* **[The Government VS Vaping: A History of Vaping in Australia](https://www.nzvapor.com/blog/vape/history-of-vaping-law-in-australia/) - Feb 3, 2022**

The government’s fight against **[vape in Australia](https://www.nzvapor.com/c/vapes/)** has been going on for years now. With laws introduced in late 2021 requiring vapers to have a nicotine prescription, they’re only getting stricter. We outline the history of **vaping law in Australia**.

**2000s**

In the mid-2000s, vaping devices and e-cigarettes came onto the market, and since the beginning, the Australian government has been fighting the sale of nicotine products that aren’t cigarettes, claiming that they are dangerous and that there is insufficient evidence to support claims that they help people quit smoking.  In January 2009, Australia banned the possession and sale of electronic cigarettes which contain nicotine, citing that “every form of nicotine except for replacement therapies and cigarettes are classified as a form of poison.”

**2010s**

During the 2010s, there was an ongoing court battle in Western Australia between the Department of Health compliance officer Hawkins, v. Van Heerden, who was convicted of selling e-cigarettes designed to resemble a tobacco product in breach of s106(a) of the Tobacco Products Control Act 2006. In October 2013, the Magistrate’s Court ruled that Van Heerden did not violate the act. However, Hawkins appealed, and in April 2014 the court ruled that Vince Van Heerden violated the Act. Van Heerden appealed that decision to the Court of Appeal, but the appeal was dismissed in March 2016, meaning that it remains illegal in Western Australia to sell vapor product devices, regardless of whether they contain nicotine.

**2020s**

In June 2020, Federal Health Minister Greg Hunt announced that he wanted to prohibit the importation of vaping devices, or e-cigarettes containing liquid nicotine, as well as refills, unless the product was prescribed by a doctor and ordered by a medical supplier. From 1 October 2021, all nicotine vaping products – including nicotine e-cigarettes, nicotine pods, and liquid nicotine – can only be purchased with a doctor’s prescription. This includes both in Australia and from overseas. This can be done by filling the prescription at a pharmacy (either a physical community pharmacy or an Australian online pharmacy) or importing from overseas websites using the Personal Importation Scheme.

Nicotine-free vaping devices and e-liquids can be legally sold and purchased in most states and territories through online retail stores and tobacco retail outlets. In all states, it is not illegal to possess an e-cigarette without nicotine. However, inhaling from an e-cigarette is included in smoking bans in Queensland. There is at least one example in New South Wales of a man being fined for ‘smoking’ an e-cigarette on a train station platform. This incident underlines the uncertainty around how current laws may be applied when there is no e-cigarette-specific provision in the law.

While the Australian Government has made its stance on vaping clear, not everybody agrees. The Australian vaping community is fighting back and pressuring the government to change these laws. Progress has been made and e-cigarettes are currently under a federal parliamentary enquiry to examine whether e-liquids containing nicotine in Australia should be legalised.

**Need help quitting the nicotine?**

It may be daunting, but if you’re ready to reduce your nicotine intake, we’re ready to help you get there. We stock flavourless nicotine and a huge range of [**e-liquid in Australia**](https://www.nzvapor.com/c/e-liquids/), with a variety of nicotine levels for those with a prescription, and 0% nicotine products to help you transition to a nicotine-free life. Any questions? Vaping can get a bit technical and confusing, but our crew are experts, ready to help you make the first step toward reducing your nicotine intake.