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Parliamentary Inquiry Public Hearing Brief

Inquiry into Vaping s. 22(1)(a)(ii) Controls

Hearing Date: 29 April 2024

Hearing Time: 1:00pm – 1:45pm AEDT

Location: Videoconference

Witnesses: ABF:

Erin Dale, Assistant Commissioner, Tobacco & E-Cigarette WofG Taskforce, Australian Border Force

Victorian Government Public Accounts and Estimates Committee

Key issues

1. In February 2024, the Victorian Parliamentary inquiry into Vaping s. 22(1)(a)(ii) Controls invited the Australian Border Force (ABF) to make a submission to the Public Accounts and Estimates Committee's Inquiry into Vaping s. 22(1)(a)(ii) Controls.
2. The ABF elected to decline making a submission but offered to participate at the hearing.
3. You have been invited to speak on behalf of the ABF in regards to Vaping s. 22(1)(a)(ii) controls.
4. Border controls are proving effective in the fight against sophisticated and motivated serious organised crime groups who seek to profit off the back of a generation of young Australians whose health and wellbeing are our priority. However, border controls can only get us so far and it will take a whole of nation effort – Commonwealth, states and territories across health, law enforcement and licensing to solve this problem.

Key messages – potential Talking Points

- s. 22(1)(a)(ii) [REDACTED]
- ABF investigations through the Illicit Tobacco Taskforce (ITTF) have identified criminal syndicates involved in the illicit tobacco trade are expanding and diversifying their operations to import vaping products into Australia for profit.
- s. 22(1)(a)(ii) [REDACTED]

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- The ABF are working with the states and territories to address these issues and are working closely to prevent organised crime groups (OCGs) establishing an illicit vape market.

s. 22(1)(a)(ii)

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Current state of import controls of Vapes

- From 1 January 2024 stage one of border reforms were introduced making disposable single-use vapes a prohibited item under new regulation 5A of the *Customs (Prohibited Imports) Regulations 1956*.
- Since 1 March 2024 further border controls were introduced to make reusable vapes and all associated vaping products a prohibited import.
 - Under this new control only importers who hold both an importer license, and a permit for vaping products, issued by the Office of Drug Control within the Department of Health and Aged Care are able to import vaping products legally.
- These new border controls have allowed the ABF to detect, seize and destroy vape products, helping to stem the flow of vapes into the Australian community.
- ABF has received additional funding of \$25 million over FY 23/24 and FY24/25 to seize and destroy vapes. This funding has allowed for an uplift of additional Frontline officers over the two-year period to focus on detecting, seizing and destroying vapes.
- Since the new regulations took effect on 1 January, the ABF has seized more than 611,000 vape devices with an estimated street value of \$18.3 million, in addition to more than 76,000 vape accessories.
 - Our largest detection to date was on 19 January 2024, when ABF officers detected and seized more than 10 tonnes of disposable vapes. This detection of over 150,000 disposable vapes had an estimated street value of \$4.5 million.
 - We have already identified importer behavioural changes;
 - Australia's two largest known importers of disposable vapes have ceased supply into the Australian market.
 - However we are also aware many international vaping suppliers are still continuing to send vaping products to Australia and are actively seeking to change their behaviour to avoid detection and circumvent our border controls.
- The ABF's role at the border is to detect, seize and destroy vape products.
 - While activity at the border will make a difference, reducing the amount of vapes in the community requires new approaches across all levels of government from education to compliance and enforcement of vape products.
- The ABF's experience in preventing the importation of a range of illicit goods means we have the skills and experienced required to respond to this challenge.
- The role of the ABF complements the commitment across Commonwealth, state and territory partners to tackle this issue.

Multi-jurisdictional Working Groups

- s. 37(2)(b), s. 47E(d)
- Participation in interagency and interdepartmental working groups are critical to successfully combatting illicit tobaccos and vapes.
- The ABF leads and participates in a number of Whole-of-Government (WofG) forums aimed at understanding linkages and commonality of challenges amongst health and law enforcement agencies in responding to the threats posed by the illicit tobacco and vaping markets.

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s. 22(1)(a)(ii)

National Vaping Working Group

- At a joint meeting on 23 November 2023, Health and Police Ministers agreed to task officials with developing a national vaping enforcement framework to stamp out unlawful vapes in the community and prevent illegal markets from emerging. It was agreed that a multi-agency National Vaping Working Group will be established to oversee development and implementation of a National Vaping Enforcement Framework (the framework).
- The working group is co-chaired by the Secretary of New South Wales (NSW) Health and the ABF Commissioner and meets on a monthly cadence to develop a National Vaping Enforcement Framework which will be the foundation for a system of collective enforcement and compliance effort.
 - The working group includes representation from Commonwealth, state and territory Health and Law Enforcement agencies at the SES B2 / Assistant Commissioner level.
- It is evident through the discussions at this group that vaping has created a problem that needs to be tackled through multiple lenses in order to have effect. This challenge requires strong collaboration and cooperation between regulatory, enforcement and policy agencies.
 - Police and health agencies consistently raise inconsistency and lack of harmonisation nationally on regulatory frameworks and legislation to address vaping products.
- Not only are there complexities in regards to varying legislation and regulations controlling vapes, there are challenges with systemic information and intelligence sharing provisions that may form barriers to agencies working together, right through to differing environmental responsibilities when trying to destroy the commodity.
- The framework will also need to give consideration to the incoming Illicit Tobacco and E-Cigarette Commissioner (ITEC) role and what role the ITEC has in coordination of this framework.

Illicit Tobacco and E-Cigarette Commissioner (ITEC)

- The *Public Health (Tobacco and Other Products) Act 2023* establishes the Illicit Tobacco and E-cigarette Commissioner, who is appointed by the Minister for Home Affairs.
- The ITEC Commissioner has the following legislated functions:
 - supporting the development and implementation of national strategies for the enforcement of illicit tobacco and e-cigarette product laws;
 - advising on the development of new laws and strategies relating to the trade in illicit tobacco and e-cigarette products;
 - providing administrative and governance support for any intergovernmental responses to the trade in illicit tobacco and e-cigarette products in Australia;
 - such other functions as are conferred on the ITEC by the regulations, this Act or any other law of the Commonwealth;

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- to do anything incidental or conducive to the performance of any of the above functions.
- There are also several legislated annual reporting functions that include:
 - **Law enforcement reports** on the prevalence and consequences of the illicit tobacco and e-cigarette trade in Australia in collaboration, where appropriate, with Commonwealth, State and Territory agencies.
 - **Excise and customs duty reports**, in collaboration with the ATO, on the estimated amount of evaded tobacco excise and customs duty resulting from the illicit tobacco and e-cigarette trade in Australia.
 - **Enforcement statistics reports** in collaboration with the ACIC, on enforcement statistics, and analysis of those statistics, relating to the illicit tobacco and e-cigarette trade in Australia, including detections and seizures of illicit tobacco and e-cigarette products, and associated arrests.
 - **Parliamentary tabled Report** - Annual table report by the Home Affairs Minister in each House of Parliament.
- This is a 2024/25 Budget measure, with the ITEC Commissioner to be established from July 2024. The ABF are currently working through the establishment of this role.
- Recognising the key role the ITEC will play in forming a coordinated national response to illicit tobacco and e-cigarette products, the ABF will be supporting the establishment of the ITEC through the NPP Tobacco funding.

Joint Commonwealth and State and Territory Activity

- s. 37(2)(b), s. 47E(d)

Operation CALOR

- The ABF and partners have seized more than five and a half million cigarette sticks and prevented hundreds of thousands of prohibited vapes and drug paraphernalia from reaching the streets of Sydney, as government agencies continue their hard-line crackdown on the illicit tobacco and illegal vape trade.
- ABF-led Operation CALOR commenced in December 2023—supported by the Therapeutic Goods Administration (TGA), the Australian Federal Police, NSW Health and NSW Police Force—with the intent to disrupt the end-to-end illicit tobacco and vape supply chain from importation through to distribution and sale, and to stop these harmful goods from entering the Australian community.
- Across Tuesday 6 February and Wednesday 7 February 2024, agencies executed 39 Commonwealth warrants across the Sydney metropolitan area – including at two residential properties in Rosebery and Macquarie Park; storage facilities in Macquarie Park, and Moore Park; commercial premises in Bankstown and Rosebery; and a tobacconist shopfront in Kingsford.
- Across these locations, ABF officers seized approximately s. 22(1)(a)(ii), 404kg of s. 22(1)(a)(ii), disposable vapes and s. 22(1)(a)(ii), along with s. 22(1)(a)(ii).
- While the TGA seized approximately 210,000 disposable vapes for destruction and s. 22(1)(a)(ii) and NSW Health located 3,255 disposable vape products, s. 22(1)(a)(ii) and s. 22(1)(a)(ii) for destruction.
- s. 37(1)(a), s. 47B(a)

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- s. 37(1)(a), s. 47B(a)
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- s. 37(1)(a), s. 47B(a), s. 47C(1)

Campaign OBELIA

- During October 2023, the ABF with the Therapeutic Goods Administration (TGA) through Campaign Obelia, targeted consignments being imported into Australia through air cargo and international mail across four states.
- Campaign Obelia resulted in the seizure of over 35 tonnes of vapes with an estimated street value exceeding \$11 million.

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0 s. 47C(1)

- The labelling of the majority of these products falsely implied they were nicotine-free, yet subsequent testing at the TGA laboratories found they contained nicotine, making them unlawfully imported prescription medicines, resulting in their formal seizure.
- Nicotine vaping products that are not imported or supplied under a TGA- pathway pose a significant public health risk, particularly to young Australians.

• s. 47C(1)

Background

Media coverage since 5 February 2024 when the Committee resolved at its meeting on 5 February 2024 to conduct an inquiry into Victorian tobacco and e-cigarette controls:

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From 05 Feb 2024 - 22 Apr 2024

Media Coverage Report

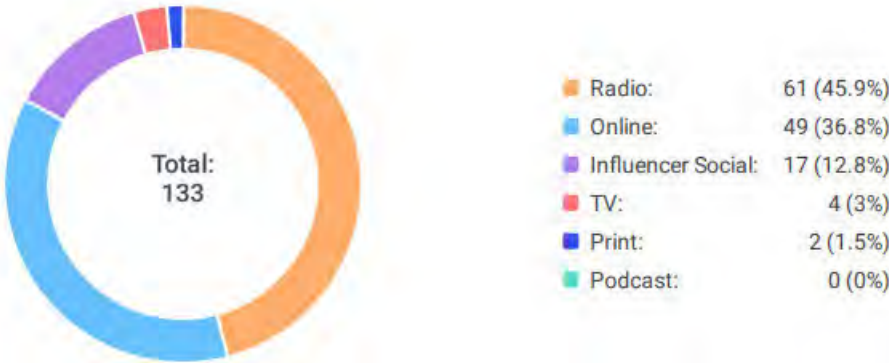
Vaping and Tobacco Controls | Compiled for Department of Home Affairs on 23 April 2024, 6:16am



Media types: ■ Print ■ Online ■ TV ■ Radio ■ Influencer Social ■ Podcast

Coverage by Media Type

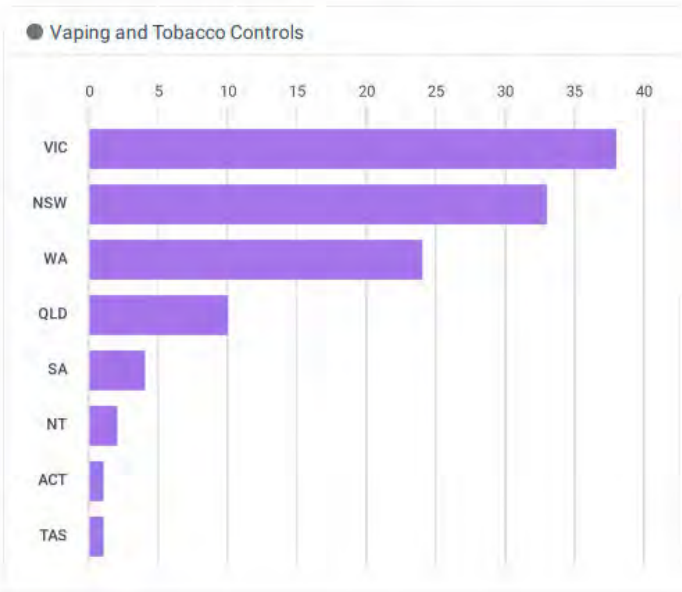
Total mentions by media type over the selected coverage period.



From 4 February 2024 - 22 April 2024

Geographic Spread by State (Chart)

Bar chart indicates the volume of coverage within each state. State data excludes national and international content.



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The Committee is inquiring into the 2022-23 Annual Reports of the Department of Health and Vic Health regarding Victorian tobacco and e-cigarette controls, including:

- 1. Trends in vaping and tobacco use and the associated financial, health, social and environmental impacts on the Victorian community
- 2. The causes and repercussions of the illicit tobacco and e-cigarette industry in Victoria including impacts on the Victorian justice system, and effective control options
- 3. The adequacy of the State and Commonwealth legislation, regulatory and administrative frameworks to minimise tobacco and e-cigarette harm experienced in the community and control the illicit tobacco trade compared to other Australian and international jurisdictions
- 4. The effectiveness of current public health measures to prevent and reduce the harm of tobacco use and vaping in Victoria and potential reforms
- 5. Any other related matters.

Author:	s. 22(1)(a)(ii)
Position:	Superintendent, Vape and Tobacco Operations and Coordination
Clearing Officer:	s. 22(1)(a)(ii) (mobile s. 22(1)(a)(ii)) A/g Commander, Compliance, Operations & Delivery
Content provided by:	s. 22(1)(a)(ii) , Inspector, Vape and Tobacco Operations & Coordination
Date:	23 April 2024



BACK POCKET BRIEF

Additional Estimates Hearing – February 2024

Topic: Nicotine and Vapes

Group: National Operations

Division: Customs

Australian Border Force (ABF) Role in Nicotine and Vaping Products

- In an effort to stamp out vaping especially among young people, the Australian Government is implementing staged regulatory, legislative and enforcement reforms to ban vapes and vaping products being imported into Australia.
- From 1 January 2024, new regulation 5A of the *Customs (Prohibited Imports) Regulations 1956* made disposable vapes a prohibited import.
 - o This makes it illegal to bring single-use disposable vapes into Australia unless they are subject to a permit issued by the Office of Drug Control (ODC) within the Department of Health and Aged Care or a relevant exemption.
 - o Only imports by air and sea cargo may be lawfully imported with a valid import permit or under an exemption.
 - o All imports of disposable vapes in the mail stream are subject to seizure by the ABF as imports in this stream are explicitly prohibited by Regulation 5A.
- From 1 March 2024, all other vaping goods (reusable vapes and their component parts) have become a prohibited import unless they are subject to an exemption or are covered by a permit issued by the ODC.
 - o The Special Access Scheme C (SAS C) pathway has been extended to facilitate legitimate patient access to therapeutic vapes, for smoking cessation and the management of nicotine dependence.
 - o This means patients can continue to access vape products after 1 January 2024, where their doctor considers that it is appropriate for smoking cessation or the management of nicotine dependence and therapeutic vape importers can import vapes with an approved licence.



- This means that as of 1 March 2024, all vapes and vaping products, including disposable and reusable vape devices, vaping accessories, vaping substances and all liquid nicotine are illegal to bring into Australia.
- Under these new border control measures, the ABF detects, seizes and destroys vape products, in support of enhanced compliance and enforcement activities across all governments.
- The new border controls will enable the ABF to stem the flow of vapes into the Australian community. Collaboration across Governments to deliver an end to end approach to vapes is the key to success.
- The ABF's experience in preventing the importation of a range of illicit goods means we have the skills and experienced required to respond to this challenge.
- We know through our work with the Illicit Tobacco Taskforce that organised crime groups are highly adaptive. We know some groups of people profiting from illicit tobacco are diversifying into the distribution of vaping products.
- Federal, state and territory Health and Police Ministers have agreed to take a collaborative approach to the compliance and enforcement of vaping products through the establishment of a joint-agency National Vaping Working Group (the Working Group).
 - o The Working Group is a cross-jurisdiction, cross-portfolio working group co-chaired by ABF Commissioner Outram and the Secretary of New South Wales Health, Ms Susan Pearce.
 - o s. 47C(1)
 - o There was agreement on the structure for the proposed National Vaping Enforcement Framework (the Framework) and recognition that the Framework will be the foundation for a system of collective enforcement and compliance effort.
 - o Joint operational activity between Commonwealth, state and territory agencies is ongoing while the Framework is progressing. These activities will assist in better understanding the challenges and opportunities in delivering against the Framework.



- o The destruction and storage of vapes have been a common topic of concern across Governments agencies and will be an important issue to focus on.
- The next Working Group meeting will be held on 26 March 2024. The formation of this Working Group and establishment of an enforcement framework sends a clear message both at the border and domestically, that unlawful behaviour in relation to vapes will be detected and action taken, this includes working closely to prevent organised crime establishing an illicit vape market.
- Through the 2023-24 Budget, the ABF received \$25.0m over two years to implement the new border control.
- This funding supports ABF frontline resources in key locations (both in terms of the state/territory distribution and the import streams they work in) and uplift our capability to detect, store and dispose of vaping products in response to the reforms.

Arrangements for Travellers from 1 January 2024

- Travellers have an exemption that allows them to bring into Australia for therapeutic treatment a maximum of:
 - o two disposable vapes, per person; or
 - o two reusable vapes, per person and for each of the reusable vapes either 10 pods, capsules or cartridges or 100ml of liquid.
- Travellers who arrive in Australia at an airport or seaport with vaping goods in their accompanied baggage will be able to retain their vaping goods as long as the goods are for use in connection with the treatment of the traveller or of another traveller under their care.
 - o Travellers carrying more than two disposable vapes can comply with the new laws by surrendering vapes at the border to the ABF.
 - o The traveller may initiate the surrender or an ABF officer can offer the traveller the choice to surrender.
 - o Surrender provisions are available to all travellers as long as the goods are not concealed. Any vapes not surrendered and found in baggage are subject to seizure.



- This is the first time the ABF is enlivening a surrender provision for prohibited imports.
 - The new rules came into effect during the busiest time of the year for travel at Australian ports. The ABF has taken the decision to enliven a surrender provision to give travellers the opportunity to understand, adjust to, and importantly, comply with the new rules during this initial reform period without facing further enforcement action.
 - A surrender is an alternative to seizure. It enables the ABF to dispose of the goods without any further enforcement actions (such as fines or prosecution) or traveller claims for the return of the goods, streamlining the destruction process.

Vape Operational Outcomes

	2021-22 Financial Year	2022-23 Financial Year	1 JUL 2023 to 31 DEC 2023	1 JAN 2024 to 5 FEB 2024
Number of Detections	633	1,568	1,098	Over 420 [^]
Number of Units*	Over 200,000	Over 800,000	Over 560,000	Over 282,000 [^]

*There is non-standardised recording of these commodities, with goods measured in kilograms, grams, or by unit numbers. The above figures are for those with unit quantity numbers. ABF is working to standardise data capture for consistency and comparability across periods of time. The above figures are for all vapes including disposable Cannabidiol vape units, disposable nicotine E-cigarettes or Pods and Refillable Vapes. Figures exclude Liquid Vape Solution.

[^] This figure includes vape unit detections after 1 January 2024, including goods which may have arrived in Australia prior to 1 January 2024 but were detected and detained on or after 1 January 2024. At least 42,000 units arrived in Australia prior to 1 January 2024.

- As these products have not previously been controlled, we are building an appreciation of the impact of the prohibition.
- During October 2023, the ABF with the Therapeutic Goods Administration (TGA) through Campaign Obelia targeted nicotine vaping products at the border.
 - Campaign Obelia resulted in the seizure of over 35 tonnes of vapes with an estimated street value exceeding \$11 million.
 - This data demonstrated the scale of the problem and the possible volumes of vaping products that were moving across Australia's borders prior to the prohibition.



- The ABF expects to see many international vaping suppliers adjust the way they send products to Australia.
- Some will cease exporting to Australia and others may seek to change their behaviour to avoid detection. The ABF is very adept at targeting this type of activity and is actively monitoring, and taking action to prevent this from occurring.
- Top source countries for nicotine vaping products over the past two years are China, New Zealand, Japan and Sweden.
- Similar to tobacco products, there is generally no restriction on exporting these goods from other countries. The ABF works across the border continuum, that is pre, at and post border, including working closely with our foreign partners to identify illicit goods and prevent their arrival to Australia wherever possible.
- Since the prohibition on 1 January 2024, ABF have noticed a reduction in the overall importation of disposable vapes.
- Despite this reduction, we continue to target illicit imports and to adapt to changes in import methodology being used.
- In a single day in January, ABF identified and seized nearly 35,000 disposable vapes in Brisbane across three shipments. This should reinforce to importers that we remain vigilant. Mis-declaration of goods in an attempt to circumvent the new border controls is a serious offence.
- We understand that disposable vapes may still be available in shops, and we continue to work with state partners to focus on suppliers who stockpiled prior to the 1 January 2024 prohibition.
- The ABF knows that importers will seek to change their behaviours, including mis-declaring goods as a means of circumventing border controls. The ABF's experience in preventing the importation of a range of illicit goods means we have the skills and experience to identify this behaviour and respond to the challenge.
- We have been pleased to see that the new prohibitions have influenced offshore supplier behaviour. An online supplier whom was responsible for 74% of imports of declared disposable vapes into Australia in 2023, has now ceased supplying



these goods to Australia with clear messaging now published on their website about the new restrictions.

- This is a positive outcome, and the ABF will continue to engage with suppliers and importers to educate them on the new prohibition to influence behaviour.
- The prohibition on 1 January 2024 was the first step in tackling vapes at the border and from 1 March 2024 further reform will come into effect.
- The ABF have proactively engaged with key Industry associations Freight Trade Alliance (FTA), Conference of Asia Pacific Express Carriers (CAPEC) and the International Forwarders and Customs Brokers Association of Australia (IFCBAA) to seek their support in working with us to address the prohibition of imports of illicit vapes. Through these networks we are seeking to work with industry to stop the movement of vapes into Australia before they get to our borders.

Purpose of the Reforms

- Reforms introduced in October 2021 were intended to ensure that vapes containing nicotine were only accessed by adults under medical supervision with a valid prescription.
- s. 47C(1) [REDACTED]
[REDACTED]
[REDACTED]
- Under these arrangements, the ABF had to refer any goods detected at the border that are suspected to be nicotine vaping products to the TGA for assessment and testing.
- The TGA was then responsible for determining whether or not an imported vaping product contains nicotine and whether approval has been provided for its importation.

Further Reform Plans

- New legislation will be introduced into Parliament early in 2024 to prevent domestic manufacture and supply of non-therapeutic and disposable single use vapes, to ensure comprehensive controls on vaping products.



- The reforms will make it easier to detect unlawful vaping products in retail settings, enable enhanced enforcement and make it harder to evade detection.

Illicit Tobacco and E-cigarette Coordinator

- In December 2023, Government passed a bill to establish the Illicit Tobacco and E-cigarette Coordinator within the Australian Border Force.
- The Illicit Tobacco and E-cigarette Coordinator has the following functions:
 - o supporting the development and implementation of national strategies for the enforcement of illicit tobacco and e-cigarette product laws;
 - o advising on the development of new laws and strategies relating to the trade in illicit tobacco and e-cigarette products;
 - o providing administrative and governance support for any intergovernmental responses to the trade in illicit tobacco and e-cigarette products in Australia;
 - o the reporting functions described below.

Law enforcement reports

- As soon as practicable after the end of each financial year, the ITEC must prepare reports on the prevalence and consequences of the illicit tobacco and e-cigarette trade in Australia in collaboration, where appropriate, with Commonwealth, State and Territory agencies.
 - o These reports must be published on a website maintained by the Department of Home Affairs; and a copy provided to the Minister for Home Affairs.

Excise and customs duty reports

- As soon as practicable after the end of each financial year, the ITEC must prepare reports, in collaboration with the ATO, on the estimated amount of evaded tobacco excise and customs duty resulting from the illicit tobacco and e-cigarette trade in Australia.
 - o Reports must include estimates of the amount of imported and domestically produced illicit tobacco and e-cigarette products in Australia; and provide a comparison of the estimated amount of evaded tobacco excise and customs duty resulting from the illicit tobacco and e-cigarette trade in Australia, and



the amount of excise and customs duty collected as a result of the legal trade in tobacco and e-cigarette products in Australia.

- o These reports must be published on a website maintained by the Department of Home Affairs; and a copy provided to the Minister for Home Affairs.

Enforcement statistics reports

- As soon as practicable after the end of each financial year, the ITEC must prepare reports, in collaboration with the ACIC, on enforcement statistics, and analysis of those statistics, relating to the illicit tobacco and e-cigarette trade in Australia, including detections and seizures of illicit tobacco and e-cigarette products, and associated arrests.
 - o These reports must be published on a website maintained by the Department of Home Affairs; and a copy provided to the Minister for Home Affairs.

Consultation

- The Chief Finance Officer has cleared financial data contained within this brief.

s. 22(1)(a)(ii)

Cleared through:	Tony Smith, Assistant Commissioner, Customs – 1 February 2024
Final clearance:	Tim Fitzgerald
Position:	Deputy Commissioner, National Operations
Date:	22 March 2024

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BACK POCKET BRIEF
Budget Estimates Hearing – May 2024

Topic: Nicotine and Vapes
Group: National Operations
Division: Tobacco and E-Cigarette WofG Taskforce

Key Statistics:

Vape Operational Outcomes

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Australian Border Force (ABF) Role in Nicotine and Vaping Products

- In an effort to stamp out vaping especially among young people, the Australian Government is implementing staged regulatory, legislative and enforcement reforms to ban vapes and vaping products being imported into Australia.
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 - This makes it illegal to bring single-use disposable vapes into Australia unless they are subject to a permit issued by the Office of Drug Control (ODC) within the Department of Health and Aged Care or a relevant exemption.
 - Only imports by air and sea cargo may be lawfully imported with a valid import permit or under an exemption.



- o All imports of disposable vapes in the mail stream are subject to seizure by the ABF as imports in this stream are explicitly prohibited by Regulation 5A.
- From 1 March 2024, all other vaping goods (reusable vapes and their component parts) have become a prohibited import unless they are subject to an exemption or are covered by a permit issued by the ODC.
 - o The Special Access Scheme C (SAS C) pathway has been extended to facilitate legitimate patient access to therapeutic vapes, for smoking cessation and the management of nicotine dependence.
 - o This means patients can continue to access vape products after 1 January 2024, where their doctor considers that it is appropriate for smoking cessation or the management of nicotine dependence and therapeutic vape importers can import vapes with an approved licence.
- From 1 March 2024, all vapes and vaping products, including disposable and reusable vape devices, vaping accessories, vaping substances and all liquid nicotine are illegal to bring into Australia.
- Under these new border control measures, the ABF detects, seizes and destroys vape products, in support of enhanced compliance and enforcement activities across all governments.
- Suspected vape suppliers increased importations dramatically in November and December 2023, ahead of the legislation coming into force. This increase in supply highly likely created a stockpile of vape products onshore. Without a thorough understanding of domestic vape supply and use, it's difficult to assess how long these stockpiles will continue to effect border detection numbers.
- Since the prohibition, major vape suppliers changed their behaviour by reducing the amount of importations or changing goods descriptions to avoid detection.
 - o There has been a sharp drop in typical declarations of vapes as 'atomizers' with an increase in them being misdeclared using other terms. This is almost certainly an attempt to avoid law enforcement detection.
- We have been working proactively with officials in a number of countries, including s. 33(a)(iii) to prevent the export of vapes to Australia, where it is permissible under the domestic laws of that country.



- The new border controls will enable the ABF to stem the flow of vapes into the Australian community. Collaboration across Governments to deliver an end to end approach to vapes is the key to success.
- The ABF's experience in preventing the importation of a range of illicit goods means we have the skills and experience required to respond to this challenge.
- We know through our work with the Illicit Tobacco Taskforce that organised crime groups are highly adaptive. We know some groups of people profiting from illicit tobacco are diversifying into the distribution of vaping products.
- Federal, state and territory Health and Police Ministers have agreed to take a collaborative approach to the compliance and enforcement of vaping products through the establishment of a joint-agency National Vaping Working Group (the Working Group).
 - o The Working Group is a cross-jurisdiction, cross-portfolio working group co-chaired by ABF Commissioner Outram and the Secretary of New South Wales Health, Ms Susan Pearce.
 - o The formation of this Working Group and establishment of an enforcement framework sends a clear message both at the border and domestically, that unlawful behaviour in relation to vapes will be detected and action taken, this includes working closely to prevent organised crime establishing an illicit vape market.
 - o The Working Group has met three times with the most recent meeting on 26 March 2024. The next Working Group is scheduled for 20 May 2024.
 - o The Working Group has been focused on developing and finalising the proposed National Vaping Enforcement Framework (the Framework) and recognition that the Framework will be the foundation for a system of collective enforcement and compliance effort.
 - o Joint operational activity between Commonwealth, state and territory agencies is ongoing while the Framework is progressing. These activities will assist in better understanding the challenges and opportunities in delivering against the Framework.
 - o The destruction and storage of vapes have been a common topic of concern across Government agencies and will be an important issue to focus on.



- Through the 2023-24 Budget, the ABF received \$25.0m over two years to implement the new border control.
- This funding supports ABF frontline resources in key locations (both in terms of the state/territory distribution and the import streams they work in) and uplift our capability to detect, store and dispose of vaping products in response to the reforms.

Arrangements for Travellers from 1 January 2024

- Travellers have an exemption that allows them to bring into Australia for therapeutic treatment a maximum of:
 - o two disposable vapes, per person; or
 - o two reusable vapes, per person and for each of the reusable vapes either 10 pods, capsules or cartridges or 100ml of liquid.
- Travellers who arrive in Australia at an airport or seaport with vaping goods in their accompanied baggage will be able to retain their vaping goods as long as the goods are for use in connection with the treatment of the traveller or of another traveller under their care.
 - o Travellers carrying more than two disposable vapes can comply with the new laws by surrendering vapes at the border to the ABF.
 - o The traveller may initiate the surrender or an ABF officer can offer the traveller the choice to surrender.
 - o Surrender provisions are available to all travellers as long as the goods are not concealed. Any vapes not surrendered and found in baggage are subject to seizure.
- This is the first time the ABF is enlivening a surrender provision for prohibited imports. This gives travellers the opportunity to understand, adjust to, and importantly, comply with the new rules during this initial reform period without facing further enforcement action.

Vape Operational Outcomes

- As these products have not previously been controlled, we are building an appreciation of the impact of the prohibition.



- During October 2023, the ABF with the Therapeutic Goods Administration (TGA) through Campaign Obelia targeted nicotine vaping products at the border.
 - Campaign Obelia resulted in the seizure of over 35 tonnes of vapes with an estimated street value exceeding \$11 million.
 - This data demonstrated the scale of the problem and the possible volumes of vaping products that were moving across Australia's borders prior to the prohibition.
- Similar to tobacco products, there is generally no restriction on exporting these goods from other countries. The ABF works across the border continuum, that is pre, at and post border, including working closely with our foreign partners to identify illicit goods and prevent their arrival to Australia wherever possible.
- Since the prohibition on 1 January 2024, ABF have noticed a reduction in the overall importation of declared disposable vapes.
- Despite this reduction, we continue to target illicit imports and to adapt to changes in import methodology being used.
- In a single day in January, ABF identified and seized nearly 35,000 disposable vapes in Brisbane across three shipments. This should reinforce to importers that we remain vigilant. Mis-declaration of goods in an attempt to circumvent the new border controls is a serious offence.
- We understand that disposable vapes may still be available in shops, and we continue to work with state partners to focus on suppliers who stockpiled prior to the 1 January 2024 prohibition.
- The ABF knows that importers will seek to change their behaviours, including mis-declaring goods as a means of circumventing border controls.
- We have been pleased to see that the new prohibitions have influenced offshore supplier behaviour. An online supplier whom was responsible for 74% of imports of declared disposable vapes into Australia in 2023, has now ceased supplying these goods to Australia with clear messaging now published on their website about the new restrictions.
- This is a positive outcome, and the ABF will continue to engage with suppliers and importers to educate them on the new prohibition to influence behaviour.



- The ABF have proactively engaged with key Industry associations Freight Trade Alliance (FTA), Conference of Asia Pacific Express Carriers (CAPEC) and the International Forwarders and Customs Brokers Association of Australia (IFCBAA) to seek their support in working with us to address the prohibition of imports of illicit vapes. Through these networks we are seeking to work with industry to stop the movement of vapes into Australia before they get to our borders.

Defining and Measuring Success

- ABF's role is focused on border control. The funding (\$25.0m over two years) we have received is to implement the new border control on vapes, consistent with the legislative amendments in effect on 1 January 2024 and 1 March 2024.
- We have therefore defined and will be measuring success based on the impact we can have at the border. Our activities - including increasing the number of officers in the regions to better target this commodity, establishing a coordination unit (VTOC), enforcing the new border regulations – are all intended to increase the number of vape devices and accessories seized at the border and thus stemming the flow of vapes into Australia.
- We recognise we are one agency working towards the legitimate use of vaping products in Australia, for approved therapeutic purposes.
- ABF co-chairs the National Vaping Working Group, which is tasked with developing a national vaping enforcement framework including metrics to understand the impact and overall success against this commodity.
- In addition, TGA run a operation level interagency forum, bringing together the range of Commonwealth, State and Territory stakeholders involved in tackling vapes. This working group seeks to optimise agencies' capability and capacity, through a systems approach, the ultimate aim of which is to enhance the whole of government effort against vapes in the community.
- We also envisage collaborating with the new Illicit Tobacco and E-cigarette Commissioner (ITEC), alongside other agencies with responsibility for vape regulation and enforcement, to support the co-design of measures of success at a whole-of-community level.



Liquid flavourings

- The ABF is aware that there are a range of flavours available for vape products, including cake flavoured e-liquid, such as coconut, blueberry, lemon tart, and donut flavours. ABF supports new standards that restrict vape liquid flavours to mint, menthol and tobacco to minimise the risk that vapes are attractive and marketed to children and young persons.
- ABF seizure data shows that some importers continue to attempt to import a range of vape liquid flavours. For example, in mid-January 2024, ABF seized over 700 'black forest' flavoured nicotine vape devices; and in late February, ABF seized over 80 'pound cake' flavoured nicotine vape pods. ABF has also seized a range of devices and liquids with flavourings such as coffee, apple, vanilla, grape, watermelon, blueberry, pomegranate and 'Kentucky bourbon'.
- Some importers attempt to circumvent border controls by mislabelling products. In the case of vape products, we have seized goods with labels such as 'mesh coils', 'telescope' and intelligent locking buckle'. ABF physically inspects all detections prior to seizure to confirm they are vapes or vape products, and not the goods claimed on the mislabelled packaging.
- The ABF has a process for owners of seized goods to make a claim for the return and/or release of seized goods. Importers who have had goods seized receive a seizure notice with information about how to make a claim for the goods.
- The ABF has received 113 claims (approximately 2% of seizures) for seized goods under Regulation 5A Vaping Goods. Three of these claims specifically related to goods claiming to be for food flavouring.
- In accordance with the defined process, ABF opens a case when claims are made. There has been one instance where flavouring goods were found to be incorrectly classified and released to the owner. For the two remaining open cases, ABF has advised the claimants that the goods will not be released and the options are to withdraw their claim or proceed to condemnation proceedings.



Recent media on sale of vapes on Faebook

- The ABF is aware of sellers on social media platforms such as Facebook Marketplace, selling vape products. The domestic sale and supply of vape products falls within the TGA remit as the national regulator.
- The TGA's current powers allow it to enforce the shutting down of websites and advertisements for Nicotine products only. Further reforms introduced into Parliament in March 2024 (see section titled Further Reform Plans) will expand the TGA's powers to all vaping products. We welcome this reform.
- The ABF and TGA will need to share intelligence and information closely to ensure a cohesive WofG response. For example, ABF can support the TGA in profiling importers linked to advertisements to ensure border controls complement any advertisement enforcement. Similarly we will be able to monitor to ensure the importer does not actively seek to amend behaviour to circumvent the controls.
- The ABF and TGA already have a close working relations (we meet weekly) and ongoing discussions regarding referrals and intelligence sharing opportunities.

Purpose of the Reforms

- Reforms introduced in October 2021 were intended to ensure that vapes containing nicotine were only accessed by adults under medical supervision with a valid prescription.
- s. 47C(1)
[REDACTED]
[REDACTED]
[REDACTED]
- Under these arrangements, the ABF had to refer any goods detected at the border that are suspected to be nicotine vaping products to the TGA for assessment and testing.
- The TGA was then responsible for determining whether or not an imported vaping product contains nicotine and whether approval has been provided for its importation.



Further Reform Plans

- New legislation was introduced into Parliament in March 2024 to prevent domestic manufacture and supply of non-therapeutic and disposable single use vapes, to ensure comprehensive controls on vaping products.
- The reforms will make it easier to detect unlawful vaping products in retail settings, enable enhanced enforcement and make it harder to evade detection.
- s. 37(2)(b)

s. 22(1)(a)(ii)



s. 22(1)(a)(ii)

Illicit Tobacco and E-cigarette Commissioner (ITEC)

- Questions in relation to the office of the ITEC are best directed to the ITEC Commissioner. The appointment of the ITEC is currently being progressed, with this position anticipated to be filled prior to 1 July 2024.

Consultation

Area	Title and position
Home Affairs	Chief Statistician

Additional References

s. 22(1)(a)(ii)

Cleared through:	Erin Dale, Assistant Commissioner, Tobacco and Vapes – 26 April 2024
Final clearance:	Tim Fitzgerald
Position:	Deputy Commissioner, National Operations
Date:	14 May 2024

Released by Department of Home Affairs
under the Freedom of Information Act 1982



KEY BRIEF

Supplementary Estimates Hearing – November 2024

Topic: Vaping Products S. 22(1)(a)(ii)
Group: National Operations
Division: Customs Compliance, Enforcement and Targeting

Key Points:

- Combatting the threat to community posed by vapes and vaping products is a multi-jurisdictional problem requiring a multi-faceted approach. The Australian Border Force (ABF) operates alongside federal, state and territory health, law enforcement and regulatory agencies, and key partners offshore to combat illicit vapes.
- Since 1 January 2024, the ABF have supported the National Vaping Enforcement Framework and the whole-of-government response by stopping over **4.5 million vaping** products from entering Australia and into the community, equivalent to over **\$135 million street value**.
- The current rate of effort is seeing the ABF detect approximately **27,000 vapes per day** at the border.
- This funding has enabled the ABF to enhance our operational capabilities and resourcing, resulting in meaningful impacts such as the detection, and destruction of illicit vapes before they enter our communities.



Key Statistics:

Vape Operational Outcomes

Total ABF Vape Detections*	2021–22	2022–23	1 JUL – 31 DEC 23	1 JAN – 29 FEB 24	1 MAR – 30 JUN 24	1 JUL – 30 SEP 24
Number of Detections	1,568	1,568	1,098	989	11,005	8,610
Units Detected	>800,000	>800,000 +	>560,000	363,242	2,122,787	2,067,616
Vapes (Units) ¹	-	-	-	-	5,533	6,189
Vaping Accessories and Substances (Units) ²	-	-	-	-	5,472	2,421
Units Detected	>800,000	>800,000	>560,000	363,242	2,122,787	2,067,616

Vape Destructions

Vape Categories	Units
Vape Devices	1,297,873
Vape Accessories and Substances	278,766
Disposable Vapes	98,173
Total	1,674,812

¹ Excluding surrenders

² Prior to 1 March 2024 there is non-standardised recording of these commodities, with goods measured in kilograms, grams, or by unit numbers. The above figures are for those with unit quantity numbers. The above figures are for all vapes including disposable Cannabidiol vape units, disposable nicotine E-cigarettes or Pods and Refillable Vapes. Figures exclude Liquid Vape Solution.



Key Issues:

Funding

- The Australian Border Force (ABF) received additional funding of \$25 million over two years from 2023–24 to implement the vaping products border regulation introduced on 1 January 2024.
- This funding:
 - o Has provided an additional 55 FTE in 2023–24 and an additional 84 FTE in 2024–25.
 - o Enables the ABF to detect, seize and destroy vapes at the border, has enabled us to enhance and uplift our operational capabilities, resulting in meaningful impacts such as the detection and destruction of vapes before they enter our communities.

Results

- Since the introduction of the new regulations on 1 January 2024, the ABF has seized over 4.5 million vapes and vaping products, with an equivalent street value in excess of \$135 million.
 - o The ABF is detecting approximately 27,000 vapes per day.
 - o On 13 August 2024, ABF made the largest vape accessories³ detection to date during which a total of 28,200 vapes and 443,000 vape accessories were located.
 - o On 27 July 2024, ABF made the largest vape devices detection since 1 March 2024. A total of 175,000 vapes were located.
- Throughout our domestic work with state and territory law enforcement partners under the Illicit Tobacco Taskforce we are also detecting vapes post-border.
- On the ground, as a result of Australia's tough new anti-vaping laws, one of the largest Chinese manufacturers of vapes has reportedly reduced their volumes of exports to Australia from roughly five million to one million.

Strategic Objectives

³ Vape accessories are cartridges, capsules, pods, vials, dropper bottles, drip bottles or other vessels that contain or that are designed or intended to contain, a vape substance. A vape accessory can be integrated with other vape components. For example, a vape cartridge that is integrated into a heating element is a vape accessory.



- Border enforcement alone cannot eliminate the threat to our community posed by vaping products as it is cross-jurisdictional and multi-dimensional issue. To combat this issue, the ABF operates alongside federal, state and territory health, law enforcement and regulatory agencies.
- Federal, state and territory health and police ministers have agreed to take a collaborative approach to the compliance and enforcement of vaping products through the establishment of a joint agency National Vaping Working Group (NVWG).
 - o The NVWG endorsed a National Vaping Enforcement Framework (the Framework) in July 2024, the Framework will be the foundation for a system of collective enforcement and compliance effort.
 - o The NVWG has met six times with the most recent meeting on 2 October 2024. The next Working Group is scheduled for 17 December 2024.
- The formation of the NVWG and establishment of the Framework sends a clear message both at the border and domestically, that unlawful behaviour in relation to vapes will be detected and action taken, this includes working closely to prevent organised crime establishing an illicit vape market.

Serious and Organised Crime

- We know through our work through the Illicit Tobacco Taskforce (ITTF) that the criminal groups importing vaping products are also closely linked to illicit tobacco importations.
- Through operational activity conducted by the ITTF, it is evident there is a natural diversification by organised crime groups into the illicit vape market. The ITTF routinely locates illicit tobacco with illicit vapes. Profits of these activities fund other criminal ventures, such as exploring business models founded by way of illicit tobacco smuggling activities.



Pre-border intervention

- The ABF have been working proactively with officials in a number of countries, including s. 33(a)(iii) to prevent the exportation of vapes to Australia, where it is permissible under the domestic laws of that country.
- Whilst not funded to target vapes offshore, the ABF has utilised its established international network to support intelligence sharing and targeting opportunities overseas and this has proven to be effective following the introduction of vape regulations.
- s. 33(a)(iii)
[REDACTED]
[REDACTED]
[REDACTED]
- The meetings provided valuable operational information that have contributed to increased referrals and detections at the border and supporting broader Government efforts to enhance strategic engagement and strengthen our international relations.
- The ABF-led World Customs Organization Asia/Pacific Regional Illicit Tobacco Initiative Regional Workshop was held in Singapore 3 -4 September 2024. Delegates from 20 countries across the Asia/Pacific Region attended this workshop. The initial focus of this workshop was on collaboration across the region to combat illicit tobacco and cigarettes trade. During this forum, the increasing regional focus on vaping was explored and indicates this is an emerging priority for the region.



Post-Border Response

- The ABF works with federal, state, and territory law enforcement and health agencies where there is a nexus at and post border.
- As part of this work, anecdotal evidence gathered by our officers has identified that the street value of a vape has increased since 1 July 2024. This is likely due to consistent consumer demand but a reduced availability of goods in the market as a result of border intervention.
- The ABF is a member and participant of various forums, such as the joint-agency National Vaping Working Group.
- From 5–9 August 2024, the ABF participated in National Taskforce Morpheus that resulted in the seizure of over s. 22(1)(a)(ii) s. 22(1)(a)(ii) and 9,338 disposable vapes.

Destruction of Vapes

- The ABF use service providers to undertake the destruction of vapes by incineration or shredding, either in their entirety (including in packaging) or in parts after being disassembled.
- The ABF is currently using multiple contracted service providers for the disposal of seized goods generally, including vaping products. Service providers are located in all states and territories, excluding the ACT.
- The ABF is experiencing a number of challenges in relation to the destruction of seized vaping products. The destruction process is costly, complex and dangerous given their key components include batteries and vape substance. Service providers also do not have previous experience in destroying vapes.
- Procurement activity is underway with the intent to enter into contractual arrangements with a suitable service provider, or multiple service providers, for vape products specifically given the volumes and complex nature of this commodity.



- In some cases, vapes are required to be manually removed from their packaging and disassembled before being incinerated or shredded. The ABF rely on the service provider to undertake the manual disassembly and package removal process – if required. The ABF is working with industry to develop appropriate methods and techniques for disposal to build capability and to speed up the destruction process.
- The ABF rely on the service providers to ensure consideration and compliance with relevant Commonwealth, state and territory environmental protection policies.
- On 28 June 2024, section 206 of the *Customs Act 1901* was amended to allow ABF officers to immediately dispose of vaping goods in some circumstances. This authorisation allows the ABF to dispose of vaping goods without holding and storing for a specified period of time.
- Since the introduction of the vaping regulations on 1 January 2024, the ABF has destroyed over 1.6 million vapes.

s. 22(1)(a)(ii)



s. 22(1)(a)(ii)

Consultation:

Area	Title and position
ABF	s. 22(1)(a)(ii) Inspector Central Reporting Unit
	s. 22(1)(a)(ii) A/g Superintendent, Trade and Goods Operational Policy
Home Affairs	ABF Group Finance Partner
ITEC	A/g Commander Phil Emerson

Cleared through:	Assistant Commissioner Customs Compliance, Enforcement and Targeting – 16 October 2024
Final clearance:	Tim Fitzgerald
Position:	Deputy Commissioner National Operations
Date:	16 October 2024



BACK POCKET BRIEF

Additional Estimates Hearing – February 2025

Topic: Illicit vaping products
Group: National Operations
Division: Customs Compliance, Enforcement and Targeting

Key statistics:

Illicit vaping product detections ¹	2021–22	2022–23	1 Jan-29 Feb 2024	1 Mar-30 Jun 2024	1 Jul-31 Dec 2024	1 Oct-31 Dec 2024
Number of detections	1,568	1,568	991	11,220	11,964	2,707
Units detected	>800,000	>800,000	372,533	2,178,158	3,868,371	1,461,834
Vapes (Units) ²	-	-	372,533	1,908,368	2668,023	1,327,585
Vaping accessories and substances (Units) ³	-	-	-	269,788	1,200,348	134,249

Illicit vaping product seizures ⁴	1 Jan-29 Feb 2024	1 Mar-30 Jun 2024	1 Jul-31 Dec 2024	1 Oct-31 Dec 2024
Units seized	333,690	2,161,047	3,877,623	1,461,122
Vapes (Units) ¹	333,690	1,902,503	2,668,801	1,327,300
Vaping accessories and substances (Units) ²	-	258,544	1,208,822	133,822

Illicit vape products destructed	1 Jan-29 Feb 2024	1 Mar-30 Jun 2024	1 Jul-31 Dec 2024	1 Oct-31 Dec 2024
Vape devices	-	1,216,635	1,711,640	824,767
Vape accessories and substances	-	173,216	909,002	74,315
Disposable vapes	112,094	-	-	-
Total	112,094	1,389,851	2,620,642	899,082

¹ Detection is the goods/items were detected as needing to be taken into custody.

² Excluding surrenders.

³ Prior to 1 March 2024 there is non-standardised recording of these commodities, with goods measured in kilograms, grams, or by unit numbers. The above figures are for those with unit quantity numbers. The above figures are for all vapes including disposable Cannabidiol vape units, disposable nicotine E-cigarettes or Pods and Refillable Vapes. Figures exclude Liquid Vape Solution.

⁴ Seizure means the goods/items were actually taken into custody.



Key issues:

Funding

- The Australian Border Force (ABF) received additional funding of \$25 million over two years from 2023-24 to implement the vaping products border regulation introduced on 1 January 2024. This funding:
 - o Provided an additional 55 FTE in 2023-24, and an additional 84 FTE in 2024-25.
 - o Enables the ABF to detect, seize and destroy vapes at the border, enabled us to enhance and uplift our operational capabilities resulting in meaningful impacts such as the detection and destruction of vapes before they enter our communities.
- As part of the Mid-Year Economic Fiscal Outlook (MYEFO) 2024, ABF have received an additional \$31.3 million over two years from 2025-26 to continue enforcing the vaping border regulations.
- This funding will provide an additional 84 FTE for the two years and enable the ABF to continue to detect, seize and destroy vapes at the border.

Vaping products border control results

- Since the introduction of the new regulation on 1 January 2024, the ABF has seized over **6.3 million** vapes and vaping products with an equivalent street value in excess of **\$189 million**.
- The ABF is seizing an average of over **17,000 vapes per day**.
- On 13 August 2024, ABF made the largest vape accessories⁵ detection to date during which a total of **28,200 vapes** and **443,000 vape accessories** were located.
- In September 2024, ABF made the largest vape devices detection since the introduction of the regulation on 1 January 2024, **over 691,000 vape devices** were detected as a result of an offshore partner referral.

⁵ Vape accessories are cartridges, capsules, pods, vials, dropper bottles, drip bottles or other vessels that contain or that are designed or intended to contain a vape substance. A vape accessory can be integrated with other vape components. For example, a vape cartridge that is integrated into a heating element is a vape accessory.



- Throughout our domestic work with state and territory law enforcement partnership under the Illicit Tobacco Taskforce (ITTF), we are also detecting vapes post-border.

ABFs role in combatting illicit vapes (strategic objective)

- Border enforcement alone cannot eliminate the threat to our community posed by vaping products, as it is cross-jurisdictional and multi-dimensional issue. To combat this issue, the ABF operates alongside federal, state and territory health, law enforcement and regulatory agencies.
- Federal, state and territory health and police ministers have agreed to take a collaborative approach to the compliance and enforcement of vaping products through the establishment of a joint agency National Vaping Working Group (NVWG).
- The NVWG endorsed a National Vaping Enforcement Framework (the Framework) in July 2024. The Framework will be the foundation for a system of collective enforcement and compliance effort.
- The formation of the NVWG and establishment of the Framework sends a clear message both at the border and domestically, that unlawful behaviour in relation to vapes will be detected and action taken, this includes working closely to prevent organised crime establishing an illicit vape market.
- The Framework outlines the agreed roles and responsibilities of state and territory, and federal agencies in a combating vapes.
- The ABF contributes to combating vapes through border protection and enforcement.
- The ABF operates pre, at, and post border, with a range of activities and initiatives, and in collaboration with domestic and international partner agencies, to prevent vapes from entering Australia.
- Due to the staged commonwealth legislative changes (to the *Therapeutic Goods Act 1989*) over 2024, the domestic and international criminal environment in relation to vapes continues to evolve as the impacts of these legislative changes are entirely realised.



Pre- border intervention

- The ABF have been working proactively with officials in a number of countries, including s. 33(a)(iii) to prevent the exportation of vapes to Australia where it is permissible under the domestic laws of that country.
- Whilst not funded to target vapes offshore, the ABF has utilised its established international network to support intelligence sharing and targeting opportunities overseas and this has proven to be effective following the introduction of vape regulations.
- We are seeing unprecedented levels of cooperation from our international partners with all international partners wanting to work collaboratively with Australia, with respect to tackling the international illicit vape trade.
- By utilising our international network to support intelligence sharing and targeting opportunities overseas, this has proven to be effective following the introduction of vape regulations.
- For example, in 2024, as a result of our strong relationship with an offshore partner, the ABF receive a referral that has enabled us to detect and seize in excess of **691,000 vape** devices.
- ABF is utilising the full spectrum of treatments available to us, including leveraging our offshore and domestic partnerships and ABF powers to continue to dismantle criminals who seek to profit from this commodity.
- The ABF continues to investigate the organised criminal syndicate behind these attempted importations.
- s. 33(a)(iii)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- On the ground, as a result of Australia's tough new anti-vaping laws, one of the largest s. 33(a)(iii) manufacturers of vapes has reportedly reduced their volumes of exports to Australia from roughly 5 million prior to the introduction of the new regulations to 1 million by July 2024.



s. 33(a)(iii)

At-border intervention Serious and Organised Crime

- From the ABF's border control work, coupled with our offshore liaison, we are identifying trends and emerging threats in relation to illicit vaping import activities.
- ABF have identified signs of criminal infiltration of the supply chain to support vape importations. It is evident that individuals and organised crime groups will conceal or mis-declare goods to attempt to circumvent border controls
- We know through our work through the ITTF that the criminal groups importing vaping products are also closely linked to illicit tobacco importations.
- Through operational activity conducted by the ITTF, it is evident there is a natural diversification by organised crime groups into the illicit vape market. The ITTF routinely locates illicit tobacco with illicit vapes. Profits of these activities fund other criminal ventures, such as exploring business models founded by way of illicit tobacco smuggling activities.

Vaping flavours

- Vape flavourings are considered as per the definition within Regulation 5A(19) of the *Customs (Prohibited Imports) Regulations 1956*.



- ABF officers have the power to examine goods subject to Customs Control and seize goods where they suspect on reasonable grounds that the goods are special forfeited goods, i.e. any substance that meets the definition of a vape substance.
- Some substances can be used for both vaping and legitimate purposes as dual-use goods, and include food flavourings, essential oils, colourings etc. When substances come to initial ABF notice as a potential vape substance, the ABF consider this on a case-by-case basis.
- It is important to note that a vape substance does not need to contain nicotine to be considered as a vape substance.

Destruction of vapes

- Since the introduction of the vaping regulations on 1 January 2024, the ABF has destroyed over **4.1 million vapes**.
- The ABF use service providers to undertake the destruction of vapes by incineration or shredding, either in their entirety (including in packaging) or in parts after being disassembled.
- The ABF continues to use multiple contracted service providers for the disposal of seized goods generally, including vaping products. Service providers are located in all states and territories, excluding the ACT.
- The ABF is experiencing a number of challenges in relation to the destruction of seized vaping products. The destruction process is costly, complex and dangerous given their key components include batteries and vape substance. Service providers also do not have previous experience in destroying vapes.
- Procurement activity is underway with the intent to enter into contractual arrangements with a suitable service provider, or multiple service providers, for vape products specifically given the volumes and complex nature of this commodity.



- In some cases, vapes are required to be manually removed from their packaging and disassembled before being incinerated or shredded. The ABF rely on the service provider to undertake the manual disassembly and package removal process (if required). The ABF is working with industry to develop appropriate methods and techniques for disposal to build capability and to speed up the destruction process.
- The ABF rely on the service providers to ensure consideration and compliance with relevant commonwealth, state and territory environmental protection policies.
- On 28 June 2024, section 206 of the *Customs Act 1901* was amended to allow ABF officers to immediately dispose of vaping goods in some circumstances, such as goods seized in a Protected Zone. This authorisation allows the ABF to dispose of vaping goods without holding and storing for a specified period.

Facilitating legitimate vape trade

- The ABF continues to facilitate legitimate vape trade, with over **800,000 vapes coming into the country with necessary permits issued** by the Office of Drug Control (ODC) since the introduction of the new regulations in 2024.
- The responsibility of the issuing of licences and permits for the importation of vaping products is managed by the Therapeutic Goods Administration (TGA) and ODC.

Post-border response

- The ABF works with federal, state, and territory law enforcement and health agencies where there is a nexus at and post border.
- As part of this work, anecdotal evidence gathered by our officers has identified that the street value of a vape has increased since 1 July 2024. This is likely due to consistent consumer demand but a reduced availability of goods in the market as a result of border intervention.
- The ABF is a member and participant of various forums, such as the joint-agency National Vaping Working Group.



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Back Pocket Brief Number: IT-2
PDR Number: SB25-000182

- From 5–9 August 2024, the ABF participated in National Taskforce Morpheus that resulted in the seizure of over 742,811 cigarettes, 76kg of loose leaf tobacco, 127kg of shisha and **9,338 disposable vapes**.

Consultation:

Area	Title and position
ABF	Central Reporting Unit Trade and Goods Operational Policy Border Targeting Customs and Trade Policy
Home Affairs	CFO Chief Statistician

Related briefs:

s. 22(1)(a)(ii)

Cleared through:	Tony Smith, Assistant Commissioner, Customs Compliance, Enforcement & Targeting Division 24 January 2025
Final clearance: Position: Date:	Tim Fitzgerald Deputy Commissioner, National Operations Group 29 January 2025

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BACK POCKET BRIEF

Budget Estimates Hearing – March 2025

Topic: Illicit vaping products
Group: National Operations
Division: Customs Compliance, Enforcement and Targeting

Key statistics:

Illicit vaping product detections ¹	FY 2022–23	1 Jan-29 Feb 2024	1 Mar-30 Jun 2024	2024–25 YTD as at 31 January 2025
Number of detections ²	1,568	991	11,220	14,334
Units detected	>800,000	372,533	2,178,158	4,267,268
Vapes (Units) ³	-	372,533	1,908,368	3,036,574
Vaping accessories and substances (Units) ⁴	-	-	269,788	1,230,694

Illicit vaping product seizures ¹	1 Jan-29 Feb 2024	1 Mar-30 Jun 2024	2024–25 YTD as at 31 January 2025
Units seized ⁵	333,690	2,161,047	4,241,125
Vapes (Units) ³	333,690	1,902,503	3,013,869
Vaping accessories and substances (Units) ⁴	-	258,544	1,227,256

Illicit vape products destructed	1 Jan-29 Feb 2024	1 Mar-30 Jun 2024	2024–25 YTD as at 31 January 2025
Vape devices	-	1,216,635	2,210,482
Vape accessories and substances	-	173,216	1,067,874
Disposable vapes	112,094	-	-
Total	112,094	1,389,851	3,278,356

¹ Data is taken from dynamic sources and may vary from previously reported figures.

² Detection is the goods/items were detected as needing to be taken into custody.

³ Excluding surrenders.

⁴ Prior to 1 March 2024 there is non-standardised recording of these commodities, with goods measured in kilograms, grams, or by unit numbers. The above figures are for those with unit quantity numbers. Data provided is for all vapes including disposable Cannabidiol vape units, disposable nicotine E-cigarettes or Pods and Refillable Vapes. Data excludes Liquid Vape Solution.

⁵ Seizure is the goods/items were actually taken into custody.



Key issues:

Funding

- The Australian Border Force (ABF) received additional funding of \$25 million over two years from 2023-24 to implement the vaping products border regulation introduced on 1 January 2024. This funding:
 - o Provided an additional 55 FTE in 2023-24, and an additional 84 FTE in 2024-25.
 - o Enables the ABF to detect, seize and destroy vapes at the border, enabled us to enhance and uplift our operational capabilities resulting in meaningful impacts such as the detection and destruction of vapes before they enter our communities.
- As part of the Mid-Year Economic Fiscal Outlook (MYEFO) 2024, ABF have received an additional \$31.3 million over two years from 2025-26 to continue enforcing the vaping border regulations.
- This funding will provide an additional 84 FTE for the two years and enable the ABF to continue to detect, seize and destroy vapes at the border.

Vaping products border control results

- Since the introduction of the new regulation on 1 January 2024 to 31 January 2025, the ABF has seized over **6.7 million** vapes and vaping products with an equivalent street value in excess of **\$202million**.
- The ABF is seizing an average of over **17,000 vapes per day**.
- On 13 August 2024, ABF made the largest vape accessories⁶ detection to date during which a total of **28,200 vapes** and **443,000 vapes accessories** were located.
- In September 2024, ABF made the largest vape devices detection since the introduction of the regulation on 1 January 2024, **over 691,000 vape devices** were detected as a result of an offshore partner referral.

⁶ Vape accessories are cartridges, capsules, pods, vials, dropper bottles, drip bottles or other vessels that contain or that are designed or intended to contain a vape substance. A vape accessory can be integrated with other vape components. For example, a vape cartridge that is integrated into a heating element is a vape accessory.



- Throughout our domestic work with state and territory law enforcement partnership under the Illicit Tobacco Taskforce (ITTf), we are also detecting vapes post-border.

ABFs role in combatting illicit vapes (strategic objective)

- Border enforcement alone cannot eliminate the threat to our community posed by vaping products, as it is cross-jurisdictional and multi-dimensional issue. To combat this issue, the ABF operates alongside federal, state and territory health, law enforcement and regulatory agencies.
- Federal, state and territory health and police ministers have agreed to take a collaborative approach to the compliance and enforcement of vaping products through the establishment of a joint agency National Vaping Working Group (NVWG).
- The NVWG endorsed a National Vaping Enforcement Framework (the Framework) in July 2024. The Framework will be the foundation for a system of collective enforcement and compliance effort.
- The formation of the NVWG and establishment of the Framework sends a clear message both at the border and domestically, that unlawful behaviour in relation to vapes will be detected and action taken, this includes working closely to prevent organised crime establishing an illicit vape market.
- The Framework outlines the agreed roles and responsibilities of state and territory, and federal agencies in a combating vapes.
- The ABF contributes to combating vapes through border protection and enforcement.
- The ABF operates pre, at, and post border, with a range of activities and initiatives, and in collaboration with domestic and international partner agencies, to prevent vapes from entering Australia.
- Due to the staged commonwealth legislative changes (to the *Therapeutic Goods Act 1989*) over 2024, the domestic and international criminal environment in relation to vapes continues to evolve as the impacts of these legislative changes are entirely realised.



Pre- border intervention

- The ABF have been working proactively with officials in a number of countries, including s. 33(a)(iii) to prevent the exportation of vapes to Australia where it is permissible under the domestic laws of that country.
- Whilst not funded to target vapes offshore, the ABF has utilised its established international network to support intelligence sharing and targeting opportunities overseas and this has proven to be effective following the introduction of vape regulations.
- We are seeing unprecedented levels of cooperation from our international partners with all international partners wanting to work collaboratively with Australia, with respect to tackling the international illicit vape trade.
- By utilising our international network to support intelligence sharing and targeting opportunities overseas, this has proven to be effective following the introduction of vape regulations.
- For example, in 2024, as a result of our strong relationship with an offshore partner, the ABF receive a referral that has enabled us to detect and seize in excess of **691,000 vape** devices.
- The ABF is utilising the full spectrum of treatments available to us, including leveraging our offshore and domestic partnerships and ABF powers to continue to dismantle criminals who seek to profit from this commodity.
- The ABF continues to investigate the organised criminal syndicate behind these attempted importations.
- s. 33(a)(iii)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- On the ground, as a result of Australia's tough new anti-vaping laws, one of the largest s. 33(a)(iii) manufacturers of vapes has reportedly reduced their volumes of exports to Australia from roughly 5 million prior to the introduction of the new regulations to 1 million by July 2024.



S. 33(a)(iii)

At-border intervention Serious and Organised Crime

- From the ABF's border control work, coupled with our offshore liaison, we are identifying trends and emerging threats in relation to illicit vaping import activities.
- ABF have identified signs of criminal infiltration of the supply chain to support vape importations. It is evident that individuals and organised crime groups will conceal or mis-declare goods to attempt to circumvent border controls
- We know through our work through the ITTF that the criminal groups importing vaping products are also closely linked to illicit tobacco importations.
- Through operational activity conducted by the ITTF, it is evident there is a natural diversification by organised crime groups into the illicit vape market. The ITTF routinely locates illicit tobacco with illicit vapes. Profits of these activities fund other criminal ventures, such as exploring business models founded by way of illicit tobacco smuggling activities.

Vaping flavours

- Vape flavourings are considered as per the definition within Regulation 5A(19) of the *Customs (Prohibited Imports) Regulations 1956*.
- ABF officers have the power to examine goods subject to Customs Control and seize goods where they suspect on reasonable grounds that the goods are



special forfeited goods, i.e. any substance that meets the definition of a vape substance.

- Some substances can be used for both vaping and legitimate purposes as dual-use goods, and include food flavourings, essential oils, colourings etc. When substances come to initial ABF notice as a potential vape substance, the ABF consider this on a case-by-case basis.
- It is important to note that a vape substance does not need to contain nicotine to be considered as a vape substance.

Destruction of vapes

- Since the introduction of the vaping regulations on 1 January 2024 to 31 January 2025, the ABF has destroyed over **4.7 million vapes**.
- The ABF use service providers to undertake the destruction of vapes by incineration or shredding, either in their entirety (including in packaging) or in parts after being disassembled.
- The ABF continues to use multiple contracted service providers for the disposal of seized goods generally, including vaping products. Service providers are located in all states and territories, excluding the ACT.
- The ABF is experiencing a number of challenges in relation to the destruction of seized vaping products. The destruction process is costly, complex and dangerous given their key components include batteries and vape substance. Service providers also do not have previous experience in destroying vapes.
- Procurement activity is underway with the intent to enter into contractual arrangements with a suitable service provider, or multiple service providers, for vape products specifically given the volumes and complex nature of this commodity.
- In some cases, vapes are required to be manually removed from their packaging and disassembled before being incinerated or shredded. The ABF rely on the service provider to undertake the manual disassembly and package removal process (if required). The ABF is working with industry to develop appropriate methods and techniques for disposal to build capability and to speed up the destruction process.



- The ABF rely on the service providers to ensure consideration and compliance with relevant commonwealth, state and territory environmental protection policies.
- On 28 June 2024, section 206 of the *Customs Act 1901* was amended to allow ABF officers to immediately dispose of vaping goods in some circumstances, such as goods seized in a Protected Zone. This authorisation allows the ABF to dispose of vaping goods without holding and storing for a specified period.

Facilitating legitimate vape trade

- The ABF continues to facilitate legitimate vape trade, with over **800,000 vapes coming into the country with necessary permits issued** by the Office of Drug Control (ODC) since the introduction of the new regulations in 2024.
- The responsibility of the issuing of licences and permits for the importation of vaping products is managed by the Therapeutic Goods Administration (TGA) and ODC.

Post-border response

- The ABF works with federal, state, and territory law enforcement and health agencies where there is a nexus at and post border.
- As part of this work, anecdotal evidence gathered by our officers has identified that the street value of a vape has increased since 1 July 2024. This is likely due to consistent consumer demand but a reduced availability of goods in the market as a result of border intervention.
- The ABF is a member and participant of various forums, such as the joint-agency National Vaping Working Group.
- From 5–9 August 2024, the ABF participated in National Taskforce Morpheus that resulted in the seizure of over **s. 22(1)(a)(ii)** **s. 22(1)(a)(ii)** and **9,338 disposable vapes**.



Back Pocket Brief Number: IT-2
PDR Number: SB25-000356

Consultation:

Area	Title and position
ABF	Central Reporting Unit
Home Affairs	Chief Statistician

Additional References:

s. 22(1)(a)(ii)

Cleared through:	Tony Smith, Assistant Commissioner, Customs, Compliance, Enforcement and Targeting – 4 March 2025
Final clearance: Position: Date:	Tim Fitzgerald Deputy Commissioner, National Operations 10 March 2025



Freedom of Information Request – FA 25/07/00147

Vapes and Vape Accessories Seizures between 1 January 2024 to 1 July 2025	
Category	Amount
Vapes	7,498,921
Vape Accessories	1,646,382
Total	9,145,303

Notes:

1. Source: Department of Home Affairs

Caveats:

- *This information is provided for the specific purpose of this request.*



**Australian
BORDER FORCE**

OPERATIONAL NOTIFICATION

Operational Notification Number: ON2023 – 49

To: All Regional Commands – Cargo, Mail and Traveller streams, Special Investigations and Investigation; Case Assessment and Referrals (CARS); Intelligence Division.

Subject: Disposable Vape Detection Referrals to ABF Investigations

Effective Date: 1 January 2024

Situation:

From 1 January 2024, new import controls on disposable vaping goods will commence. ^{s. 47E(d)}

Advice / Action Required:

The general policy for vaping goods is to s. 47E(d).

s. 47E(d)

The threshold will be in place for goods imported from 1 January 2024 until further advice is issued.

s. 47E(d)

as outlined in the Managing Vaping Goods at the Border Procedural Instruction (TT-7104) available on the [Managing Vaping Goods at the Border SharePoint](#).

CARS will conduct checks to determine whether there are identified s. 47E(d)

The ABF Investigations Referral Assessment and Case Priority Model Standard Operating Procedure (BE-6668) will be updated after s. 47E(d)

Further vaping border controls will take effect on 1 March 2024. Further information on any changes to the s. 47E(d) will be communicated by 29 February 2024.

Detailed information:

The Australian Government has committed to a number of legislative reforms to reduce vaping related harm through new controls on the importation of vaping goods. These changes will affect the permissions required to import vaping goods. From 1 January 2024:

- Disposable vapes in the air and sea cargo streams can only be lawfully imported with a valid permit.
- Travellers will be able to bring in two (2) disposable vapes per person via the traveller exemption. Travellers will be able to surrender (instead of facing seizure of) non-concealed, non-commercial quantities of disposable vapes imported in excess of the traveller exemption allowance, at the discretion of an ABF Officer.
- The ABF will be able to seize all imports of disposable vapes in the mail stream.

Regulation 5A of the *Customs (Prohibited Imports) Regulations 1995* prohibits the importation of disposable vapes unless importers have a valid import permit at the time of the arrival of the goods in Australia. Permits are issued by the Office of Drug Control within the Department of

Health and Aged Care for licensed entities. A permit for disposable vapes can only be granted for scientific and medical research, such as clinical trials. This is expected to be a rare occurrence.

Related Policy and Procedural documents:

[Customs Legislation Amendment \(Vaping Goods\) Regulations 2023.](#)

[Prohibited Imports and Exports - Policy Statement \(TT-4889\).](#)

Managing Vaping Product at the Border - Procedural Instruction (TT-7104).

Further information may be found on:

[Managing Vaping Goods at the Border SharePoint.](#)

[Reforms to the regulation of vapes - Therapeutic Goods Administration \(TGA\).](#)

Any concerns or questions in regards to the information subject of this Operational Notification should be directed to the contact officer below:

s. 22(1)(a)(ii)

Superintendent

ABF Workforce Capability Branch

ABF Workforce

s. 22(1)(a)(ii) @abf.gov.au

Content authorised by:

Commander John Taylor

ABF Workforce Capability Branch

ABF Workforce

20/12/2023



**Australian
BORDER FORCE**

OPERATIONAL NOTIFICATION

Operational Notification Number: ON2024 – 12

To: All Regional Commands

Subject: Immediate disposal of vaping goods

Effective Date: Effective immediately

Situation:

On 28 June 2024, section 206 of the *Customs Act 1901* (Customs Act) was amended to allow authorised ABF officers to consider the immediate disposal of vaping goods, noting there are some circumstances where immediate disposal must not be used.

Advice / Action Required:

Prohibited vaping goods are now eligible to be considered for the one notice seize and immediate disposal process, and already seized vaping goods may be subject to immediate disposal using the 2 step process.

The ABF must not initiate the one notice seizure and immediate disposal process in cases where:

- there is any potential doubt about whether the goods meet the definition of vaping goods; or
- where circumstantial evidence S. 47E(d) is being used. S. 47E(d)

In these cases the normal processes for suspected prohibited imports should be applied.

Detailed information:

All vaping goods captured by the definitions within Regulation 5A of the *Customs (Prohibited Imports) Regulations 1956* (PI Regulations) can be considered for immediate disposal noting there are circumstances where immediate disposal must not be used.

The one notice seize and immediate disposal process that is used through the S. 47E(d) for tobacco, can now also be used for vaping goods that are eligible for seizures without warrant as special forfeited goods (prohibited imports at a Customs place).

Where there is intent for a detection to be referred S. 47E(d) the goods must not be subject to the one notice seize and immediate disposal process. Instead, immediate disposal can be pursued separate to the seizure in discussion with S. 47E(d) and any samples are maintained (where appropriate) for the purposes of investigation or prosecution.

To ensure the ABF is using its powers consistently with the law and to reduce the risk of claims for compensation, the ABF must not initiate the one step seizure and immediate disposal process where:

- if the goods were not imported in the post, the officer has not confirmed there is no eligible import permit in place; or
- there is ambiguity
 - o whether the goods meet the definition of a vaping good in the PI Regulations; or
 - o the legality of the seizure.

If the suspected vaping goods were imported through the post, then there is no need to consider whether an import permission was in place. All vaping goods imported through the post are prohibited imports, even if the importer has an import permit.

The one notice seizure and immediate disposal process for vaping goods can only be authorised by ABF officers at the APS3 level and above within the relevant work area for goods recorded in GMS.

- To generate the **S. 47E(d)**, select the applicable goods and select the action **S. 47E(d)**
- Complete the required fields to generate the notice and method for which the notice will be served.
- Once the notice has been served, the goods must be packed, transported and stored ready for disposal in line with the *Detained Goods Management - Procedural Instruction (TT-4786)*.

For existing seizures, officers will need to use the *Vaping Immediate Disposal Letter Template* that can be found at [ADD2024/3699465](#) to serve on the owner after the immediate disposal has occurred.

Related Policy and Procedural documents:

- *Management of Vaping Goods at the Border – Procedural Instruction (TT-7104)*
- *Detained Goods Management – Procedural Instruction (TT-4786)*
- *Evidence Management – Procedural Instruction (BE-2882)*
- *Managing Vaping Goods at the Border SharePoint*

Any concerns or questions in regards to the information subject of this Operational Notification should be directed to the contact officer below:

Trade and Goods Operational Policy:

Workforce Operational Policy & Practices Branch

Email: **S. 47E(d)** [@abf.gov.au](#)

Content authorised by:

S. 22(1)(a)(ii)

Superintendent

Trade & Goods Operational Policy

Workforce Operational Policy & Practices

ABF Workforce, Safety and Assurance

03/07/2024



**Australian
BORDER FORCE**

OPERATIONAL NOTIFICATION

Operational Notification Number: ON2024 - 25

To: All ABF

Subject: Guidance on the Intervention of Vape Substances s. 47E(d)

Effective Date: Effective immediately

Situation:

s. 47E(d)

Advice / Action Required:

Officers have the power to examine goods subject to Customs Control and seize goods where they suspect on reasonable grounds that the goods are special forfeited goods (i.e. any substance that meets the definition of a vape substance).

Some substances can be used for both vaping and legitimate purposes as dual-use goods, s. 47E(d)

When substances come to initial ABF notice as a potential vape substance, it is important that the ABF do not cease intervention, and consider the substance on a case-by-case basis – instead of generally excluding substances from intervention activities.

Detailed information:

As per the definition within Regulation 5A(19) of the *Customs (Prohibited Imports) Regulations 1956*, vape substance means:

- a) a liquid or other substance designed or intended for use in a vape; or
- b) nicotine in solution in any concentration, including in salt or base form; or
- c) a substance the presentation of which includes an express or implied representation that the substance is a substance of the kind referred to in paragraph a.

The substances referred to in this definition include, but are not limited to, a liquid, gel, solid or salt that is intended for use in a reusable or disposable vape, or may have an express or implied representation that it may be used for this purpose.

It should be noted that there is no unique chemical or substance that is used only in vaping liquids, gels, or solids, and vaping substances can vary greatly in their component ingredients. They can contain dangerous chemicals in their own right, as well as ingredients that have a significant range of 'ordinary' uses such as in the manufacture of s. 47E(d)

While these ingredients may be widespread in their use in the community for ordinary purposes, this does not exclude them from being used as an ingredient in a vape substance.

It is also important to note that a vape substance does not need to contain nicotine to be considered as such, as long as it is intended for vaping or has an express or implied representation that is for use in a vape.

When considering whether substances such as s. 47E(d) meet the definition of a vape substance, officers should consider the s. 47E(d), or any advertising or informational material associated with its importation (see Regulation 5A(20)).

s. 47E(d)

Where there is no physical evidence associated with an importation of goods such as s. 47E(d) and there is only circumstantial evidence s. 47E(d), it is **unlikely** the goods meet the definition of a vaping substance. However, the officer should:

- contact the area responsible s. 47E(d) the goods to ascertain if there is further evidence available on the import;
- consider if the appropriate action is completing s. 47E(d).

Standard procedures for the treatment of vaping goods should continue to be followed in line with the Management of Vaping Goods at the Border Procedural Instruction (TT-7104) as it remains current and updates are not scheduled or required, and ABF intervention activities are intended to continue for possible vape substances.

It is also important to note s. 47E(d) should not be subject to immediate disposal and the standard seizure process should be applied where there is any ambiguity about the classification of the substance as a vape substance, or there has not been confirmation that a permit is not in place in line with the ON2024-12 - Immediate disposal of vaping goods to ensure the ABF is using its powers consistently with the law to reduce the potential risk of claims for compensation.

Related Policy and Procedural documents:

- Management of Vaping Goods at the Border - Procedural Instruction (TT-7104)
- ON2024-12 - Immediate disposal of vaping goods
- Managing Vaping Goods at the Border SharePoint
- Detained Goods Management - Procedural Instruction (TT-4786)
- Evidence Management - ABF Investigations - Procedural Instruction (BE-2882)
- Threat Rating Referral Model Framework - Supporting Material (TT-6432)

Any concerns or questions in regards to the information subject of this Operational Notification should be directed to the contact officer below:

Trade and Goods Operational Policy:

Workforce Operational Policy and Practices Branch

Email: s. 47E(d)@abf.gov.au

Content authorised by:

s. 22(1)(a)(ii)

A/g Superintendent

Trade and Goods Operational Policy and Goods Management

Workforce Operational Policy and Practices

ABF Workforce, Safety and Assurance

11/11/2024