

Submission on smoke-free generation law reform in South Australia

December 2024



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Introduction

Thank you for the opportunity to provide a submission to Preventive Health SA in the context of proposed smoke-free generation law reform. I commend your commitment to seeking the views and experiences of children and young people as South Australia considers next steps in tobacco and e-cigarette regulation.

This submission builds on my extensive engagement with children and young people since 2017, as well as targeted engagement with teenagers about cigarettes and smoke-free generation laws undertaken in November 2024. It also includes excerpts from my annual Student Voice Postcards initiative to highlight the views of younger children aged 8 to 12 years old about smoking and vaping.

In November 2024, I designed a poll for teenagers in South Australia, which asked how much of an issue cigarette smoking is among their peers, whether they would support a law to stop people born after 2009 being sold cigarettes, and their thoughts on the benefits of a smoke-free generation. More than 200 teenagers aged 12-18 years responded to the poll. I also had a conversation with young people in Years 10 to 12 who are members of my Advisory Council to gather further insights.

This engagement indicates high levels of support among South Australian children and young people for smoke-free generation law reform. This is consistent with international surveys and contradicts the tobacco industry's argument that young people will not accept such policies.¹

Young people have also shared insights about effective implementation and messaging, which I hope will inform the provision of education, information and support in relation to smoke-free generation reforms and broader reforms. I also encourage you to consider the following publications alongside this submission:

- My 2022 [Vaping Survey: Key Findings](#) report, based on a survey of 950 13-19 year olds.
- My 2023 [Submission on proposed changes to tobacco and e-cigarette legislation in South Australia](#).
- My 2024 [Responding to vaping at school](#) guide.

If you would like to discuss anything further, please contact my office.

Yours sincerely,



Helen Connolly
Commissioner for Children and Young People South Australia

Children’s rights and the case for generational change

As South Australia’s Commissioner for Children and Young People, my mandate is to promote and advocate for the rights and interests of all children and young people in South Australia. It is also my role to ensure that South Australia meets its obligations in relation to the United Nations Convention on the Rights of the Child (UNCRC). Particularly relevant to this submission are a child’s right to the highest attainable standard of health (Article 24) and a child’s right to express their views on all matters that affect them (Article 12).

In addition to ratifying the UNCRC, Australia is a signatory to the World Health Organisation Framework Convention on Tobacco Control, which aims to protect present and future generations from the health, environmental, social and financial impacts of tobacco use and exposure.

The South Australian Tobacco Control Strategy 2023–2027 and recent amendments to strengthen the *Tobacco and E-Cigarette Products Act 1997* demonstrate the South Australian government’s commitment to reduce smoking prevalence, reduce uptake of e-cigarettes among young people and reduce exposure to secondhand smoke.

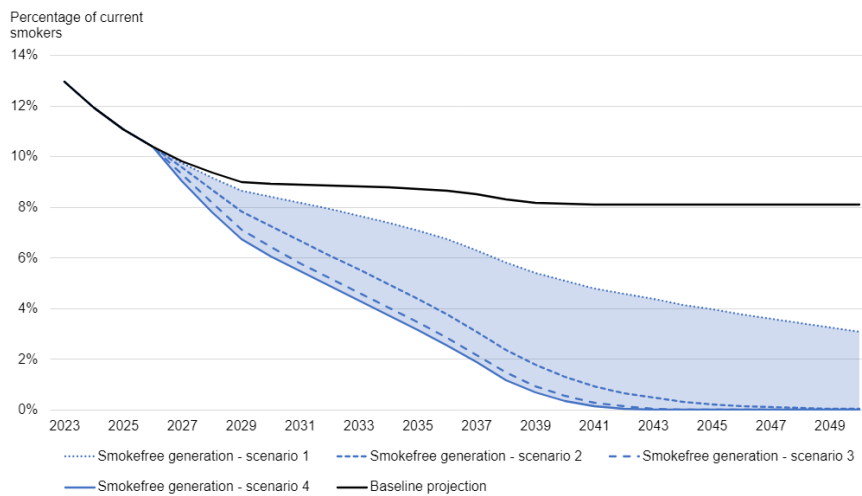
Tobacco use continues to be a leading cause of preventable health burden and early deaths in South Australia and nationally, and smoking prevalence is inequitable across the population.² This has given rise to calls for ‘smoke free generation’ laws, which seek to stop the sale of tobacco products to people born after a certain year and prevent future generations from ever taking up smoking. The introduction of the Tobacco and E-Cigarette Products (Miscellaneous) Amendment Bill to South Australia’s Legislative Council in June 2024 is an attempt to progress such law reform in South Australia.

Where current age restrictions imply that tobacco use after a certain age is safe or accepted, smoke-free generation policies recognise the innate harms of tobacco use at any age and aim to prevent addiction. Smoke-free generation laws and policies challenge the idea that tobacco use is a ‘rite of passage’ or a ‘right’ for those ‘over a certain age who can allegedly make “informed choices” to smoke’.³

The tobacco industry often frames smoking as a ‘right’ and ‘personal freedom’ in efforts to oppose the implementation of public health policies. However, in light of the evidence that peer pressure and addiction undermine people’s rights and choices, public health experts consider regulation to be consistent with upholding the rights and autonomy of present and future generations of children and young people.

Estimates in New Zealand project that well-enforced smoke-free legislation could reduce smoking prevalence to half of current rates within 10 to 15 years.⁴ Projections in the United Kingdom estimate billions of savings across the health and care system, a significant reduction in preventable smoking-related diseases, and an 8-9 year increase in life expectancy.⁵

The following graph shows the predicted impact of smoke-free generational reform on reducing smoking prevalence in the UK:⁶



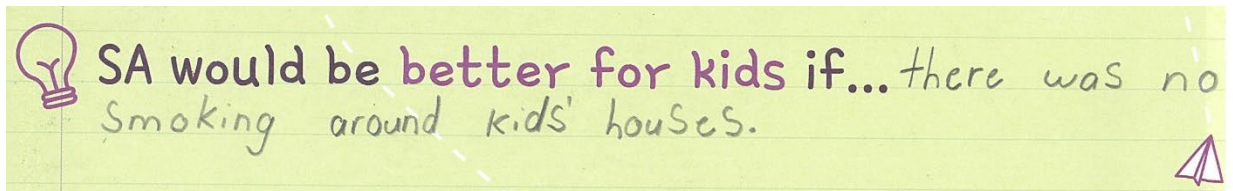
Despite there being clear public health evidence to support smoke-free generational reforms, little is known in South Australia about the views of those who the policy targets: children and young people.

What do 8 to 12-year-olds think about smoking?

My annual Student Voice Postcards initiative engages with children aged 8 to 12 years. While the questions have changed across the years, children have consistently raised concerns about the impacts of smoking and vaping, including secondhand smoke.

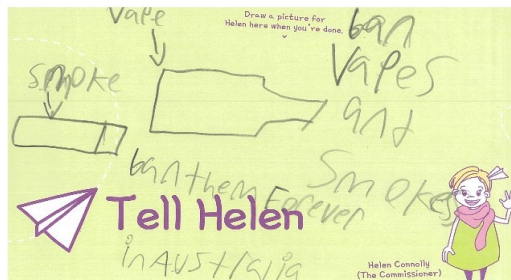
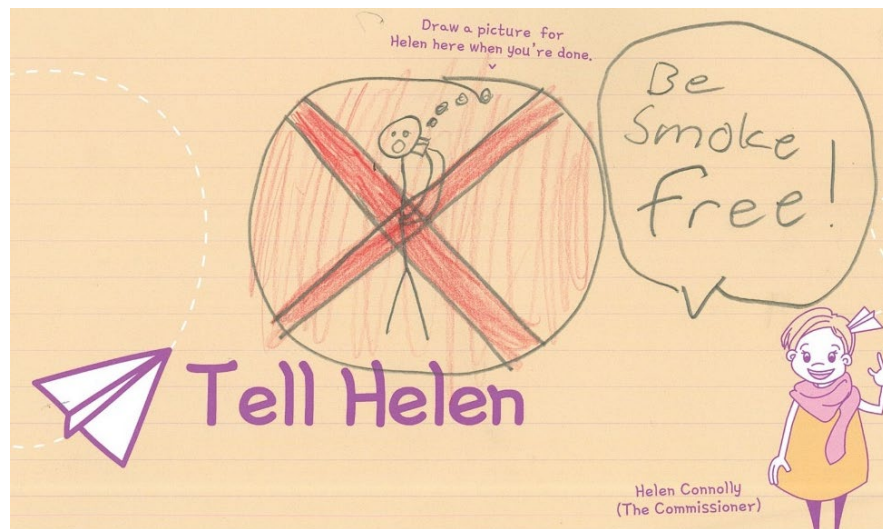
Since 2019, I have received more than 80,000 postcards from children across all school sectors and all regions of South Australia. Children's responses are summarised in my annual *Things that Matter* reports, providing adults and decision makers with rich insights into the lives and perspectives of this age group.

When asked what would make the world or South Australia better for kids, children have written about their wishes for a smoke-free future. The following excerpts capture the views of 8 to 12-year-olds in South Australia:



SA would be better for kids if... there wasn't any vapers or smokers. No littering. Also no bullying or cyber bullying.

In the future I hope that... war stops, they ban-
-ned smokes and stop cutting trees down.



SA would be better for kids if...
Vapes / Smokes would be banned.

SA would be better for kids if... people didn't do graffiti and smoking because the smoke affects kids lungs.

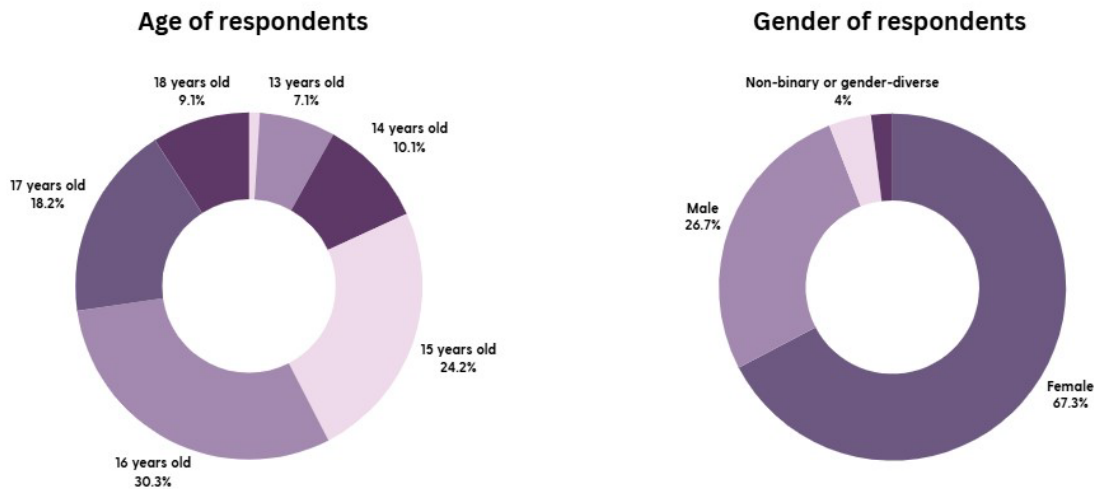
What do teenagers think about smoking and smoke-free generation legislation?

A total of 203 young people aged 12-18 years responded to my 2024 poll regarding smoking and proposed smoke-free generation reforms. Their responses indicate strong support for smoke-free generation law reform that includes vaping.

The poll was distributed at the November NEO 'Teen Takeover' event at the Art Gallery of South Australia, and online via members of the South Australian Student Representative Council (SA SRC).

Just over half of the respondents were 15 or 16 years old, making up 24% and 30% of respondents respectively. Those aged 17 years made up 18% of respondents and 14-year-olds made up 10% of respondents. A smaller proportion of respondents were 18 years old (9%) and remaining respondents were aged 12 or 13 years old.

A higher proportion of young females (67%) compared to young males (27%) responded to the poll. A smaller number (4%) described their gender in their own words, including 'nonbinary', 'demigirl' and 'genderqueer'. The remaining respondents did not provide their gender.

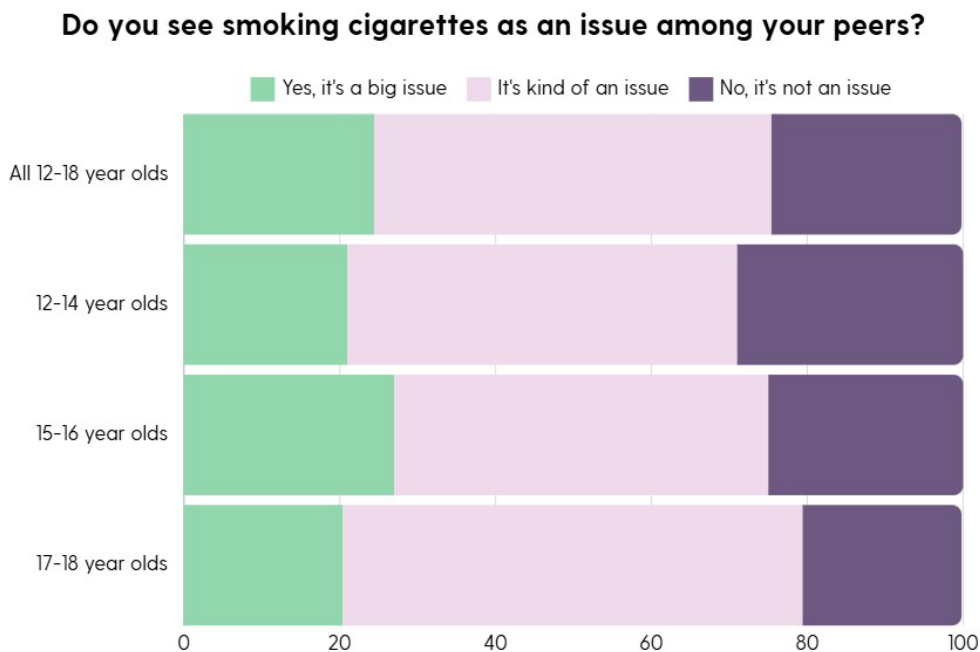


Do teenagers see smoking cigarettes as an issue among their peers?

Half (51%) of the teenagers polled saw smoking as 'kind of an issue' among their peers. The remaining respondents were split relatively evenly between seeing smoking as 'not an issue' (25%) and seeing smoking as a 'big issue' (24%).

Young women were slightly more likely than young men to see smoking cigarettes as an issue among their peers. Respondents aged 15-16 years were more likely than both 12-14-

year-olds and 17-18-year-olds to see smoking cigarettes as a 'big issue' among their peers. Younger respondents (aged 12-14) were less likely than older age groups to see smoking cigarettes as an issue among their peers. A higher proportion of older respondents (59% of 17-18-year-olds) saw smoking cigarettes as 'kind of an issue' among their peers.



While the poll was focused on smoking cigarettes, some teenagers across a range of questions added commentary to indicate that they thought vaping is a bigger issue than cigarette smoking. This is reflected in tobacco and e-cigarette use data, which shows:

- The prevalence of tobacco smoking among younger age groups is decreasing, and the age at which young people smoke a cigarette for the first time has increased steadily from 14.3 years to 16.3 years between 2001 and 2022-23; and
- Young people are vaping at higher rates than older age groups, with the proportion of 14 to 17-year-olds and 18 to 24-year-olds who had ever used vapes increased significantly between 2019 and 2022-23.⁷

Smoke-free generation policies can vary in terms of whether they target cigarette smoking, all tobacco or all nicotine products. Many teenagers highlighted the importance of ensuring vaping products are included in South Australia's smoke-free generation reform.

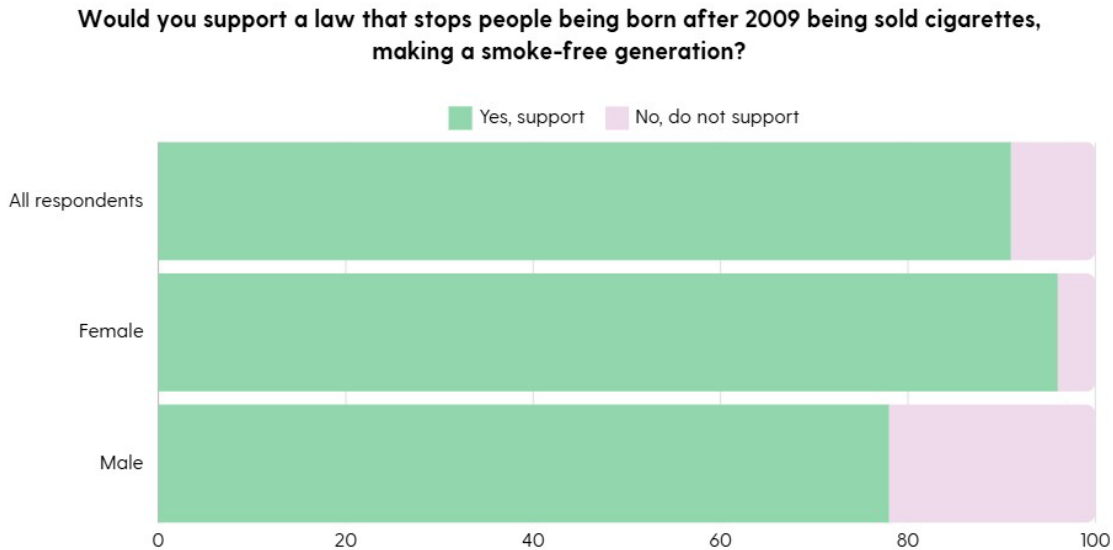
Cigarettes aren't the major problem. Vapes are. if you want to save the lives of young people (I don't just mean death) Vapes need to be banned. (16, male)

In 2022-23, more than three quarters (78%) of people aged 14-17 and more than half (58%) of those aged 18-24 years who had ever vaped reported that they had **never** smoked a

cigarette prior to vaping.⁸ Of the 18 to 24-year-olds who reported being smokers, 87% reported they had ever vaped, compared to 45% of those who do not currently smoke.⁹

What do teenagers think about smoke-free generation law reform?

An overwhelming majority (91%) of teenagers expressed support for smoke-free generation legislation. Support was higher amongst young women (96%) compared to young men (78%).



This high level of support is consistent with survey findings from other jurisdictions in Australia and internationally. For example, a 2023 study in New Zealand found that 76% of youth and 81% of young adults supported a smoke-free generation, with only 14% of youth and young adults opposed to the law.¹⁰ Support was also high among those who smoked.

Teenagers shared a range of reasons behind their support for smoke-free generation laws. They focused on both the immediate and long-term wellbeing of not only individuals but also communities and future generations. Their responses highlighted the negative impacts of smoking on people's health, including links with cancer, diseases and premature deaths.

To make sure you don't die early or get sick (14 year old)

to improve overall health, wellbeing & safety, as well as fostering a positive future - changing lives (15, female)

Because smoking destroys your lungs and kills you (17, male)

Some teenagers highlighted that there are no known benefits to smoking, only harms.

Because nothing good comes from them so why should it be an option for us (16, male)

Smoking is super harmful for anyone, especially young people. (17, female)

Responses focused on the impacts of smoking for those who smoke, particularly young people whose brains and lungs are still developing. Others focused on the impacts of secondhand smoke and addiction that impact children, young people, loved ones and whole communities beyond the individual smoker.

i say yes i would support because i have seen the effects of what years of smoking can do to someone through my aunite and my grandfather. smoking can also have an impact on the people who are around when the smoking is happening through second hand smoking and people who have heath issues. (16, female)

Teenagers highlighted how the proposed laws would prevent future generations from the harms of smoking and from addiction. Some believed the reform would change the 'societal mindset' around smoking to establish smoking as 'outdated', thereby reducing peer pressure.

Cigarettes can be addicting, and pressure from peers can lead to an early exposure to substances and nicotine - 16 and under is a very important time to be figuring yourself out, not saving up to buy a pack. (16, female)

Smoking damages mental and physical health and is normally done from peer pressure or as a coping mechanism, and is just not good for society at all (16, female)

It's a gross habit and taking away the option just means it will fade out. (18, male)

Respondents also focused on benefits for the environment as a result of less waste and air pollution. They imagined the potential for reforms to create a healthier society with cleaner and better 'spaces' and communities, particularly for children to grow up in.

It will bring a generation of healthy people, less stress and less prone to addiction, it will also put less strain on the environment and the wallets of the families who have smokers as there will be no smokers (16, female)

Yes because it would be a better space for kids and mass health improvements! (13, female)

better for society & young people growing up (15, non-binary)

Some young people shared economic arguments, both in terms of the laws preventing 'unnecessary financial problems' at an individual level but also broader cost savings across the health and care system. Others raised concerns about the harms of the tobacco industry when explaining their support for generational law reform.

Smoking cost the entire country through taxes for healthcare (14, female)

Because the tabaco companies are manipulating young people to get on ciggarettes from vapes and its ruining our lives. If we don't do something all our friends will die (14, female)

Some young people indicated support for reform but shared doubts about the feasibility of implementation. These respondents noted that people will 'find ways around' the laws and some highlighted the power of the tobacco industry and market. They emphasised the need for ongoing cessation support.

it will help with the generations help however they will still find a way to get them so it seems pointless (17, male)

I think it would be a good thing however may not work with the tobbaoco market (15, female)

I feel as though banning them won't completely get rid of them. At least if they're properly sold they can be regulated. Personally, I agree with it but I know people with addictions that will go to any length (16, male)

Of course there will always be people finding ways around the laws, but I'm sure it'll be a massive help to deter people from smoking and towards more helpful coping mechanisms. (16, female)

I think people would still illegally use cigarettes, but it would also greatly diminish the number of people affected by them (16, female)

Others shared additional concerns that they saw as a 'bigger issue' to address than cigarettes, including the use of vapes and/or other drugs. A few respondents were concerned about older people buying cigarettes for young people.

However this would be ineffective as vaping and drugs are a bigger issue than smoking as the price of cigarettes stops most young people from smoking. (15, female)

However, I think I see older people buying cigarettes for younger people being a problem. (17, female)

Yes i would support it but i believe it would cause more of a riot among the community. i also believe it's not cigarettes which are the main cause of the problem, it's vapes. (18, female)

The overwhelming majority of respondents placed greater weight on the benefits of a smoke-free generation for society than any perceived loss or restriction of choices or freedom. As one 17-year-old put it, 'The health of the next generation is a priority over choice'.

Nevertheless, 9% of respondents indicated that they would not support smoke-free generation laws, and it is important to understand their reasons for this. Some teenagers who responded this way focused on freedom and choice, particularly once you reach 'a legal age'.

Because once your 18 its your choice (15, male)

Others were concerned about people who smoke 'as a destress tool' or a 'coping mechanism' or people who are addicted and the risks of making them 'go cold turkey'.

I dont think it's a good to make people to go cold turkey/ make people search for more illegal alternates. (14, male)

Smoking is used as a coping mechanism for lots of young people. (16, male)

A few respondents thought the law would 'make people search for illegal alternatives' and create a 'black market', and that this could criminalise young people and those who need support to quit.

Because it would only harm ppl more by having a "black market" of cigarettes that are also most likely laced. It would put more youth in jail. (16, male)

What do teenagers see as the benefits of a smoke-free generation?

All respondents, including those who indicated they would not support smoke-free generation laws, identified at least one benefit of a smoke-free generation. Most young people identified multiple benefits, including physical and mental health benefits, as well as social, emotional, environmental and financial benefits.

Less addiction, better health especially lung health and cardio health. Better money management amongst teens and with less addiction there may be better mental health amongst the generation. (16, female)

Many teenagers highlighted the health benefits of a smoke-free generation, focusing on lower rates of cancer, diseases and death, better mental and physical health, healthier lungs, longer life expectancy and quality of life. Some described how this would mean people would live happier and more active lives. Others shared that the health benefits would extend to less stress on the health system.

Lower stress on the healthcare system. Better public health and less normalisation of problem smoking (16, male)

Everyone would be healthier, less lung problems and so everyone would benefit (15, male)

People would be more active and healthy, so then they could enjoy every aspect of life. (15, male)

Responses also focused on the health benefits for communities and for the natural environment as a result of better air quality and cleaner streets. Some teenagers described benefits associated with 'less secondhand smoke' and living in a world that would 'smell better', particularly for those with respiratory conditions.

Less smoke caused pollution, those with breathing difficulties (that spiked with COVID-19) have a safer environment, safer for the smokers as lung cancer and other diseases would reduce. Also means more education for future generations (17, female)

Public areas would be better, people wouldn't inhale second hand smoke (15, female)

Healthy people, especially the 10 year olds waiting at the bus stop who breath in the smoke second-hand (14, female)

Better health and benefits for all people, especially since it is also bad when parents smoke. (15, female)

Teenagers also saw the potential of smoke-free generation laws to reduce addiction and create a generation free from smoking as a 'habit' variously described as 'bad,' 'addictive', 'harmful' and 'gross'. Some respondents described how lower rates of addiction and/or illness could benefit people socially and improve family relationships.

healthier generation with one less bad habit (15, female)

Everyone would be healthy, free from cancerous diseases from smoking which would overall be beneficial for family relationships. (18, male)

Some teenagers highlighted that there would be less financial stress among a smoke-free generation as people will save money currently spent or 'wasted' on cigarettes.

healthier lungs, less money wasted on smokes, it could be used better for other things (16, male)

Others expressed a view that making cigarettes 'a thing of the past' and 'eliminating the trend' will de-normalise smoking and reduce peer pressure. Some teenagers shared that this reform could potentially improve education, reduce stigma around smokers and reduce the use of other drugs.

Some of the benefits of a smoke-free generation would be less health risks in the community, preventing an early dependence and clearing up any feelings of being left out as even though it's not exactly awesome, some people may not feel as "cool" for declining a cigarette. (16, female)

Young people aren't influenced to smoke by their peers (12, female)

Less people would advance to drugs with worse and worse impacts. Health would be better and there would be less lung, teeth etc problems that stem from smoking. Education would probably have a better effect too (16, female)

A few respondents highlighted that a smoke-free generation would reduce the harmful influence of the tobacco industry.

less addictions, less money to support the industries who live off addictions (14, female)

Greater reductions in nicotine addiction & tobacco use among younger people. In the long run, this could look like reduced rates of lung cancer (or associated diseases/other health issues). Over time, it would be good to see the tobacco industry diminish greatly in Australia. (16, female)

Key considerations for implementation

Children and young people have also shared insights about effective implementation and messaging for information and education campaigns. The best way to ensure that a public health campaign reaches and resonates with young people is to include and engage them throughout its development.

In terms of effective messaging, teenagers highlighted the importance of avoiding the term 'ban' because this is a 'strong word' that is used by the industry to reinforce 'freedom of choice' arguments. Instead, it's important to frame the reform through a public health lens and to focus on:

- How the change supports people's freedoms, makes people's lives better and shows care for people and 'the world'.
- The links with the environment and benefits for the environment.
- The benefits for the wellbeing of future generations.

Some teenagers highlighted the importance of keeping the messaging serious 'so it doesn't become a meme'.

Teenagers also highlighted the important role of parents, teachers and advertising in shaping how young people think about smoking. Parents, carers and adults who work with young people also need to be equipped with information about relevant laws and pathways to support in order to provide appropriate support. Education and public health campaigns should destigmatise dependence, avoid sensationalising harm, and minimise shame and stress that can be a barrier to accessing and receiving support.

Many teenagers described how the harms associated with cigarettes are already well-known among their peers. They identified the need for clear education about why reforms are being implemented and the benefits.

It is important for information and services to be tailored to young people, recognising how their experiences and perceptions may differ to adults. They explained that younger children will not need as much detail as older young people who may be smoking and/or vaping.

Given that many young people identified vaping as a bigger concern than smoking cigarettes, I encourage you to revisit my Vaping Survey report. I welcome the commitments and actions undertaken by both the South Australian and Australian Governments since the publication of this report. This includes efforts to improve access to information on SA Health and other websites, to provide guidance to schools and to strengthen legislation.

Nevertheless, many of the key messages remain relevant, including young people's concerns about:

- How easy it is to access vapes.
- Uncertainty regarding the existence or nature of laws related to vaping.
- A lack of information about vaping, including the ingredients of vapes, potential health impacts, and how vaping compares to smoking cigarettes.
- Punitive and exclusionary responses to young people vaping in the community and schools.

Young people identified a range of ways in which responses could better support young people. In particular, they want adults to:

- Focus on the adults selling vapes to children rather than punishing and blaming children and young people for purchasing or using them.
- Understand why young people vape, including the ease of access to vapes and the links with stress and mental health concerns.
- Educate young people not only about the health risks but also about relevant laws, navigating social pressures, and where to get support.
- Listen to and respect young people's views and provide practical support, particularly for those who are worried about addiction.

It is critical that responses to smoking and vaping avoid punishing children and young people while also ensuring education, information and support is available, particularly for those who may be addicted or at risk of addiction. The following principles specific to children and young people should be embedded in any reforms:

- Ensure children's best interests are the paramount consideration;
- Consider children's different stages of development and children's views; and
- Promote a public health response that prioritises education, diversion and rehabilitation before punitive measures.

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- ¹ Hoek et al, 'How do New Zealand youth perceive the smoke-free generation policy? A qualitative analysis,' *Tobacco Control*, 2024, 33: 346-352, <https://doi.org/10.1136/tc-2022-057658>; Hammond et al, *Support and perceived impact of key Smokefree policies in Aotearoa/New Zealand: Findings from the ITC Youth and Young Adult Survey*, International Tobacco Control Policy Evaluation Project, 2023, <https://aspireaotearoa.org.nz/sites/default/files/2023-12/2023%20ITC%20Youth%20NZ%20Report%20Final.pdf>; Trainer et al, 'Public perceptions of the tobacco-free generation in Tasmania: adults and adolescents', *Tobacco Control*, 2017, 26: 458-460, <https://doi.org/10.1136/tobaccocontrol-2016-053105>.
- ² Australian Institute of Health and Welfare, *Australian Burden of Disease Study 2024*, 2024, <https://www.aihw.gov.au/reports/burden-of-disease/australian-burden-of-disease-study-2024/contents/summary>.
- ³ Hoek et al, 'How do New Zealand youth perceive the smoke-free generation policy?', p 1.
- ⁴ Driss Ait Oakrim et al, 'Tobacco endgame intervention impacts on health gains and Māori:non-Māori health inequity: a simulation study of the Aotearoa/New Zealand Tobacco Action Plan', *Tobacco Control*, 2023, 33, 173-184, <http://dx.doi.org/10.1136/tc-2022-057655>.
- ⁵ Department of Health & Social Care, UK Government, *Policy paper: Stopping the start: our new plan to create a smokefree generation*, October 2023, <https://www.gov.uk/government/publications/stopping-the-start-our-new-plan-to-create-a-smokefree-generation/stopping-the-start-our-new-plan-to-create-a-smokefree-generation#smoking---stopping-the-start>.
- ⁶ Department of Health & Social Care, UK Government, *Policy paper: Stopping the start*.
- ⁷ Australian Institute of Health and Welfare, *Alcohol, tobacco & other drugs in Australia*, Priority populations – younger people, 2024, <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/priority-populations/younger-people>.
- ⁸ Australian Institute of Health and Welfare, Data tables: National Drug Strategy Household Survey 2022-23 – 3. Electronic cigarettes and vapes, *Table 3.28: Smoking status at initiation of e-cigarette use, by age, 2019 and 2022-23*, 2024, <https://www.aihw.gov.au/getmedia/61686a07-2edb-4403-b3d2-52f6d34c210c/aihw-phe-340-National-Drug-Strategy-Household-Survey-2022-2023-3-Electronic-cigarettes-and-vapes.xlsx>.
- ⁹ Australian Institute of Health and Welfare, Data Tables: National Drug Strategy Household Survey 2022-23 – 3. Electronic cigarettes and vapes, *Table 3.1: Life-time use of electronic cigarettes, by age and smoking status, 2016 to 2022-23*, 2024, <https://www.aihw.gov.au/getmedia/61686a07-2edb-4403-b3d2-52f6d34c210c/aihw-phe-340-National-Drug-Strategy-Household-Survey-2022-2023-3-Electronic-cigarettes-and-vapes.xlsx>.
- ¹⁰ Hammond et al, *Support and perceived impact of key Smokefree policies in Aotearoa/New Zealand: Findings from the ITC Youth and Young Adult Survey*, International Tobacco Control Policy Evaluation Project, 2023, <https://aspireaotearoa.org.nz/sites/default/files/2023-12/2023%20ITC%20Youth%20NZ%20Report%20Final.pdf>.