

8.2. MM02: Advocacy on the location of tobacconists near schools

The North Sydney Local Government Area is the densest education precinct in the country with 16 primary and secondary schools within the 10.9km² area – and that does not include the university, preschools, and private tertiary colleges.

In October 2023 the Commonwealth Government’s Australian Institute of Family Studies published a policy and practice paper titled “The Impact of Vaping on Adolescent Mental Health”, Mandy Truong and Eliza Cotton (<https://aifs.gov.au/sites/default/files/2023-10/2309-CFCA-Vaping-and-mental-health.pdf>). The paper states:

In Australia and internationally, youth vaping has increased rapidly over the past decade (Becker et al., 2021; Hammond et al., 2020; National Health and Medical Research Council [NHMRC], 2022). For example, an Australian study found that in 2018 less than 1% of young people aged 14–17 years vaped but this had increased to 11.8% in 2022 (Wakefield et al., 2023). There is also emerging evidence of the negative impacts of vaping on physical and mental health as well as social and educational outcomes for adolescents and young people. As a result, vaping has become a significant public health issue and an increasing concern for health professionals, educators, parents and researchers (National Academies of Sciences, Engineering, & Medicine, 2018; VicHealth, 2022).

There is substantial research evidence on the negative effects of vaping, particularly among adults. Use of e-cigarettes is associated with attention deficit hyperactive disorder (ADHD), post-traumatic stress disorder (PTSD), gambling disorder, anxiety, low self-esteem and traits of impulsivity (Grant et al., 2019). E-cigarette users have also been found to have a higher risk of alcohol use and binge drinking/drunkenness compared with non-e-cigarette users (Rothrock et al., 2020). In addition, there is a positive relationship between vaping and later cigarette smoking (Byrne et al., 2018).

Research focusing on adolescents is still emerging; however, there is evidence of a link between vaping and mental health symptoms including depression, anxiety, perceived stress, and suicidality (Becker et al., 2021; Farooqui et al., 2022; Javed et al., 2022).

Australia’s policy and regulatory response to e-cigarettes is informed by increasing recognition and understanding of the harms of vaping to the health of children and young people and is therefore a fast-changing area of public policy (Department of Health, 2019). The Australian Government’s National Tobacco Strategy 2023–2030 contains objectives relating to preventing the uptake of e-cigarettes by young people and strengthening regulations on e-cigarettes (Department of Health and Aged Care, 2023).

In May 2023 the Commonwealth Government announced that it will outlaw the importation of non-prescription vaping products and that vapes will only be available under prescription from authorised pharmacies.

Many parents and schools across the North Sydney LGA continue to struggle with the impacts of vaping and the ease of access to vapes, particularly for primary school children, notwithstanding the changes to the law.

Councils do not regulate the sale of restricted products such as vapes and do not have a compliance role. Further, individual retail uses cannot be controlled by Councils – as long as the use is consistent with the zoning and lawful, Councils cannot control the number and location of particular premises such as tobacconists.

Recently, I was contacted by a parent from Cammeray Public School who was distressed and frustrated by the sale of vapes to primary school children from a tobacconist located close to the primary school. The parent understood that whilst Council has no formal role in controlling tobacconists, the impacts of the trade affect young people in the LGA. These are common concerns echoed by residents in relation to primary schools in Neutral Bay and North Sydney.

As part of our discussion, the parent raised the practice in Western Australia which, apparently, restricts tobacconists from being located close to schools. In NSW there is a precedent for restricting the location of premises. For example, brothels cannot be operated within a certain distance of daycare or child-minding centres, primary and secondary schools, parks, playgrounds, or other places children frequent.

I therefore recommend:

- 1. THAT** Council write to the NSW Ministers for Health, Planning, and Education and urge them to collaborate to reform the law to restrict the location of tobacconists within a minimum distance from primary and secondary schools, parks, playgrounds, or other places that children frequent.
- 2. THAT** Council write to the Commonwealth Ministers for Health and Education in the same terms.
- 3. THAT** Council write to all primary and secondary schools (and the associated Parents and Citizens associations) in the North Sydney LGA with a copy of this resolution seeking their support to lobby the State Government for reform.

**COUNCILLOR ZOË BAKER
MAYOR**