



HEALTH AND ENVIRONMENT COMMITTEE

Members present:

Mr AD Harper MP—Chair
Mr ST O'Connor MP
Mr SSJ Andrew MP
Ms AB King MP
Ms JE Pease MP

Staff present:

Ms R Easten—Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE TOBACCO AND OTHER SMOKING PRODUCTS AMENDMENT BILL 2023

TRANSCRIPT OF PROCEEDINGS

Wednesday, 12 April 2023

Townsville

WEDNESDAY, 12 APRIL 2023

The committee met at 10.03 am.

CHAIR: Good morning. I declare open this public hearing of the Health and Environment Committee's inquiry into the Tobacco and Other Smoking Products Amendment Bill 2023. Thank you for your interest and for your attendance here this morning. I am Aaron Harper, the member for Thuringowa and chair of the committee. I would like to start by respectfully acknowledging the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander people whose lands, winds and waters we all now share. Other committee members with me here today are Joan Pease, member for Lytton; Ms Ali King, member for Pumicestone; Mr Sam O'Connor, member for Bonney and acting deputy chair, given Mr Rob Molhoek is an apology today; and Stephen Andrew, member for Mirani.

On 14 March 2023, the Hon. Yvette D'Ath, Minister for Health and Ambulance Services, introduced the Tobacco and Other Smoking Products Amendment Bill into the Queensland parliament and referred it to this committee for detailed consideration and report. The purpose of today's hearing is to assist the committee with the examination of the bill. We will first hear from invited witnesses and then we will have a session to hear from the floor if anyone is interested. You just need to fill the registration form in and speak to the secretariat if you want to get on the record.

This hearing is a proceeding of the Queensland parliament. It is subject to the parliament's standing rules and orders. Witnesses are not required to give evidence under oath, but intentionally misleading the committee is a serious offence. The proceedings are being recorded by Hansard. All those present should note that it is possible you may be filmed or photographed during the proceedings and images may appear on the parliament's website and social media. I would ask everyone to turn off their mobile phones or put them onto silent mode.

As the local MP, I welcome fellow members to sunny Townsville and declare that a couple of the people initially with us today, Deb Soley and Pam Wright, are local constituents and I have spoken with them previously on this issue. I thank them for being here today. For the benefit of Hansard, when you speak, please introduce yourselves.

SOLEY, Ms Deb, Tobacconist, Tobacco Station Group

WRIGHT, Ms Pam, Tobacconist

CHAIR: I now welcome both of you. I invite you to make an opening statement and then the committee will go to questions. Thank you for your submission, Pam.

Ms Wright: I am pleased to see the government is actually doing something about this illicit trade. It has been rife in Queensland for about four years. We have been affected in North Queensland only over the last 15 months or so. It has been disappointing for me. I sat and read all the submissions over the weekend regarding these proposed new laws, and I am really disappointed there were probably only three tobacconists who had put in a submission. I spoke to them all in Brisbane about 10 days ago and they are also very disappointed with the government's stance on the illicit trade. They have just thrown their hands up in the air and said, 'They are not going to do anything, so why should I bother?' That is really poor for small business to do that. I have been very disappointed, but I can understand why. They have been fighting it for 3½ years. They are losing their businesses. We have shops closing. I know five tobacconists in South-East Queensland right now—they are long-term tobacconists—once their lease has expired at the end of April they are closing their doors; they cannot compete with the guy next door selling things for \$15. They either do that or keep their leases going and lose their homes, and none of us would want that.

We have the proposed new licensing laws, which are long overdue, but that will not happen for another 15 months. What is going to happen in the next 15 months? How is the Queensland government going to differentiate between legal tobacconists applying for a licence and the illicit trade? These guys are well-organised crime syndicates. They will use what we call cleanskins, people without any criminal record, to get licences as fronts, and we are going to be in the same boat. The organised crime syndicates are aware of all these new proposed laws. They are not dumb. They are

well organised. At the moment they are selling coloured packs—I have photos of it here. For example, a coloured pack of, say, Manchester, they are selling it here in Townsville for, I think, \$18. It shows you where it is from. They can get away with it for the moment because health inspectors do not go into these stores; they refuse to. I cannot blame them. The fact is these guys know these laws are coming out, so what they are going to do is change their packaging to plain-paper packaging. Are our health inspectors going to be able to differentiate between the illicit plain-paper pack and the legal plain-paper pack? That is a federal law. I know when I was in the industry when plain-paper packaging came out, the government picked on the fact that the font was wrong, the picture was wrong, or the warning sign was on the wrong side of the pack. Are our health inspectors in Queensland going to be trained well enough to differentiate that?

Here are some more examples: illegal packaging, all imported from the UK, no excise being paid. I know what is wrong with that packaging, but will a health inspector know? Will they be trained well enough? Another perfect example is they are bringing their own plain-paper packaging in for the tobacco and bagging the tobacco in packaging that looks legal. I can go on and on about the health inspectors being well enough trained to differentiate. Sometimes when I look at an illicit pack and a real pack, I cannot even tell, and I am in the industry! You have six samples there.

When we look at the fines that are being proposed in the new laws, they are not strong enough. Let me explain how the illicit trade works. It is a very lucrative business—very lucrative—where most of these shops are making a minimum of \$100,000 a week—minimum. If they are multi owners they can be making half a million to a million dollars a week. When I say 'multi owners', they have several shops. Keep in mind they are making all this money, and there is no GST being paid because it is all cash. They have ATMs in their shops. It is all cash money. There is no GST, there is no income tax, there is no company tax—none of that. The government is losing all of that. I have an article that came out again, 'Retailers warn of a \$5 billion budget loss' this year—\$5 billion! That could go to roads, health, schools—all sorts of things—not to these criminal organisations where they are dealing in drugs, people trafficking, guns, and that is what they do.

The stores have been raided in the past. They can be open within five hours. Within five hours of being raided by the Federal Police, Border Force or the Queensland Police Service, they are back trading—within five hours in some cases. It takes them no more than about 24 hours to refill their shops. They are not raided again and raided again. They get one raid and that is it; they just keep on trading. Of all the prosecutions that have happened in the last two years, I think only one person has been prosecuted. What is wrong with our system when this is allowed to happen? We need large fines, a minimum of \$100,000 fine, not these proposed new fines that are \$43,000 for selling and \$20,000 for possession. That is what the new laws are proposing. They are the maximum fines. We want minimum fines of at least \$100,000 so that they get a bit hurt. A \$43,000 fine to these guys is nothing. Nothing!

We need their shops closed. If they are raided and caught and fined, those shops need to be closed for a minimum of three months. They cannot trade at all—not in soft drinks, not in anything. They have to be closed. Otherwise we do not have the resources—and I am sure the Queensland government does not have the resources—to go in with health inspectors and police and raid them day after day. We have over 350 illicit shops in Queensland now. Do you know how many real legal tobacconists there are? There are about 280. If you add Smokemarts with it that is another 20, so that is 300. They have outnumbered us.

CHAIR: Pam, you are as passionate as you normally are. Perhaps it would be beneficial for the committee if you could just give us some background. How long have you been in the industry? How many shops do you have? How many people do you employ in the regulated industry?

Ms Wright: Regulated industry, my husband and partner and I own 10 shops from Sarina up through to Cairns and out to Charters Towers. We have about 52 full-time staff and a couple of part-timers. All our staff are full-timers. I have been in the industry itself—not as a tobacconist, but in the industry itself—for about 14 years. I have owned tobacconists for the last seven. We have been very successful but our profit margin is now really hurting because of this illicit trade. We have 11 illicit shops in Townsville; one is right next door to a police station at Mundingburra. We have six illicit shops in Cairns and it is growing by the week. One is right next door to a police station in Edmonton. I have photos of them for you. They are blatant. Our fines have to be really heavy.

The other thing that I would like to say is that when we bring in these new laws what is going to change? Health inspectors do not go to these shops now. They will come into shops and pick on us because we do not have the right signage, but these shops blatantly put accessories on show, which is illegal in Queensland, and they do not even go near them. Intimidation with these guys is happening all the time. I have been subject to it on several occasions. I have reported it to the police.

The police say that, unless they hurt me or I have it on video and voice, they cannot do anything for me. I have had wheel nuts taken off my car. They have sat in front of my shops and stared, making sure we knew they were there. They have come in and threatened my staff, so what is going to stop these guys from doing this to health inspectors?

CHAIR: Pam, you would like to see something stronger in terms of—

Ms Wright: Oh, definitely. Definitely. We need strong fines. We need the police to be in charge. The health department is already in charge of this: nothing has happened. We need the police to take over and control this. The health inspectors are going to run. If they come and they are threatened, do you think they would go into those shops again?

CHAIR: Is it worth police and health working together, high visibility—

Ms Wright: High visibility, it has to be police that are out fronting this, not the health department. I have been scared for my life. Aaron, you know that I have written to you. I have written to the Police Commissioner. I have been beside myself at times. I have been to police stations where I have shops and said, 'If anything happens to me on the road, look at these guys,' because I have been threatened. Health inspectors are going to have that same experience because these guys have no fear. They think they are untouchable, and until our Queensland government stands up and fights this strongly and until we have the resources to fight it, it is a no-win situation for legal tobacconists. We will be closing doors.

CHAIR: Thanks, Pam. In the interests of time we might move over to Debbie. Just give us a bit of background, Debbie, on how many shops you have, how long have you been in the industry.

Ms Soley: I bought my first tobacconist store in 2006 and I have been trading ever since. I currently own four stores. I have had up to seven, so I have been doing this for a little while. I am disappointed with what is happening around the area at the moment. I still do not understand why the health department people are not allowed to go into these illegal stores. They are allowed to come into our stores and ask us for things. Why can they not go into the illegal stores? Everything is on show in there. I have been inside them. We are not allowed to have certain items on display, yet they can blatantly have them on full show. No matter what age you are or whatever, you can walk in and purchase. Now, I am still concerned about the fact that they do not check ID or anything or any kids, so kids can go in and purchase. There is no control on what they are selling.

There is no health control on what they are selling, so nobody has done a quality assurance check on any of their product. That concerns me as well. What are these people actually selling? Somewhere along the line the health department should be responsible for that. Knowing it is illegal as well, I know of people who have been employed by these stores. They have gone out the back and bagged up tobacco. They have been told to spray a substance inside the bag once the tobacco is in there and seal it up. We do not know what that substance is either.

CHAIR: So people could be smoking toxic—

Ms Soley: Absolutely, they could be. There are no safety checks or anything and it is quite concerning. I like to think that I am doing the right thing, and I think the government needs to support us in that—whether it be Queensland, federal, whatever. We are doing the legal thing. If the industry is to continue—which I would say it is going to because people are not going to just quit—we need to have some support to get rid of all of these illegals. It is quite frustrating. I do not know what else to say. Pam covered a lot of it.

CHAIR: Have you also been intimidated?

Ms Soley: I have. One of my staff members has been intimidated. He was approached in one of my stores and told that if he did not get his boss to sell the store there would be consequences. It is a bit off-putting. It was just lucky that person was a male member of staff and not a female, because the girls do not take to that very kindly at all.

CHAIR: We will move to questions from the committee. I might start on my right with the member for Pumicestone.

Ms KING: Thank you all for being here and providing your insights, because it is only by hearing from people on the front line like yourselves that we can get a full picture. I am really interested, Deb, in what you just said about your staff member being threatened to try to get you to sell your store.

Ms Soley: That is right.

Ms KING: Can you provide any more comment on that? Is it your view that illicit tobacconists are actively trying to push legally operated stores out?

Ms Soley: Absolutely. If they can get hold of a legal store they will, and they will do whatever they want with it. They will sell probably legal product as well as illegal because that is just an open door for them to make more and more money.

Ms KING: Do you know whether they make offers to business owners who are operating legally to try and purchase their stores from them routinely? Is that part of their business model?

Ms Soley: I never heard a figure and there was never a figure mentioned to me, so I cannot say yes or no to that.

Ms Wright: I can answer a little bit of that. I had the same thing happen to me in Charters Towers. He went in on a Saturday morning and said to our girls that he has been in other country towns where they would not sell, so he has opened up and just ran them out of business. At that stage I approached a lot of the real estate agents in Charters Towers. I spoke to one of the real estate guys who was an old hand in real estate in Charters Towers. We have had two instances where they have approached him trying to rent shops—two different people—to run me out of town. He has refused to lease them, God bless his soul. I have also shown him instances where they are fighting amongst themselves and they are setting each other on fire. He said to me that if that happened in Charters Towers, there is one firewall all along up and down that main street and the whole town would go. They are threatening. They are just coming in and intimidating staff like they did with Debbie and also in my shops.

CHAIR: A number of images have been tabled. I need to seek leave for that. That is approved, thank you.

Mr O'CONNOR: Pam, I was wondering if you could run through a bit more of your experience with the inspectors. What does the situation look like here in Townsville? How many would you say there are? You detailed some of the occasions they have come into your stores, but from what you are hearing they are definitely not going to the illegal shops?

Ms Wright: They are not going to illegals. I have been lucky in that I have not had a health inspector come into my store over the last 12 months, but if they did we would show them politely the front door. All my managers have been instructed to say, 'Please leave my shop.' Walk them to the front door and tell them, 'When you can go and deal with that shop, come back. We are quite happy to let you come into our storeroom and pick us to pieces, but do not come into my store and pick on us.' I have two 'quit' signs up. You are only allowed one, so you have to take one down. You are promoting smoking. That has happened in a store in Cairns just recently. We have also had the federal weights and measures guys come into our stores wanting us to open our cupboards. So of course our staff have rung and said, 'We've got this guy. Can you ring him?' Federal weights and measures want to look at what we have behind our doors to see we have no coloured pack. They want to know where anyone is selling coloured pack and so forth. When we tell them he sold that, 'We can't go there. Not in our call cycle.'

Mr O'CONNOR: Do you have any idea how many inspectors there are in the areas that you cover—is it two, three?

Ms Wright: I have no idea. You try to speak to them. I have rung them several times in the last two months.

Mr O'CONNOR: To report the illegal shops?

Ms Wright: To speak to them about illegal trade, and not one of them has returned my call. There used to be a Frank here in Townsville, but he is no longer there and not one of them will return my calls.

Mr O'CONNOR: So it is hard to get in touch with them. One of the concerns you have raised about this new system is that you think the fines are not strong enough, but enforcement is a big issue.

Ms Wright: If the fines are not going to be big enough and the enforcement is not there—it is non-existent. If I were a health inspector and knew that I was going into an illicit shop to fine them, I would be watching my back the whole time.

Ms PEASE: Thank you so much for coming in and thank you for your passion and advocacy on behalf of your industry. Excuse my ignorance: I do not vape and I do not smoke, so I do not understand the whole industry. I notice when I have a look at TSG that you sell all tobacco products and accessories, including vapes and giftware. With the vapes that you sell, where do you purchase

them from and what does that look like? I know that you buy cigarettes from the big cigarette companies, and they provide them and they have all the correct packaging. I do not know where vapes come from. A lot of the conversations have been around what the contents of the vapes are. Can you tell me what a vape is, what it looks like and where you get yours from—if you sell them?

Ms Wright: Vapes are done through TSG, which buys them through JD Suppliers. They have been tested and proven non-nicotine, but they are coloured. They have little prints on them and so forth. The problem with vaping is it is very hard to distinguish a non-nicotine vape and a nicotine vape, unless you test it. Testing costs about \$350 per one vape. They are bringing the non-nicotine ones in legally, so the non-nicotine they are bringing in. The nicotine ones they are getting through the borders and smuggling in like everything else.

Ms PEASE: That is fine. I guess what I just want to understand is how you determine that. Deb, you have something to say?

Ms Soley: I have. Before I purchased any vapes from TSG I rang JD Suppliers and asked for the compliance paperwork. I have a copy of that compliance paperwork on my computer and I would not touch them until I had that. That is, I guess, my protection because I did not want to do anything at all with vapes until I knew that they were going to be the correct non-nicotine ones.

Ms PEASE: With the vaping products that you sell, do you sell the oil or the refills or just the things that are disposable?

Ms Soley: Disposables.

Ms Wright: Keeping in mind, as was pointed out to me last week, that, say, an IGET—that is a brand of disposable vape product—comes in similar packaging. One has ‘no nicotine’ on it and the other one has nothing on it; it is just the vape with the flavour of the vape. When you look at their batch numbers, it is the same batch number and the same barcode. Once again you could buy a vape thinking that you are buying a no-nicotine vape and get a nicotine vape and vice versa.

Ms PEASE: I just wondered about the age of the staff—the people that you employ. Do you have young people working there?

Ms Soley: It is difficult to employ young people at the moment. None of them really want to work. Most of my staff are probably over the age of 40 and they are much easier to deal with and they are better with customers.

Ms PEASE: With regard to the age restrictions that this bill is looking at, you do not imagine that will have an impact on your staffing?

Ms Soley: No, but we should be making sure that there is an age limit set on vapes for sale because there are kids in grade 6 at the Catholic schools around the area buying vapes in their school uniforms. They are not even in high school and they are allowed to buy them.

Ms PEASE: There is, so whoever is selling them is breaking the law.

CHAIR: I know this is leading into the vaping area which we wanted to talk about separately this afternoon. If I can just bring you back to this issue of the illegal trade, how prevalent is the chop-chop industry in North Queensland? How prevalent is it, do you think, in North Queensland?

Ms Soley: Huge. My sales of tobacco have probably dropped about 50 per cent, and that is a huge drop. The government is missing out in that as well with all of the excise that we pay, so it is not only affecting me; it is affecting everybody else as well with less excise being gathered by the government.

Ms KING: Just to clarify, are you talking about loose tobacco there specifically?

Ms Soley: Yes, specifically loose tobacco because that is where chop-chop comes in, so the packet cigarettes are different again.

Ms KING: Are you aware of illicit tobacconists selling cigarettes individually?

Ms Soley: Yes.

Ms KING: Is that something that is happening?

Ms Soley: Absolutely.

Ms KING: What kinds of prices are they asking for those individual cigarettes?

Ms Soley: Anywhere from \$2 to \$3 per cigarette.

Ms KING: Good gracious!

Ms Wright: They even go to the hotels and hand them out and tell them where their shop is.

Ms KING: Like a freebie?

Ms Soley: Yes.

Ms Wright: Yes, a freebie which is—

Ms KING: Massively illegal.

Ms Wright: Massively illegal. Just getting back to your 18-year-old, it probably does not affect a lot of tobacconists as such, but it does affect small business—the corner shop where they hire 15- or 16-year-olds after school. That is where that 18-year-old is going to affect—those small retailers.

Ms PEASE: And that was why I asked that question, Pam, because the bill does put some requirements on employers to make sure they employ people over 18.

Ms Wright: Yes, but they have 18 months to get through that—

Ms PEASE: That is right and they are preparing.

Ms Wright:—and they have to be aware. I have a staff member who has a son who was having difficulty. Her partner has small shops—little corner shops—so he went and worked for Steve after school and there was a change in the kid in terms of making himself feel that he was worth something. He has gone on to go back to school and he is now at uni. What a great story. That is going to stop those 15- and 16-year-olds having that opportunity, but as long as there is a senior there they actually can sell. There are ways around it.

CHAIR: Coles and Woolies do that. If you go into any Coles and Woolies in that centre place where they sell the cigarettes there is an adult generally to avoid that issue.

Ms Wright: Yes.

Ms Soley: And that needs to be done. There are a lot of 7-Eleven stores and the Quick Stop stores that do not look at the age of anybody working there, but they will sell to anybody as well.

Mr ANDREW: How are you, ladies? It was lovely talking to you, but this is serious. There are two things I wanted to look at. You said there was a minimum or maximum limit of chop-chop that they could seize in a—

Ms Wright: It has to be 90 kilos or more before they can seize it.

Mr ANDREW: Just ludicrous! That is a heck of a lot of chop-chop.

Ms Soley: They should be able to seize whatever they find.

Mr ANDREW: If it is illegal, it is illegal. How do you put a 90-kilo seize limit on it? That is something we need to look at, Chair. It is \$350 for your trials or your testing of your product. Does it break it down into all the different chemicals, the percentages of chemicals and all the rest of it?

Ms Wright: Yes.

Mr ANDREW: Where do you get that done?

Ms Wright: There are a lot of independent laboratories and things that do it, but the cheapest that I have been told that British American Tobacco has found is \$350 per one thing—one vape.

Ms Soley: For one item.

Ms Wright: One item, so that is quite an expense. For a health inspector to come in and ping us for vapes, how is he going to know if they have nicotine or not? We do not even know half the time.

Mr ANDREW: You were telling me the batch numbers are exactly the same.

Ms Wright: Yes. They are not going to send them away, and it takes six to eight weeks to get these results back.

Mr STEVENS: Right, and a lot of water under the bridge between that.

Ms Wright: Yes. We will talk about vaping this afternoon, but the illicit trade is where my concern is. We asked about tobacco. Queensland is a large roll-your-own state. It sells a lot of tobacco and tobacco sales in Queensland are down compared to the nation an extra 12 per cent by current figures. The other thing that is happening is tobacco has not been able to be grown in Australia since the 1990s—1992 or something like that. These guys are so well organised now that they are leasing farms. Twice this year already farms have been raided by the Federal Police—

CHAIR: There was a large one last night on—

Ms Wright: Last night it was at Murga in New South Wales and \$28 million worth of loose leaf—16 tonnes—which is \$28 million in excise the government has missed out on. For another one in rural Victoria in February there was \$31 million worth of product. These guys are well organised. We are not supposed to grow it in Australia. We are not even supposed to grow a plant for our own use. Once again all I can say is our fines have to be bigger. We have to not just fine them; we need to close these shops. If a health inspector and the police go in and they find illicit product, everything is confiscated, the doors are chained and locked and that shop is not to open for at least three months. It is the only way we can stop these from popping up. We have 11 here in Townsville. I have been told by a source that there is another 10 coming to Townsville. I may as well close my doors. We are down ourselves personally in our shops. We had our worst Easter ever. We are down \$450,000 to \$500,000 a week in sales, in turnover.

Mr ANDREW: Surrounding the importation with the federal side of it, if these illegal operators want to buy in a whole sack of stuff from Indonesia, for instance, what is stopping them?

Ms Wright: What they do is they will bring in four big containers. They will declare one and the other three are not declared, and only one container out of how many is inspected.

Mr ANDREW: One per cent.

Ms Wright: Yes, so they are smuggling this stuff. As an example, it is supposed to be plywood and there are big holes in the plywood and it is full of tobacco. Get on the net and just see how ingenious they are in importing this stuff, keeping in mind that the fines for importing tobacco are nothing compared to importing cocaine or cannabis or whatever else they use in drugs or arms—weapons. They have found a way of being very lucrative and making lots of money without the heavy fines and jail time.

Mr O'CONNOR: You mentioned the 15-month delay for implementation to help people get ready for it being way too long. What do you think a reasonable time frame would be? Would legit operators like yourself just want it in straightaway?

Ms Wright: I can understand that the 15 months is for them to set systems up for licensing and things. It is not an easy task because that has to all be put into process and you have to have staff et cetera, but when these laws are passed we want to see these illicit shops fined and shut immediately. Forget about licensing. That is going to happen and that will then start controlling the industry better, but we need immediate action. That is why tobaccoists do not believe you guys will do it. I was at a function in Brisbane the other week. I got so angry because they are so complacent. They said, 'We have gone to politicians. We have gone to them. We've done this. We've done that and nothing's happened in 3½ years, so what's going to change? Nothing!'

CHAIR: Pam, there is a bill before the parliament—

Ms Wright: Yes, I know.

CHAIR:—and it is our job to make recommendations to table.

Ms Soley: I do not believe that it should take any longer than six months after that bill is signed for us—

Mr O'CONNOR: For the whole lot?

Ms Soley: For the whole lot to be done.

Ms KING: For those of us who do not have knowledge of the industry, just quickly what would a pack cost legitimately with you versus what people are paying in these shops? What might a vape cost legitimately with you compared to what they are paying in these shops? Just give us a bit of a snapshot so we can understand why you are losing so much money.

Ms Wright: Okay. A 20 pack of just a cheaper brand—a value brand—cigarette, if it is not on promotion from the tobacco companies, costs about \$32. In Queensland, depending on where you are, you can buy a 20 pack of cigarettes for \$12 to \$15.

Ms PEASE: From one of the illegal providers?

Ms Soley: Yes.

Ms KING: And one that is like a value version—

Ms Wright: No, no: Benson & Hedges, Dunhill, Marlboro—all well-known quality brands, all coloured pack.

Mr ANDREW: So rollies?

Ms Wright: Rollies. You can buy chop-chop—100 grams for \$50 or something like that. For us to buy 50 grams of tobacco is about \$105 plus GST and then we have to sell it.

Ms KING: So roughly what would you—

Ms Wright: About \$120.

Ms KING: Did you say \$120 for 50 grams legitimately versus \$50 for 100 grams?

Ms Wright: Yes.

CHAIR: Thank you both very much for coming forward and giving the committee that information. Your contributions are noteworthy. We will certainly be taking them on board as we progress the report to parliament. I thank you both very much for being here today. We will see you this afternoon.

Ms Wright: I have photos of the illicit shops in Townsville and one in Cairns—right next to the police station—if you want them.

CHAIR: We will table those for the information of the committee. You have more?

Ms Wright: These articles are about the fire bombings of our shops in Queensland that are affecting other small businesses now.

CHAIR: Leave is granted for the tabling of those. Thank you both very much.

DONOHUE, Dr Steven, Director, Townsville Public Health Unit, Townsville Hospital and Health Service

CHAIR: We now welcome Dr Steven Donohue from the Townsville Public Health Unit. Would you like to start with an opening statement, Dr Donohue, before we move to questions?

Dr Donohue: Thank you. I have been a medical specialist in public health for 25 years in Africa and Australia. I am an associate professor at James Cook University, the director of the Public Health Unit in Townsville and North-West Queensland and the physician for Mackay. I have a team of seven posts, six of them filled, for environmental health officers in the unit in Townsville covering an area nearly the size of Victoria.

I would like to talk about the big picture. I want to talk about what we need to do in terms of tobacco control in this country to save lives, what I understood to be the objectives of the bill and this committee and the serious problems that have brought TOSPA into disrepute and our inability to enforce it and why the amendments only partially fix some of the problems and the loopholes.

To begin, tobacco is the No. 1 cause of preventable death and disease in Australia even now. The percentage of smokers in Australia is around 11 per cent, but it is going backwards. The percentages in places like regional Queensland and Indigenous communities are far higher. This is a problem of poverty. In regional Queensland it is much harder to deal with than in the city.

The big picture is that we are in the business of eliminating tobacco and nicotine as health problems. The public health imperative is that all distribution of tobacco and nicotine should cease when the current generation of smokers die. That is where we should be heading. When we look at the objectives of the bill there is nothing in there about protecting certain businesses against others—I am sorry to sound hard headed. Our business is the end of tobacco and nicotine as addictions and causes of severe suffering, disability and death for millions of Australians not whether or not we lose a little bit of taxation here or there or whether certain businesses have to turn to other products.

I am sorry to tell you that my team of environmental health officers do not see goodies and baddies in the tobacco industry and that there are so-called legitimate and other illegitimate businesses that can be neatly divided. They are all in the business of death and addiction. All of the tobaccoists are very uncooperative with my team, and some are worse than others. This idea that there is goodies and baddies just does not stack up. We call them ‘baddies’ and ‘worsies’. There is a range, of course, in terms of compliance with the law.

What I need to do is talk about not only are the numbers getting worse now—Australia used to be leading the world in this—but because of vapes far more than chop-chop not only is the percentage of smokers increasing but it is moving to the younger age groups, to women, which brings us into the whole field of birth defects and perinatal deaths, the poor and the Indigenous. There is a massive campaign on right now—funded by big tobacco companies and organised crime—to overwhelm law enforcement in Queensland and other parts of Australia with vapes and to bring in hundreds of thousands of children.

A new addict is far worse for the health of the community and the individual than an old addict. The old addicts are smoking, they have damaged themselves and they will die young, but the additional burden on health services, the costs and the suffering are a fraction of what will occur with the new generation of children and teenagers who are being addicted right now. This is a public health crisis. There is currently an effort to destroy tobacco regulation and nicotine regulation in Queensland. It is that serious. Do not shift the goalposts here. We are talking about tobacco control not rescuing so-called goodies against so-called baddies out there in industry. That is not written in the objectives of the bill.

My very small team obviously have multiple acts—public health, food, water, radiation and pesticides—to deal with. They are completely overwhelmed. They go to a tobacco seller and most likely the person will refuse consent for entry. Therefore, you can only go in with a warrant which is really hard to get and specific to a particular purpose and piece of law. They will refuse to answer questions and refuse to identify themselves because there is a loophole about self-incrimination. They will demand under what act you are entering because they can use that against you. They will then go through all sorts of appeals, requests and complaints about whether or not you have seized any product and in most cases, because of the difficulty of testing et cetera, you will have to give it back.

The fundamental problem in Queensland is that there is the medicines and poisons legislation, which is about things like nicotine, which is a poison—most of the big vapes have enough nicotine in them to kill a child—versus TOSPA. The fundamental problem my team has is that under TOSPA you can search and seize but you cannot get in, without permission or a warrant, beyond the front desk.

Under the MPA, the Medicines and Poisons Act, you can get in, even without a warrant or permission, but you cannot seize anything. They are operating under legal opinions which say that you cannot operate under more than one act at a time. Anything that you learn, thinking on one side of your brain, with one of the acts you cannot use to deal with the other act.

My team are utterly confused. Under MPA it is called reasonable suspicion. Under TOSPA it is called reasonable belief. On what basis can you enter when you see a whole range of vapes? There are dozens of different colours, types, brands, shapes, sizes, and which ones might contain nicotine. I can tell you straight that the vast majority of vapes available in my area contain nicotine and it affects every school, but apparently that is not reasonable suspicion. Without a legal basis they have been utterly unsuccessful in all of the basic steps that you want to talk about—entry, information, search, seizure and prosecution. At every step there are multiple impediments.

CHAIR: I do not mean to interrupt you, Doctor—we are going to let you keep going—but I want to get some clarification. The first act, the MPA, the Medicines and Poisons Act, is clear. Did you say TOSPA?

Dr Donohue: We call it TOSPA—the Tobacco and Other Smoking Products Act.

CHAIR: Clearly there seems to be a need for some streamlining between those two, in your view, to gain entry and enforce those laws and parts of the act; is that right?

Dr Donohue: Yes. And also there are gaps between the Commonwealth legislation and all of those restrictions and what our inspectors are able to do. To some extent that loophole has been fixed in the amendments. The big problem between the Medicines and Poisons Act which deals with nicotine and TOSPA which deals with smoking products and tobacco products is not fixed.

There are multiple areas here—not only in terms of the activities of my officers but simple things like advertising. Let me show you a loophole in advertising. You know that it is illegal to advertise or even depict tobacco and smoking products. In this logo there is a picture of a cigarette, but apparently that is not a transgression because it is a trademark. It is illegal to put flavours into cigarettes but not in vapes. It is illegal to simulate cigarettes but not vapes.

If you go into any of the tobacconists there will be a wall full of items the same size, shape and colours as vapes, but most of them are not vapes. They are lighters, they are bottles, they are lollies, but they are all the same size. You go in there and you are looking essentially at artificial vapes—decoy vapes. There are minor tightenings in the bill around display offences and designated smoking areas—by the way, you can still drink in the smoking areas so people spend their whole time at the pub in the smoking area. There is a licensing scheme. Organised crime for generations has been able to put up people of good repute with no criminal record as fronts.

The licensing scheme will be a rubber stamp and just because someone is convicted does not mean it will affect their licence. That will probably not be in our hands because licensing is generally done in Brisbane and it is a feather duster. It will give us statistics, but I do not think it will add any strength to the legislation. Then there are minor things about car parks and children. Next to my office out the window is a car park and beyond that is a childcare centre and the childcare centre staff come out into the car park where the children are dropped off and smoke. Is it covered in the legislation? No, because it is a childcare centre and not a school. I could go on.

Fundamentally, this amendment bill is too little, too late, too weak, way too complicated and too slow, and the cost of trying to implement it is way beyond what we have resources for. I am not expecting an improvement of a public health crisis where a generation of young people are being addicted to nicotine. The law is being treated as a joke and we get open defiance from all of the retailers, maybe excepting the supermarkets. I do not see any goodies here. Thank you.

CHAIR: Thank you very much, Dr Donohue. You did acknowledge there is clearly an issue between the legal and illegal. It does exist, we do not know what is in the illegal stuff. That is an issue.

Dr Donohue: Absolutely. There is no way to tell whether or not a vape contains nicotine. Testing is expensive at the government laboratories—we can certainly do that a lot cheaper—but in terms of evidence, there is all sorts of debate and confusion around what percentage or number you would have to test from a sample of vapes. If you really wanted to hide the vapes, of course, you would make them multiple different shapes, sizes, labels, colours, a few of them not containing nicotine, but, of course, the people who buy it want the nicotine because they are addicted. These are addiction machines. Unfortunately, the knowledge of this in the public is very small and I can talk about that this afternoon.

Mr O'CONNOR: Can you run us through what consultation, if any, you were asked to provide on the department putting this together? As someone who is on the ground dealing with this every single day in a pretty substantial region of Queensland, were you consulted on this bill?

Dr Donohue: There are normal processes of consultation among the public health units and the environmental health teams within the public health unit. I am not a lawyer. I am not an environmental health officer, I am their boss, and certainly my team would have given information about the multiple overlaps and loopholes and difficulties, but their focus is very much in terms of implementing the law that they see in front of them, not necessarily the big picture about what we are trying to do here to protect the lives of Queenslanders. They will talk to you about the fine legal distinctions and why these ambiguities mean they have never had a successful prosecution in North Queensland, but not necessarily whether or not the act is broad enough in its objects.

Mr O'CONNOR: Not a single successful prosecution under the current law?

Dr Donohue: That is right.

Mr O'CONNOR: Wow! The wording you had there was 'too little, too late, too weak and too complicated'.

Dr Donohue: Too slow.

Mr O'CONNOR: Can you break down the complicated part in terms of what you think these amendments will complicate in the current system?

Dr Donohue: Yes. The hoops that you have to go through to determine an offence and prove each of the elements of the offence, if you even get in there, if you even get any cooperation, are so complex and time-consuming that my small team has not even bothered to try to get a warrant. As I say, for example, a warrant would have to be for a specific purpose under a specific act. If you go in there and do anything else or see anything else, then it cannot be used—

Mr O'CONNOR: And it is siloed into that offence.

Dr Donohue: Yes, and it is under a particular piece of legislation by which time, if they suspect that you are onto them, the business will have moved out all of the stuff. Most of what the previous people have said in terms of facts is correct. It is just not my business to protect the so-called goodies. I do not know of any goodies.

CHAIR: My question goes back to the former people in front of us, Pam and Debbie—they want stronger action now. From your team's perspective, if you can unpack it for us, what is the cooperation with the Queensland Police Service? Are you going in together? Is there a need for police to take a lead on this?

Dr Donohue: Over the last several years, I think there have been two occasions where we have gone in with police. One of them resulted in a penalty infringement notice. The other one I do not think had any results. It is extremely difficult and time-consuming. Both teams have lots of other priorities. Again, it was relatively unsuccessful after an enormous amount of effort.

CHAIR: If there was a possibility of a state-led separate team, would that have an impact, do you think, that they could go into regions?

Dr Donohue: It would, yes. A specialist team, I guess, would be more confident with what they can achieve under the legislation and what powers, loopholes and tricks are there that they can be forced to deal with. What I want to emphasise here is that the minister has reviewed the legislation with respect to human rights, and there are all sorts of rights—property, speech, privacy et cetera—that is being looked at against child protection, for example, but there is no right in there I can see about health and life. This business is killing millions around the world and things are getting worse in Australia. The balance seems to be very lopsided towards the rights of businesses for what is technically currently legal but cannot remain so if we are going to protect the population. I know they have to operate with the law as it stands at the time, but surely the purpose of this inquiry is to say, 'What can we do to protect the people against addiction, disease, death, huge costs?' The idea that you can somehow have clinicians helping people to get off that addiction—I am sorry, we have run out of clinicians and mental health clinicians and hospital beds. Who are the people who are going to do this work once people are addicted to nicotine for life?

CHAIR: On nicotine addiction, your words were 'a new public health crisis' in terms of vaping. I know that is for this afternoon, but is there any evidence that you are aware of—I am not sure if you are here this afternoon for that—

Dr Donohue: I am.

CHAIR: I was going to say evidence-wise, is there, in your mind or available, some evidence that says if you are vaping as a young person, you will go on to become addicted to nicotine and potentially smoke in later life?

Dr Donohue: The young people are vaping for the nicotine; that is what they do. A vape that does not produce nicotine is not working. They become addicted to nicotine and they are three times more likely than their peers to become smokers.

CHAIR: What evidence can you rely on for that—what studies or reviews?

Dr Donohue: This is a review of studies done in Melbourne by Professor—I would have to dig that up.

CHAIR: Take it on notice for now. If you can get back to us, that is good information for us.

Dr Donohue: Yes.

Ms PEASE: Thank you very much for coming in. I appreciate your passion. I can understand your frustration. What our chair was talking about was with regard to the introduction and the encouragement of young people to take up smoking at a young age. Are they being encouraged through vapes, or are they encouraged through cigarettes, particularly out in rural areas? You mentioned in your opening statement that there is a push to go regionally to encourage young, Indigenous, remote communities to take up. Is it to take up vaping or cigarettes?

Dr Donohue: I think in the most remote areas that it is still tobacco. The children are taking up cigarettes directly and the vaping is sort of spreading.

Ms PEASE: Who is encouraging them to do that?

Dr Donohue: You only have to go online to see the masses of advertising by the tobacco industry and organised crime and the retailers. I do not know why it is legal to advertise this, but it apparently is. In fact, the amendment is going to allow advertising online by the stores of vapes on the allegation that they do not contain nicotine. The children are seeing both now. The schools are now trying to deal with vapes. They have been dealing with cigarette smoking for a long time and they have established procedures. They are now dealing with vapes, but unfortunately the teachers are not quite clear as to whether they are harmful or not and what they should be doing, and they are constantly ringing us about what to do with confiscated vapes which is another huge environmental problem.

Ms PEASE: Exactly. We are hearing from No More Butts later today. One of the things that I am interested in is you mentioned in your opening statement that an old addict you know how to deal with, but new people with an addiction to tobacco or nicotine is different. What are the impacts of that on our health system and our economy? Are you in a position that you can comment, given you a public health expert?

Dr Donohue: This is enormous. In regards to lifelong smokers, half of them die as a result of the smoking, and most of the other half would have earlier diseases, whether it is chronic lung disease, cardiovascular disease, heart attacks or strokes that may or may not be the cause of death. There is the direct spending on cigarettes and nicotine devices. There is all the health-related spending when the health system is in severe trouble at the moment, as you know. All of the recommendations for overcoming an addiction to nicotine through cigarettes or vapes or both recommend that you use various therapists and have multiple visits. Our GPs are in crisis. I actually asked around the GPs and said, 'How many of you are actually prescribing?' Most of them have not done the course and do not do it. The number getting prescribed nicotine in Townsville is tiny. It is just a furphy. It is completely unrelated. This will be a massive hit. The problem with nicotine is that it is one of the most addictive substances known to man. It is often a lifelong addiction such that if you ever regress or have a smoke or a vape, you are almost back to square one, and they get withdrawal symptoms, they get cravings, the same as if you were a long-term smoker. The fact that we are allowing this to a whole generation of children—and it is not even specifically dealt with in the TOSPA amendments. Maybe it will come in under the legislation. I get the feeling that the Commonwealth is waiting for the state and the state is waiting for the Commonwealth to do something here. The idea that you can just have a set of legitimate sellers and a whole bunch of other ones you can put out of business is a fantasy.

Mr ANDREW: How much consultation are you going to propose and put into the government about the loopholes and what you see with this bill? Are you going to actually put a submission in?

Dr Donohue: What happens is the department is going to give a general input into the amendments, and there was an invitation that we could write into the department to inform their opinion, and there was another option that you could put up a submission under the local HHS which is the health district—

Mr ANDREW: Yeah, I understand.

Dr Donohue:—and I got permission to do that, but because I had less than a week to get it through the executive and the board, I thought, ‘Hang on, this is not going to work,’ so when Renee invited me to come and speak, I decided to talk rather than write. However, I certainly have done some of the writing. I was preparing a HHS level submission, but because of the lack of time and notice, I took the opportunity to come and talk to you.

Mr ANDREW: Dr Donohue, when was the last time you went into one of these retail shops and saw these vapes? I see some of the ladies in the front row shaking their head saying, ‘We don’t have that,’ when you were talking about the vapes of different sizes, the lollies—

Dr Donohue: You cannot see the vapes. What I am saying is that you can see row upon row of things that look like vapes. They are lighters, they are containers, they are bottles—yes, there are all sorts of things in there—multicoloured, cylindrical, small, but in general they are not vapes because that is an obvious and clear breach of the display provisions. However, what I am saying is the effect of seeing all of those items and lighters that look the same size and shape is that you are getting the same effect as if you are displaying the vapes. Do you know what I mean? I am talking about—

Mr ANDREW: That subliminal message from looking at it?

Dr Donohue: Yes. I walk past a vape store every day. It is opposite the supermarket right near my office.

Ms KING: Thank you for coming in. My question goes to the alleged non-nicotine vapes. I would ask you to provide your views on the extent to which anybody is actually deliberately seeking non-nicotine vapes, or are these products just a Trojan Horse to provide an excuse or a cover for nicotine-containing vaping?

Dr Donohue: I am not aware of any adult who would be seeking to vape because it is fun to make smoke rings, I am sorry. In fact, most adults who vape also smoke, so it is actually a very poor method of giving up smoking. It is one of the worst methods of giving up smoking. For children, a lot of children are completely clueless about nicotine addiction. It is just cool to vape, but very quickly as they become addicted to nicotine they will simply not get the same feeling from a vape that does not contain nicotine and they will not buy it again. They will be looking for the ones that are good, so there you are. It is possible that some children are accidentally getting non-nicotine vapes, but that is not what they are—

Ms KING: They do not repurchase that brand presumably?

Dr Donohue: No. It is not giving them the feeling. It is a stimulant. It makes you feel strong, confident, it raises your pulse, makes you feel good. Particularly if you are addicted it gives you a relief from that craving, and if you do not get the relief from the craving then why would you do it? I am not aware of anybody who is saying, ‘Okay, I’ve got this vape and it’s non-nicotine and that’s why I’m using it.’ I am sorry, no.

Ms KING: Would you say that non-nicotine containing vapes, to the extent that they are in the market, are simply a gateway method to get young people addicted?

Dr Donohue: Exactly, and it is also a way of avoiding enforcement because you cannot prove that each and every vape—no matter what is written on it or not written on it or the size or the shape or the brand—contains nicotine or not and then you have that burden of proof, so it is yet another evasion—

Ms KING: I am probably taking us off our topic for this morning; sorry, Chair.

CHAIR: No, that is okay. We will talk more about it this afternoon. I just wanted to go back to your comments about organised crime deliberately trying to overwhelm the agencies. Can you just unpack that a little bit for us in Queensland?

Dr Donohue: My team tell me that over the last couple of years the attitude of all the tobacco and vape sellers has changed. I have written what she wrote here. Not only are they rude, but they tell people to get out immediately; they are certainly not going to consent to anything; they will demand who you are and proof of who you are and under what legislation and for what reason you are there; they will not give you their name; they will not answer any questions; if you are in the building they will close the doors and say, ‘We’re closed. Get out.’ Half of my officers are women. It is not good to be locked in a shop. They feel intimidated because you are locked inside there. I know the amendments will allow people to stay inside for a reasonable time after they close to finish their business, but it is still a very intimidating situation. So they have got absolute non-cooperation and they know if they trip up on multiple standards of proof, entry, questioning, evidence and notice. I cannot believe the number of appeals and representations and notifications and show cause and all of the things that make it impossible to actually get anywhere in terms of enforcement.

CHAIR: Is that going into some of those illegal pop-up shops that are just happening? Taking a point earlier from the previous witnesses who said that they can go into the legal stores, I am talking about the ones that have the ATM in the corner. Is your team coping that in those particular environments?

Dr Donohue: Yes, all environments. As I say, there is no sharp divide between people who may be substantially in compliance with the law and those who are not. You get the complete spectrum and you have no idea who is operating legally and who is not. Even if you do know, it is a completely different matter to get the evidence and to prove it.

Mr O'CONNOR: You ran through how overwhelmed, I think the word was, the six current staff that you have in the unit are and the scale of the other things in the environmental health space that you have to regulate as well. Can you give us a bit more detail on what your activities look like? Do you have any details on how many businesses you would visit in this space in particular in a month or in a week?

Dr Donohue: I would have to pull that up, but the numbers are depressingly low in terms of the number of visits. What I can tell you is that the majority of complaints that are received are from one business complaining about a competitor.

Mr O'CONNOR: How many complaints would you receive? Could you run us through that and how many of them are you able to follow up and investigate?

Dr Donohue: I will just see if I can find that because I did get them to write down the number of complaints that they have dealt with.

CHAIR: You can take that one on notice if you need to.

Mr O'CONNOR: Yes, you can if you would like. You can get back to us if you do not have it before you.

Dr Donohue: It is depressingly small and the idea that you can just pack your things, go out there and do a bust is Hollywood.

CHAIR: Dr Donohue, just in the interests of the time—we have had someone travel down from Cairns, so we want to give him a big chunk of time as well—if members are happy that we can move to the next—

Mr ANDREW: One of the ladies was going to ask a question, Chair.

CHAIR: I do not want to do that one from the floor.

Mr ANDREW: No, that is fair.

CHAIR: We need to have people's evidence in the *Hansard*. You can have conversations after if you need to. Is leave granted for the tabling of the advertising? Leave is granted. My last comment, Dr Donohue, is thank you very much for your contribution here today. I think the committee could probably invite you to continue to make a written submission and we can take that on board. If it is going to be past the close date, we would appreciate any further information you might be able to provide. If you want to write that submission—

Mr O'CONNOR: And the data on notice you can give this afternoon.

CHAIR: Yes, whenever you need to get that data regarding the complaints. It is all very helpful. We thank you very much for your contribution here today.

Dr Donohue: Thank you.

MEAD, Mr Shannon, Executive Director, No More Butts

CHAIR: I now welcome Shannon Mead to the table. Thank you for a significant submission, Shannon, and for travelling down from Cairns to be here today. I invite you to make an opening statement and then we will move to questions.

Mr Mead: Thank you, Chair and committee. I do have some opening remarks as well, and I think 'exhaustive' maybe is the word rather than 'significant'. Thank you for the opportunity to provide evidence. Given our proximity to the Great Barrier Reef, I want to encourage this committee, the Health and Environment Committee, to always keep in mind the health of our environment when we talk about legislation to do with tobacco control. As you may be aware, two of the reported threats to the Great Barrier Reef are poor water quality and marine debris. Cigarette butts would not normally be top of mind in this, but every year 25 billion litres of Queensland's water is polluted by littered cigarette butts. Not only does the litter impact our water quality and threaten marine species, but 740 tonnes of this toxic plastic pollution end up in our environment every year and about one-third of that, or about 250 tonnes, ends up in our waterways, so 750 in the environment and about 250 in the water. When you consider it takes up to 15 years to break down, to photodegrade, it can be estimated there are 5½ thousand tonnes in the environment at any point in time. Although this amendment bill is focused more so on health and control and licensing, I think it is important not to divorce the two topics.

No More Butts is an entirely volunteer-run Australian charity formed in 2020 by myself as an ex worker in the corporate environment who resigned to basically make a positive impact on the environment and leave a legacy behind. We submitted a response to both the consultation paper around the negative effects of smoking in Queensland which has helped inform the position of the department and the proposed amendment bill. We do have some comments for consideration. I think there is a unique opportunity for this committee to learn more about the environmental impacts as well as the health impacts.

We are encouraged by the introduction of the positive licensing scheme for tobacco and other smoking products in Queensland. We believe that this will assist from a control perspective and introduces the opportunity to better map legitimate sales data of tobacco products and also seems to indicate provisions that could potentially be considered for product stewardship initiatives at a later point in time, including some of the requirements proposed in various clauses which enable the department and the chief executive to request information as reasonably required. An ultimate outcome of the licensing and sales reporting scheme is the opportunity to introduce a litter abatement fee, the kind which exists in San Francisco which essentially covers the cost of that rather than relying on tax and ratepayers.

With the review of additional smoke-free outdoor places and the introduction of extra buffer zones, we believe it is an opportunity to review and implement other smoke-free areas, in particular on our beaches and outdoor swimming areas. Smoking is only currently banned between the flags of patrolled beaches and where governments have taken local separate action. For the avoidance of doubt, a patrolled beach is an area between the red and yellow flags which are marked for safe swimming. So you are not allowed to smoke within there, but you are allowed to take a step to the left, have your cigarette, drop it in the sand and wait for the wind or the water to wash that into our environment. Smoking is banned at some public outdoor places between sunrise and sunset—for example, the Rockpool here in Townsville, the Riverway Lagoons and the Esplanade Lagoon in Cairns. Again we appreciate that between daylight hours that provides a lot of comfort for patrons using those facilities. As soon as sunset happens, obviously people can smoke and people will continue to litter there.

From a signage perspective as well, the requirements in the proposed amendment act also make some of these clearer. We think it is also appropriate to consider environmental signage as well. We believe that, because it has such a large impact on the environment, to identify to smokers and people who purchase smoking products that there is also a negative impact on the environment may help to deter but also certainly drive awareness of what they should be doing. We are an environmental charity. We do not focus so much on the health. If you are an adult and you have made a choice to smoke, that is your choice. However, you need to make an informed decision about how you are then damaging the environment when you choose to litter that cigarette butt. A clear example in the EU is that all packets of cigarettes sold now have a label on them. It depicts a sea turtle and that label says 'filter contains plastic'. That is on every packet sold in the EU. Obviously that is federal legislation around plain packaging, but I believe those kinds of things and initiatives, including signage which may be able to be deployed across this legislation, would be appropriate for consideration.

Some thoughts on illicit tobacco. We do not usually get involved in this topic. From our perspective it certainly has an impact regardless of whether it is illicit or not. The concern around illicit tobacco is that, and based off evidence that some groups have provided, there could be additional elements which are added to that which creates even more concern for the environment if we do not know what is in it. We are already concerned because we do know what is in it. What we do not know about could potentially hurt our environment even further.

Licensing schemes and powers to authorised persons should help. It is interesting to hear the evidence today which suggests that there has obviously been a disconnect in that before. Hopefully the legislation seems to bring that into line or certainly there is an opportunity for this committee to consider that now with the evidence just provided. Thank you again to the committee for inviting me to speak. I will pause for questions. There are a couple of other things that I might weave into my responses later which are more on the environment side but I am happy to take questions for now.

CHAIR: Thanks very much, Shannon, and thanks for the effort of driving five hours and coming down from Cairns. Are you here this afternoon for the vaping side of things?

Mr Mead: Yes, I will be back for the vaping side. I can touch on any questions now, but I am happy to go more in depth later.

CHAIR: No, I will park that until this afternoon. On page 10, in regards to the chick bird being fed a cigarette butt, I want to talk about the impacts on animals. We love our coastlines. I was going to ask about other jurisdictions in Australia. You did talk about the EU having those pictures of turtles and things like that. Do you think there is an opportunity if these type of warnings were put along from the council—it might be a local government issue—is there an opportunity to talk about the harmful effects to our wildlife?

Mr Mead: Absolutely. I think any efforts are welcomed. I think when it gets fragmented into so many different local jurisdictions and implementation which could also be either resource intensive or fragmented as to the accountability and the responsibilities of those, I think it loses a bit of weight. I think state or federal action on implementation of that awareness would be good. There is a myriad different solutions that come up in local governments, one being infrastructure. Airlie Beach has a fantastic amount of infrastructure across so many of the different outside pubs which are traditionally smoking areas, and yet the five metres in between each bin, you will still see dozens of littered cigarettes there. Some of the councils—Brisbane as an example—actually drilled out the side of their cigarette bins because people were breaking into them. It was less cost to allow the people who collect those cigarette butts, whether that be the homeless or Indigenous—they are the two cohorts which would generally be doing that—to actually collect the cigarette butts. It was driving more cost into the cost of the infrastructure. They have drilled out a hole so that people can grab them when they want to, which basically means that it is really hard to report the litter.

Some of the beach areas will have ‘no smoking’ signs around jetties, around car parks and so on, but there is no consistent message. If you see a consistent message like, as an example, a sea turtle where you associate them with, ‘Okay, that is a plastic filter. I now know what my behaviour does and I will choose not to litter.’ It has to be coordinated action across infrastructure, awareness, policy, policing and so on.

CHAIR: Well said. I will open up to questions.

Mr O’CONNOR: Your preference would be for the act, as part of the licensing system, to require sales data to be reported to the department—that is the ultimate suggestion that you have there—so that you know how much is being sold in each region?

Mr Mead: There are a couple of reasons that becomes important. I do not think it is so much an overreach as far as information goes, but coming from a corporate sales environment, we are very much focused on sell in, sell through or sell out. You talk about wholesaling, retail and consumption purchase behaviours. It also gives us an opportunity to overlay then, ‘Where is litter created?’ If you start seeing spikes, for example, in the generation of sales data from one area where all of a sudden they are selling 1,000 packs of cigarettes, but there is not corresponding evidence when it comes to littering and hotspot information, that could actually be a tell-tale sign for illicit tobacco. Vice versa, if you are seeing a lot of cigarette butts being littered but there are low retail sales that could also be the indicator of that scenario. Our ultimate goal is to take that to the full extent of a litter abatement fee which is chargeable to consumers, collected by retailers, and abated to Treasury, whether that be state or local councils. That model exists in the city of San Francisco—\$1.25 per packet—which is passed onto the consumer. That is the gold standard when it comes to how do you fund everything from awareness, infrastructure and clean-up costs associated with cigarette butt litter.

Mr O'CONNOR: Another part of your very detailed and excellent submission was the inclusion of butts in the single-use plastic ban.

Mr Mead: Yes.

Mr O'CONNOR: Are there alternatives? Are they compostable, but they break down over decades, or what is the situation?

Mr Mead: Thanks for raising that. That is one of the things I love to talk about, but I was not sure of the appropriateness. Tobacco filters are a single-use plastic. Think of it as how you use a straw to have a drink, you use a filter to have a cigarette. They were introduced in the fifties by tobacco companies. It reduced their cost of tobacco leaf. It introduced the opportunity to create things such as flavouring, that is menthol and so on, into that filter, so they are unnecessary. The World Health Organization has called for them to be banned. We believe that either at an international level or a national level, or certainly at a state level, the banning of plastic tobacco filters would have a positive impact on the environment. There may be a slow decline of people who actually want to then smoke cigarettes without a filter, or alternatively they can move to roll-your-own with options such as more biodegradable filters. We would suggest to remove the filter entirely, rather than replace it with a biodegradable filter which could still persist in nature, just for less period of time.

Mr O'CONNOR: Do you know how long they persist?

Mr Mead: Fifteen years is what Philip Morris states on their website. Some research will show anywhere from five to 14, but we thought why would they be trying to hide something that is so negative, so we always use that figure of 15 years to break down. They contain between 12,000 to 15,000 fibrous strands, so it is a plastic. It is made from cellulose and treated with acetone to create that filter. They break up into tens of thousands of microfibrils which can be ingested by marine life and back to the confronting photos which are very real, and harm not only animals and marine species but also pollute our water et cetera.

Mr O'CONNOR: And people. Some data I have heard is that you have a credit card-size worth of plastic in your own intestine.

Mr Mead: We have read the same research. Within there, there would be a chance that there would be microfibrils from cigarette butts. We have not specifically looked at that. I think it is more so about the damage to the environment and the animals, but without a doubt at some point in time, I think it is fair to say that some will do the research which shows that it is also persisting in humans as well.

Mr O'CONNOR: To round that out, what do the so-called biodegradable ones claim as the time frame they break down in?

Mr Mead: I do not know. I would have to take that on notice. I believe it is within the biodegradable standards. I think it is two to three years where essentially it is a different kind of filter. There are two main organisations: there is an overseas one called Greenbutts. They have just employed an ex-professor from the tobacco industry and they are trying to push the green butt side of things which is a biodegradable alternative. There is also a group out of India—the name escapes me—but they are seed-based and the idea is they would plant trees based off the seeds which are contained in the filters. It is not commercially scaled and yet to be proved whether or not that is viable. I think if it was okay in the fifties, why is it not okay today, especially if the World Health Organization is calling for a ban of them?

Mr O'CONNOR: There are no health benefits that you are aware of to a filter?

Mr Mead: Yes, they have suggested there is no health benefit.

Mr O'CONNOR: None of it is healthy, but do they claim it is healthier with a filter?

Mr Mead: The statement which I can share basically says there is no evidence that it provides health benefits to the smoker. There is actually further research to suggest that with the filtration, with the holes in them, plus also with the microfibrils there, it could cause more human harm by having the plastic tobacco filter there, but there are not enough studies into that. However, there is provisional research.

Mr O'CONNOR: It will kill you slower.

Ms PEASE: I was going to ask as to the health benefits of a filter on a cigarette, and you have answered that question. Next I wanted to explore the waste around vapes because they are battery operated and they also have the plastic associated with that.

Mr Mead: Absolutely.

Ms PEASE: We will be talking about that this afternoon. I acknowledge the great work you have done. I live in the beautiful Moreton Bay area, as does my colleague here. I do Clean Up Australia Day and the biggest extent of what we pick up are the cigarette butts.

Mr Mead: Absolutely.

Mr O'CONNOR: Some 1,000 from every park at least.

Mr Mead: Absolutely.

Ms PEASE: It is at the boat ramps, it is around the fishing pontoons, it is all the car parks. It is very disappointing. Keep up the great work.

Mr Mead: Absolutely, and I think it is the most littered item and it still continues to be. Soft packaging has seen a bit of an emergence since the REDcycle collapse, but the single most littered item are cigarette butts. Most people do not realise they are plastic. Most people do not realise they persist for 15 years. Most people do not realise that they leech toxic chemicals both from a littering perspective as well as a landfill perspective.

Ms KING: I will join my colleagues in offering my thanks. One of the things I reflect on, and in light of our experience in so many Clean Up Australia Days, picking up thousands and thousands and thousands of butts, is that there is a real divide in the community in terms of littering. I pick up butts that have been dropped clearly by people who, based on the cleanliness of the areas, probably would not throw away—

Mr Mead: A Coke bottle.

Ms KING: They would not throw away the package of their cigarettes; that goes in the bin. They would not throw away a Coke bottle; that is recyclable for 10 cents now. They would not throw away a piece of plastic wrapping. However, they will throw away a cigarette butt.

Mr Mead: Yes.

Ms KING: I am wondering if there is any evidence about why and if any endeavours have been made to change that mindset, to turn it in people's mind that it is a piece of rubbish that needs to go in a bin like anything else.

Mr Mead: A piece of plastic, yes. It is probably similar to chewing gum. As I was driving along yesterday, I stopped at the lights and I saw someone flick something out the window and I thought, 'God, I wish I had my camera.' I drove past and had a look; it was chewing gum, not a cigarette butt. It is the same approach because it is quite small. People do not realise that chewing gum is plastic.

Ms KING: I did not know it was a plastic.

Mr Mead: The awareness of the size, the perception of the damage that such a small thing could do to the environment, yet when that is multiplied by 8.9 billion, that is massive. That is the Australian litter number. I am an ex-smoker myself. I do not think this is penance. I do not think I am subconsciously on this mission to save my mum's rose garden from 20 years ago when I flicked the cigarette butts into there, but realistically that was my mindset back then. As a junior smoker it was, 'Oh, it's biodegradable, surely—it is paper, it is cotton wool.' We do not actually realise. We do not know. When you look at the fact that 10-ish per cent of Australians smoke and anywhere between 30 to 50 per cent of those actually litter, we are talking about such a small group of Australians and yet they are causing the most damage from a littering perspective. Therefore, very much the awareness piece is critical. Returning to the national coordinated or state coordinated education and awareness programs, supported by infrastructure and policy and policing, that is critical to help address that mindset.

CHAIR: Locals will know Riverway precinct, just off Riverway Drive. I picked up in your comments something around sunset that people are allowed to smoke. Can you clarify that? I use the Riverway precinct a lot. A lot of people are out there exercising and using that loop. Can you clarify that sunset clause somewhere?

Mr Mead: It is not as though at 5.54 pm people stop smoking. I can share some law with you which basically says that between the hours of sunrise and sunset it is a non-smoking precinct.

CHAIR: Is that a local government law?

Mr Mead: It is in state law.

CHAIR: I have never heard of that.

Mr Mead: We have Airlie Beach Lagoon, Bluewater Lagoon in Mackay, Esplanade Lagoon, Riverway, the rock pool at Settlement Cove at Redcliffe, Aquativity and Boat Pool, Main Lagoon and Yeppoon Lagoon. Specifically between sunrise and sunset, you are not allowed to smoke in those areas. You are able to out of those hours. Seeing the Cairns Esplanade, I would have to 100 per cent

agree that people do smoke there. This is not so much about whether that is policed or not, it is more about if people are smoking, then they are littering, and making sure that there is adequate infrastructure. I can share with you the specific law and how that should be enforced.

CHAIR: If you could. That is really interesting.

Ms KING: Presumably that is designed to manage risk of harm to children?

Mr Mead: Exactly. From a public health perspective, to ensure that where there is access to amenity, people are not going to be impacted negatively by smoking in those open public areas where groups are expected to converge.

On the smoking and littering, another important note that I had written down to highlight is that there is a huge disconnect between where you are allowed to smoke and buffer zones and where people do smoke. I will use bus stops as an example. People will punch their last dart, have their last cigarette, before they jump on the bus. They generally have to be within two, three, four, five metres of that bus stop and there are exclusion zones. Yet, you cannot necessarily put a cigarette butt bin which you should be doing at four metres or five metres because then you are encouraging that behaviour. What you then see is mass accumulation of cigarette butts at, for example, bus stops, because there is nowhere to affix a cigarette butt bin five or six metres away. People still go through the behaviour of dropping their butt on the ground. There is also an opportunity, maybe not necessarily for this act, but certainly for this committee to consider to make sure that there are consistencies or abilities to actually enforce and police littering laws when you are talking in conjunction with buffer zones.

CHAIR: Good point.

Mr O'CONNOR: You touched on cigarette butt recycling. Obviously the preference is to not have them littered or in the environment, but they are collected. Do you know if there is an ability to recycle them in Queensland? Is there somewhere they can go?

CHAIR: Not currently in Queensland. To avoid this not being a sales pitch, there is a program that we are looking at in Melbourne which is being funded via Sustainability Victoria, but there is currently no commercially available model in Australia. TerraCycle globally offers a plastic extrusion method where the cellulose is stripped out and created into low-grade plastic pallets. Australia was previously sending that overseas, but with the mixed waste export bans from last year that has stopped. It may be important to note that in South Australia the Greens tabled a bill and they had their second reading speech which would introduce, at the tobacco companies' cost or tobacco industry's cost, a mandatory recycling scheme. Certainly there are opportunities, as you say, and as we say. It is tertiary as far as our methods of approaching it. We should be either banning the filter, getting tobacco to pay for clean-up or, if not, we should be looking at recycling initiatives to recover the waste.

Mr O'CONNOR: It could be an incentive to collect as well, is that what you see?

Mr Mead: Their bill talks around an incentive similar to a container deposit scheme where there is a value associated. As soon as people start seeing a value, they are less likely to throw it away. The jury is out as to whether or not it is appropriate for kids to be running around picking up cigarette butts in a bag and getting money for it.

CHAIR: I would rather they did that with toads.

Mr Mead: Yes! Certainly I think if the CDS schemes have taught us anything, there are litter pickers which make money out of it; there are charity opportunities. This model does exist overseas.

Mr O'CONNOR: Off the cigarette butts, it does?

Mr Mead: Yes, TerraCycle does do that in Canada. They have a couple of programs which reward. I think it is £1 for five pounds worth of cigarette butts which are collected, and that money can either be cashed out or given to charity as points that can then cash it out. The models do exist. We have not been able to scale anything in Australia to do that, but certainly there are opportunities to consider doing that if we cannot ban it.

Ms PEASE: In this piece of legislation, we are looking at different forms of advertising and control and making some changes around there. You mentioned that in other jurisdictions they are putting disturbing images et cetera on packaging to discourage smoking and to give an understanding of what the butts will do. Is there any evidence you can provide that will support the benefits of that sort of advertising?

Mr Mead: I would say it is probably too early. The EU is the only one that I am aware of that has deployed that on a large scale, and that was the end of 2021, I believe, and that was a phased introduction until June 2022. I think the main point would be: are the litter items being reduced and is

that therefore having a reduction on the impact to the environment? It would be hard to quantify, as far as the actual true impact of that, but we could start looking at how much litter has been reduced which you could then start drawing conclusions around how much plastic is being diverted from the environment, how much water quality is being saved and so on. However, it is too early to say on a global level if that has had a positive impact. I certainly would not think it would have a negative impact if it is raising awareness on the fact that it does contain plastic.

CHAIR: There being no further questions and nothing from the floor at this stage, we will bring this session to a close. We will adjourn now and come back at 1 pm for the vaping side of it. Thank you very much.

The committee adjourned at 11.48 am.