

EO&E
RADIO INTERVIEW
ABC RADIO MELBOURNE MORNINGS
THURSDAY, 29 FEBRUARY 2024

Topics: New influencer-led vaping campaign; Next steps of vaping reform; Private health insurance.

RAF EPSTEIN, HOST: The ban on bringing vapes into the country has begun. At the start of the year, it became illegal to import disposable vapes. And from Friday - from tomorrow the 1st of March - it's going to be illegal to bring in any vape, rechargeable, whatever. You won't be able to import any without a licence. So, no more unregulated imports, no more mail order for yourself. Vapes will still be imported, but only if people have got a special licence and only to sell to people who will need a prescription for any vape that they want to buy.

This is all being coordinated and pushed by Mark Butler, he is the Health Minister, part of Anthony Albanese's Federal Government. Good morning.

MINISTER FOR HEALTH AND AGED CARE, MARK BUTLER: Good morning, Raf.

EPSTEIN: Minister, I mean, it's obvious that people import billions of dollars' worth of illicit drugs and sell them. How are you going to enforce these new rules?

BUTLER: We've given very substantial additional resources to the Border Force. We asked them what they needed to do the job that we were giving to them, which is to try and shut these things down at the border. They've been flooding in for the last several years, literally flooding in. And we gave them those resources, and in just the first two months or not quite two months of the ban being in effect, they've seized on my advice, more than 360,000 disposable vapes – so now illegal. That's around three times the entire seizures over the course of 2023.

We're already seeing a big increase in seizures. I've never pretended, I've wanted to be really honest with people that we're not going to be able to stop every single vape coming into the country in the same way we're not stopping every bit of cocaine or other illicit drug, as you point out but what we're dealing with here is a situation where these things have been flooding in and being sold to kids through vape stores - nine out of ten which have been established within walking distance of schools. And that's no accident, they're doing that because that is their target market. So, what we've really got to do is just choke off that supply. I'll be introducing laws to the Parliament in the coming weeks to outlaw the sale and supply of the vape – so it's not just the imports, but all of these stores that are set up in order to sell vapes, that they will become unlawful, we hope by the 1st of July, particularly if we can get some support from Peter Dutton. I don't pretend this is going to be easy. This has exploded over the last few years.

EPSTEIN: I think a lot of people support the idea they shouldn't be sold. But, I mean, I don't have to tell you. I will give you my local example: I've got three tobacco shops near me, two of which now have, as soon as I have walked in, offered to sell me illegal tobacco. Border Force are already trying to enforce that. I've got two vape shops near my local primary school, they are within 200m of my local primary school. The question remains, is it actually something that you can achieve? You can ban it, but no one's enforcing the ban. Isn't that the problem?

BUTLER: That's been the problem for the last several years, frankly, a lack of coordination between levels of government. So, between state and federal government, and a series of loopholes that allow these people to bring them in and sell them. This is a market increasingly – you in Victoria understand this better than everyone - in Victoria this is increasingly a market controlled by organised crime, and they are using this lucrative source of revenue to fund their other criminal activities like drug trafficking, sex trafficking and the like.

But this lack of coordination has meant that although theoretically it's been illegal to sell a nicotine vape, particularly to kids, there's been a loophole that says: but it's okay to sell a non-nicotine vape. So, what do they do? They just label all of their nicotine vapes 'non-nicotine.' What we're doing is closing down that loophole. We're getting rid of all vapes. We're also putting in place a law that will be clearly enforceable by state authorities that will outlaw the sale and supply of any vape. We're putting very substantial additional resources to Border Force, as I said, around vapes, but also almost \$200 million in new money for Border Force to tackle illicit tobacco. As you say, illicit tobacco is also an increasing concern around the country, and again, another very lucrative source of revenue for criminal gangs.

So that additional resourcing for Border Force will mean they go into source countries rather than waiting for them to come here and intercept them at the border, working with source countries to stop them travelling here in the first place, using new technology like artificial intelligence, trials on that technology to detect them at the border. But I accept, just as the attempts to sort of shut down the illicit drug trade have some effect, but don't shut down every single pouch of cocaine, this is not going to be a perfect exercise.

EPSTEIN: But this is different isn't it?

BUTLER: We've got to do better than we're currently doing.

EPSTEIN: Isn't this different because the penalties are very low and you can sell the vape? If you sell cocaine next to a packet of chips, the police will come. If you sell illegal tobacco or an illegal vape next to a packet of chips, the police won't come. Isn't that the difference? I appreciate the same criminals are selling them, but the police are not enforcing the illegal tobacco ban. Who's going to enforce the illegal vape ban?

BUTLER: The vape bans will be enforceable by state authorities, in some jurisdictions those are health authorities and consumer affairs authorities. Police will become involved where there is clearly an organised crime element. So, we've already found around the country

that warehouses are storing vast amounts of these vapes. Often there is an organised crime element there, and where intelligence suggests that, then we're working with policing authorities and with police commissioners and police ministers to get them involved. We've got a joint group of policing authorities and health authorities that was established by a joint meeting that we held late last year of all the police ministers and all the health ministers of the country.

EPSTEIN: Do you really think that's going to work?

BUTLER: Yes. I'm very confident this is going to have a big impact, because at the moment it's just it's the Wild West out there. These vape stores are opening up almost on a weekly basis, increasingly around school communities. School communities, principals, parents are beside themselves when they see one of these stores open up down the road from their school. And frankly, it's not just high schools anymore. It's primary schools as well. This series of loopholes, this lack of coordination between state and federal governments over the last five years has allowed this to happen. And parents are furious, understandably furious, that governments haven't been able to crack down earlier than this but there is now a shared sense of will.

EPSTEIN: Can I ask you about the shared sense of will? I'm sorry to interrupt, Minister, but I did speak to the Victorian Attorney-General last week. I didn't get any sense of any specific enforcement that is planned. I realised the ban on the sale of vapes hasn't gone through the Federal Parliament yet, but there's no sense that there's any extra enforcement for the illegal tobacco, let alone any extra enforcement for what you've done with the vapes. Do you really think it's going to work?

BUTLER: I encourage you to get the Health Minister on, we had a meeting only last Friday again, and we talked about those enforcement issues, you point out the low penalties that exist around the country for this and the legislation I'll be introducing to the Parliament in the next few weeks will have much more substantial penalties for the sale and supply of these vapes. We think it is that significant an issue. This is a terrible public health menace for our younger people. This is not some harmless product that it's being sold as, including on social media by a whole lot of influencers and other messages that are being pumped into the minds of our young people across social media. This is a very dangerous product in and of itself, and increasingly we know it is also a gateway to smoking cigarettes, which all your listeners know is one of the biggest preventable killers we have.

EPSTEIN: I know you announced yesterday you're actually spending money on social media ads using some influencers. There's pictures of one of them, I think his name is Jackson Fairbairn, there are pictures of him with a vape that sort of got recirculated on social media. If he's one of those that you're paying to sort of spread the message against vapes, does that weaken your message?

BUTLER: I don't think it does at all. Have a look at the data, a huge number of young people are using these products, and frankly I think we've engaged 10 or 12 social media influencers, just using the percentages, I'd be surprised if a few of them had not vaped in the past.

EPSTEIN: Yeah, so you're hoping people learn from that?

BUTLER: He'd vaped in the past, he's been clear about that. He's not a vaper now, and this sort of pile on by the traditional media onto this young bloke I think is really quite weird. I'm not at all perturbed by the fact that one of the young people we're partnering with to put out good messages to young people about the dangers of vaping has once vaped in the past and has learned from that, I think that's a very solid foundation to be able to get out there and credibly push the messages.

EPSTEIN: Minister, just before you go, private health insurance premiums are going to go up again very soon. Insurance in general, I think, is going up at four times the rate of inflation. They do have to ask you effectively for permission to go up. Why do they have to go up again?

BUTLER: For a very long time there's been a process where the health insurance providers are put a case to the health minister of the day about what their increases should be, and the health minister of the day, with the assistance of APRA, the Prudential Regulation Authority, and with our department and so on, goes through that data very closely to look at their financial sustainability, to look at their claims payout ratio - so how much of the money that they earn are they actually paying out to insurance holders and all of the other sort of things you'd expect us to look at. What we've been doing over the last few months since they put their first claim in is pushing them pretty hard. I want to make sure I get the best outcome for consumers here and any increase is fully justified according to all of those points I just mentioned. Over the last little while - usually over the last many years this is announced in the last week of February or the first couple of weeks of March, and I'll be doing that in the usual way. But I can assure your listeners my job here is to get the best possible outcome for consumers.

EPSTEIN: Do they deserve to put up their prices?

BUTLER: That's the question we're going through very closely with them. I've gone back to some of them at least once to ask them to sharpen their pencil. Some of them I've had to go back a couple of times to, asking questions about things like their payout ratio, their earnings, and their future projections about financial sustainability. Obviously, we need these funds to be sustainable and viable, but we also press them very hard to justify any increase, particularly at a time of such huge cost of living pressure on households.

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ABC RADIO SYDNEY BREAKFAST
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Topics: New influencer-led vaping campaign; Next steps of vaping reform; Snus; Private health insurance.

CRAIG REUCASSEL, HOST: Talking of politics, could Ellyse Perry convince you to stop vaping? She's one of a dozen social media influencers with 11 million followers between them that have been recruited by the federal government as part of a \$250,000 campaign to combat pro vaping messages online. Unfortunately for Federal Health Minister Mark Butler, a photo has surfaced of one the influencers, comedian Jaxon Fairbairn, holding a vape last year. Mark Butler is the Federal Health Minister and he joins me this morning from Canberra. Thanks for talking to us, Mark.

MINISTER FOR HEALTH AND AGED CARE, MARK BUTLER: Good morning, Craig.

REUCASSEL: So, uh, look, not the greatest start with this guy being seen with a vape, but do you think that, is a social media campaign going to have any influence when we're battling nicotine addiction?

BUTLER: What we know is that young people aren't using the media that you and I grew up with, Craig. They're just not. They're getting their messages increasingly from TikTok and Instagram and YouTube. And that's where we have to go if we want to give young people good information about the health risks associated with vaping. We know that these social media channels are absolutely overwhelmed with messages being promoted by Big Tobacco. I'm told that there are 18 billion posts on TikTok promoting vaping. There are 18,000 influencers on Instagram pumping out pro vaping messages. And actually, when we went to the market to find out influencers who might be willing to partner with the Commonwealth to put out good information and healthy messages to young people, we heard from them that the industry was out there trying to pay them to put out pro vaping messages.

So, we've got to get out, we've got to fight back, we can't leave that field - that media field - where young people, teenagers - which is the target audience, 14 to 20 year olds - are getting their messages. We can't leave that vacant. So this is new: this is a new approach for the Commonwealth Government to partner directly with young influencers to get that information out to young people. But I cannot see an alternative, for the life of me, if we're determined to fight this public health menace that is doing such damage to young Australians.

REUCASSEL: Oh, absolutely doing huge damage, and that's extraordinary when you talk about how many kind of pro vape messages there are on things like TikTok. We have laws in Australia that ban cigarette advertising right now. Is there any capacity for you and the government to ban pro vape messages on things like TikTok, or is that just out of your power? You can't do it?

BUTLER: We actually updated all of those long-standing tobacco laws around advertising of cigarettes late last year. I think they passed in the last week of the Parliament before Christmas. And that did a range of things, it updated our tobacco control legislation, which hadn't really been changed for ten years. So, in the meantime, the cigarette industry had found new ways to market cigarettes as attractive, particularly to young people, so we wanted to stamp that out. But we also updated the advertising laws so that they would cover vaping and it would cover new social media channels as much as we possibly can. Now that only just passed.

REUCASSEL: Yes, Minister, that's obviously not working because you've just said there are 18 billion vape messages on TikTok.

BUTLER: That's right. They've only just passed and it's obviously a very, very different prospect dealing with messages that are overwhelmingly on TikTok compared to, for example, an ad that might be on Channel 9 or a commercial radio station. So, they've only just passed and obviously we're going to have to grapple with the enforcement of that. But in the meantime, we need positive messages going out there as well. And that's what this partnership is, with some really terrific young social media influencers.

I heard in your introduction that you pointed out that one of them had a photo of a vape or taking a vape sometime early last year, and that was somehow a problem. I just think have a look at the maths, the number of young people vaping out in the community now, it would be surprising if selecting twelve young influencers, a couple of them hadn't vaped in the past. And you know, I see that as no barrier to them now getting out and promoting positive messages. They understand what is happening among young Australian communities. They will have experienced themselves. I see that as no barrier to them participating in this campaign. Now, if they were current vapers, that would be a different question.

REUCASSEL: No, I understand that.

BUTLER: I think this has been really quite a weird piece of analysis by some in the media.

REUCASSEL: We'll just move on from the social media campaign to the actual overall vape crackdown and how it's going. Every day we get a lot of texts from listeners talking about another vape and candy shop has been opened. This morning we've heard that somebody said: "there's four new vape shops in the main street of Cronulla." We've got others saying that one's opened the main street of Springwood here. Many of these vape shops are kind of getting the kids in by selling this kind of lollies as well with it. Are they against the current laws or are the laws regards to vape shops not really come into play yet? Where are we in terms of this crackdown?

BUTLER: Look, I understand the frustration, particularly of parents and communities. I mean, they're telling us they don't understand how this was allowed to happen. This has exploded over the last few years. Some data coming out this year has shown that young people vaping has increased by 400% over the last few years. It sort of came out of nowhere for many parents and school communities, and they're right to be concerned about the fact that these vape stores are opening up around the corner from their schools. We know that

9 in 10 vape stores in Australia are within walking distance of schools, and that's no accident. It's because that is their target market.

REUCASSEL: So when will they be banned?

BUTLER: I will be introducing legislation into the Federal Parliament in the next few weeks, when we come back after a break. So in the coming four weeks, I'll be introducing legislation to Parliament that will ban the sale and the supply of vapes. And that will essentially make these vape stores unlawful, and that will be legislation that is able to be enforced through state and territory authorities. When we were first looking at this - and Ryan Park, the New South Wales Health Minister, has been a terrific partner on this - when we were first looking this at this as a group of health ministers, we feared we might have to pass legislation through every single parliament in Australia, which would have taken a very long time. Obviously, we now know that we can just pass one law through the Federal Parliament and have it enforced. I understand the frustrations people, particularly parents and school communities, who now see this as the number one behavioural issue in their schools. They're incredibly frustrated and angry when these stores open up around the corner from their schools.

REUCASSEL: Absolutely. We're speaking to the Federal Health Minister, Mark Butler. Now, one of the questions I have for you, Minister, is that, you know, these are some very forward-looking laws in terms of banning vaping here. We've got an enormous amount of young people that are now currently addicted to nicotine. We're going to take out all this nicotine. We're going to make it harder for them to get it. You know, I don't think people are just going to suddenly go cold turkey. Yesterday we had a lot of parents calling in about kids who were using snus, which is a kind of synthetic nicotine that's put in a pouch in the mouth. They're just ordering it from online. You know, a lot of people are still ordering vapes from online. What is actually the plan from the government in terms of overcoming young people that have nicotine addiction? And the obvious thing is that they're just going to go and get on to cigarettes, isn't it?

BUTLER: That obviously is probably our number one concern. So we've been very, very careful to try and make sure that we are putting in place strong tobacco control or cigarette control measures at the same time we're doing this because the worst result here would be if people moved from vaping to cigarettes. So we're putting in place measures to counter that. There's very substantial funds we put in the Budget last year to boost all of the Quitline supports and to have them targeted at young people and not just cigarettes but vaping as well. And Jason Clare, the Education Minister, and I, and our state equivalents have been writing to school principals to make sure that school communities are aware of those new resources.

But you are right to point out a concern. We know that cocaine's been illegal for forever, but it still comes in. I've tried to be honest with people and, pretty frank, that this is going to be hard. This thing has exploded over the last few years. We've given a lot of extra resources to Border Force and to the Therapeutic Goods Administration, they've in the last few weeks since the new import ban took effect seized about 360,000 illegal vapes in just the last several weeks. That's about three times as many as were seized in the whole of last

year. So, it is having an effect. But I'm not going to pretend that some won't get through. They don't come in shipping containers with the word 'vape' painted on the side of them. But we are giving our authorities every resource they have requested to do this job, and they're determined to do it.

REUCASSEL: Yes okay, thanks for giving us the update on that. Before you go, health premiums looked set to rise after April the 1st, we haven't yet found out how much by. Are we going to find out after the Dunkley by-election? Is that when we find out, Minister?

BUTLER: I think the private health insurance industry went out yesterday and said this is all a bit of a beat up. It is quite customary for this to happen towards the end of February and in the first couple of weeks of March. If you go back under the Howard Government, it was always the last week of February, the first two weeks of March. Under Rudd, under Gillard. Sussan Ley, the deputy Liberal leader when she was the health minister, published this in March. I'm going through this very carefully and my principal objective is to get the best deal possible for consumers.

REUCASSEL: So, you're still negotiating at the moment, are you?

BUTLER: I've gone back -

REUCASSEL: Do you know what the prices are now?

BUTLER: I've gone back to some of them a couple of times. I've asked for some further advice from my department about the latest response from some of those funds, which I went back to not once but twice, and I'm determined to get the best result for consumers. But the idea that this is somehow unusual is just a beat up. Other than Greg Hunt, who used to make these decisions a little earlier than others, if you go back the last 20 years what I'm doing matches what happened under the Howard, the Rudd, the Gillard, the Turnbull Governments.

REUCASSEL: Okay. Thanks so much for speaking to us.