

Item 13.8

Notices of Motion

Stopping the Retail Sale of Vapes

By Councillor Weldon

It is resolved that:

(A) Council note:

- (i) vaping addiction poses a significant health risk. It is associated with a range of serious health conditions, including lung damage, anxiety, and depression;
- (ii) the latest Australian health data indicates that while the prevalence of vaping has shown some signs of stabilising or declining in recent years, it remains a significant public health concern, particularly among young people;
- (iii) in 2024, the Federal Government banned the importation and sale of disposable vapes. Therapeutic vapes are now only legally available from pharmacies as a measure to help people quit smoking;
- (iv) in March 2024, the Lord Mayor wrote to the Premier asking the NSW Government to review how tobacco and e-cigarettes can be better regulated. The NSW Minister for Health responded on the Premier's behalf to note:
 - (a) the Federal Government's ban on disposable e-cigarettes and that refillable e-cigarettes would only be available with a prescription;
 - (b) retailers must notify NSW Health if they intend to sell tobacco or e-cigarettes and that NSW Health inspectors proactively visit retailers to enforce compliance;
 - (c) the NSW Government's \$6.8 million investment over the next 3 years to boost the enforcement of illegal vape sales and support for young people who have become addicted to vaping/nicotine; and
 - (d) the NSW Government did not agree to any further action on signage, packaging and advertising;
- (v) in July 2025, the NSW Government introduced a new licensing scheme for selling smoking products without a license;
- (vi) in September 2025, the NSW Parliament passed new legislation to give the NSW Government powers to close retail stores that are found to sell illegal products such as internationally-packaged tobacco and disposable e-cigarettes. It also imposes heavy fines for the sale of smoking products without a license and illegal tobacco products. Imprisonment is introduced as a maximum penalty for selling smoking products from a closed premises, or for possessing a commercial quantity of illegal tobacco products;

- (vii) nonetheless, the illegal sales of vapes continues. As does the proliferation of tobacconists and other retailers selling these products in our local area;
 - (viii) a NSW Government inquiry into the illegal tobacco trade is currently underway. The inquiry will review the adequacy of existing laws and enforcement, and investigate reported links between organised crime and tobacconists; and
 - (ix) local governments don't hold authority to regulate tobacconists or retailers of smoking related products and are generally unable to regulate the specific types of goods sold within a retail premise; and
- (B) the Lord Mayor be requested to write to the NSW Minister for Health, the NSW Minister for Police, the NSW Minister for Planning and the NSW Minister for Better Regulation expressing Council's strong concerns about:
- (i) the continued illegal sale of vapes in the City of Sydney's retail precincts and the impact this has on the health of our community;
 - (ii) the need for strong enforcement of the ban on the retail sale of vapes and the new licensing scheme for tobacconists and retailers of smoking related products; and
 - (iii) the inability of current legislation to address the proliferation of premises selling smoking products and request the NSW Government further amend the tobacco licensing scheme to prohibit licenses close to sensitive uses such as schools, childcare centres, playgrounds and medical facilities, and cap the number of licenses in an area and/or establish a minimum distance between licensed sellers.

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