

## Tobacco and Other Smoking Products Amendment Bill 2023

**Submission No:** 18  
**Submitted by:** West Moreton Health  
**Publication:**

**Attachments:** No attachment

**Submitter Comments:**

Thank you for the opportunity to provide feedback on the Inquiry into the Tobacco and Other Smoking Products Amendment Bill 2023.

Please find below the feedback from West Moreton Hospital and Health Service:

1. West Moreton Hospital and Health Service (HHS) supports the strengthening of the smoking products regulatory system. We anticipate that the provisions of the bill will reduce smoking related mortality and morbidity in the community.
2. Funding to support the Public Health Unit (PHU) implementation will be required. While the licensing regime is not designed as a fee for inspection service, we anticipate a significant expectation from both business and community that inspections will be undertaken. We additionally expect a rise in complaints of unlicensed or non-conforming businesses and dealing with commonwealth related offences. We estimate in the order 300 licensable businesses in the West Moreton PHU area which could conceivably require an additional two full time equivalent staff to ensure we do not reduce service expectations in other program areas. Appropriate recurrent funding should be provided to PHUs to ensure the sustainable implementation of the legislation.
3. One of the significant challenges for authorised officers now is the requirement to return seized items if a prosecution is not commenced. It is recommended that provisions under s. 170 of Medicines and Poisons Act 2019 for forfeiture are mirrored, wherein an inspector “reasonably believes it is necessary to keep the thing to prevent it being used to commit the offence for which it was seized.”
4. A significant barrier in enforcement is the inability to direct closure of non-conforming businesses who will simply re-stock with illicit product and continue trading despite notices, potential prosecution and seizures. It is recommended that injunction provisions in ss. 222-226 of the Food Act 2006 are mirrored for businesses that are operating without a licence or are continuing to trade despite improvement notices directing they cease the sale of illicit product.
5. Information systems for administration of licences should ensure all activities undertaken by authorised officers can be undertaken using mobile tools, for example inspection templates, notices, seizures and samples. It is also recommended that these systems are linked in a state-wide database so that officers can see and share real-time information relating to stores, companies and individuals. Information relating to seized items and results of analysis should also be linked to this system so officers can be confident about the nature of items they encounter during inspections and warrants.

Kind regards

Jen

Jen Lye

Correspondence and Records Management | Office of the Chief Executive

West Moreton Health

Level 4 Hayden Centre, 37 South Street, IPSWICH QLD 4305

[www.westmoreton.health.qld.gov.au](http://www.westmoreton.health.qld.gov.au)

Chat with me on teams

West Moreton Health acknowledges the Jagera, Yuggera and Ugarapul people, Traditional Owners of the land, and pays respect to Elders past, present and emerging.