When the young Robert Richter arrived at Melbourne University in the mid-'80s, smoking was in vogue. Hanging around the library, it made his fellow students look worldly and sophisticated, so he followed suit.

For the next 50 years he fitted in a pack a day, and although he often tried to quit, he was in a state of such deep addiction, he couldn't quit. Without nicotine, he couldn't run the legal practice that has made him a celebrity barrister with a client list stretching from Melbourne's gangland figure Mick Gatto and Ray Williams of HIH to former Elders IXL boss John Elliott and Cardinal George Pell.

Then early last year, during a scan for an unrelated issue, doctors happened to detect a very small cancer developing on one of Richter's lungs. After successfully removing it, the surgeon declared the barrister – colourless and almost ethereal – well. Richter was asking about inhaling nicotine and what it is, the surgeon declared the barrister – ‘When was that?’ ‘About 20 years ago,’ said the surgeon. ‘Right, well that’s the end of your smoking problem,’ said the surgeon.

But to Richter, the surgeons declaration was not the end of his smoking problem. Smoking was just something else. The question is whether more harm will be done by legitimising nicotine vaping than by banning it. There are both sides of the debate want the best for Australian society but can’t agree on how to achieve it.

Richter says allowing an addict to vape is not designed to encourage addiction, but is a recognition that addiction needs to be treated, just as diabetes is treated with insulin. ‘Anyone who has the slightest regard for harm reduction would recognise this is an obvious thing to do, but such is our attitude to addiction in this society that we don’t have people die unnecessarily from continuing to smoke. I would find acceptable a regulatory system which includes the usual prohibition of sale to under 18s and sale to non-smokers.’

Cancer Council Australia CEO Professor Sanchia Aranda has sympathised with hardened smokers, but remains opposed to vaping, including the vaping of nicotine.

Her concern is for the overall population, particularly youth. As one of the world’s pre-eminent experts in cancer control, she acknowledges that the needs of established smokers are important but says there is not enough evidence to show vaping is the solution for them. ‘The evidence of e-cigarettes being better than nicotine cessation is mixed,’ she says. ‘That they are 95 per cent less harmful was a figure promoted by Public Health England with no evidence to support it. We have no understanding of the long-term harms of vaping in a generation who have never smoked. We’ve only had 10 years of this, so we don’t know what the long-term harms might be. Remember, it used to be thought that smoking was good for health.’

After putting so much effort into de-normalising smoking – with considerable success – the worry is that legalising vaping will re-normalise the ritual of inhaling damaging chemicals into one’s lungs. The push for vaping for established smokers does not take account of wider population health concerns. Some studies show kids are three times more likely to smoke combustible cigarettes if they have tried vaping.

She is concerned about the long-term effects on the lungs and cites Richter emerging on the doorstep of smokers who use flavourings. ‘I need to feel normal. I need to feel normal. I need to feel normal.’

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