

Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Bill 2024

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Queensland Health, Environment and Agriculture Committee's inquiry into the Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Bill 2024

RE. [REDACTED] Submission to the Committee

Dear Committee,

[REDACTED] would like to again express appreciation for the time the Queensland Government has put towards further strengthening the Queensland tobacco laws and welcomes the proposed changes listed in the *Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Bill 2024 (the Bill)*. This consultation and proposed changes are another positive step in the Government acknowledging that the current legislation is not fit for purpose in today's environment and has not eradicated black market retail operators selling illicit nicotine products in Queensland.

It is encouraging to see that the Queensland Government is listening to the voices of small businesses who are at the front line. It is stores like ours who see the devastating impacts the illicit nicotine trade is having on communities across Queensland. The additional measures this Bill will bring to enforcement are welcome but I ask the Government takes further steps to ensure we are the leading state when it comes to dismantling the ever growing black market in Australia.

[REDACTED]

Ultimately, we support common sense regulation that will deliver a sustainable future for our business and will also protect our staff and our store infrastructure from the threat of black market activities that has been seen in Victoria. It is scary reading that activities inflicted by organised crime gangs on small businesses in Victoria – over 70 fire bombings and children involved in stealing product and damaging stores. We do not want to see that activity replicated in our state. New laws are good on paper but they must work in practice to support those doing the right thing and penalising those who are blatantly and openly doing the wrong thing.

Current Situation with Illicit Nicotine Products

As we expressed in our submission in May 2024 to the Queensland Health consultation, the amendments are welcome however we do not have confidence that these measures alone will have a significant impact. Retailers in this state still need more support from both the federal and state governments, particularly with stronger and dedicated enforcement resources whose sole focus is to target, investigate and seize illicit nicotine products.

The proposed legislation on this aspect of enforcement doesn't go far enough. The increased penalties are positive, however we are sceptical of their impact when there is nobody willing to enforce them in a large scale framework across the state. We note that certain public health units have been active in their investigations and seizures such as the unit in the Darling Downs. However, this seems to be ad hoc activities based on the prioritisation of that specific health unit rather than a mandate to all units. How do we get all health units participating in the same manner and attitude so that there is a culture of collaboration and equal enforcement of the laws across the state that drives deterrence amongst illegal black market operators.

That is why dedicated resources from a hard line agency such as the Police or an agency that is responsible for liquor licensing – an adult product, is required to tackle this head on. To do that, an agency needs adequate funding and resources that ensures prioritisation without impacting any

operational activities. The Queensland 2024-25 Federal Budget provided no funding toward State Police or Health officer enforcement activities targeting illegal tobacco and illegal vaping. Criminals will not be deterred if they know that health inspectors and police are under resourced and are unable to visit their shops or investigate their operations.

Law-abiding retailers like myself, who refuse to engage in the black market suffer as we watch customers leave our businesses for illicit operators popping up on nearly every street corner. This shift not only impacts our sales but also forces us to make tough decisions about funding employee shifts and community charity opportunities. Beyond the financial toll of the black market, there are serious safety concerns for our staff and community, including frontline workers, due to the involvement of organised crime.

Proposed Bill – Key Features

There is strong support for increasing the penalties for business caught with illicit nicotine products and the new penalty on staff members also supplying these products as often there is an air of ambivalence by these individuals who act on behalf of others. There is support for authorities having the ability to close down illegal premises for up to 72 hours because we see stores open the very day after they've been raided, continuing to sell illicit products. We would like to see the authorities hand down penalties quickly in the early days of the Bill passing as a show of force against illegal operators and to report annually on the convictions handed out as a measure of the Bill's success.

Comments on the Consultation Paper

█ see the following additional measures being required:

- A legislated establishment of an Illicit Nicotine Taskforce, like Victoria Police's Lunar Taskforce that is focusing on uncovering organised crime networks in the illicit tobacco back market.
 - A dedicated Taskforce will ensure enforcement of illicit nicotine (tobacco & vape) and dismantling criminal syndicates involved in the black market. The taskforce members would have the required expertise and experience with criminal gangs, drugs and arson related behaviour. Similar to Victoria, the Taskforce would work with various Federal agencies such as the ABF, Australian Criminal Intelligence Commission, Australian Federal Police and Australian Taxation office.
- A shift of enforcement responsibility away from the Department of Health to a better equipped department that looks after adult consumer products like liquor would compliment a police taskforce.
 - South Australia has just announced the removal of enforcement responsibilities from the Health Department to the Consumer Affairs Commission who are responsible for liquor licencing and announced a new Commissioner with strong law enforcement background.
- Enforcement funding is critical and QLD politicians needs to consider additional funds to support compliant retailers and protect staff and employed in small business against gangs.
 - South Australia has committed \$16 million and added 20 new enforcement and compliance officers into the Commission to enforce against the black market operators-
<https://www.premier.sa.gov.au/media-releases/news-items/major-enforcement-clampdown-on-illegal-tobacco-and-vapes-in-sa>

We are happy to assist and engage further in relation to these proposed amendments, and look forward to seeing meaningful change for our business and communities in Queensland.

Best regards,



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