

Vaping - An inquiry into reducing rates of e-cigarette use in Queensland

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Queensland Government
Health and Environment Committee

VAPING – AN INQUIRY INTO REDUCING RATES OF E-CIGARETTE USE IN QUEENSLAND

Via email: HEC@parliament.qld.gov.au

Dear Madam/Sir

This is a submission by the Australian Lottery and Newsagents Association (ALNA).

About Australian Lottery and Newsagents Association (ALNA):

The Australian Lottery and Newsagents Association (ALNA) is the peak national industry body for Australia's newsagents and lottery agents. Representing a significant part of the Australian economy, ALNA advocates for the largest non-franchised family-owned business sector in Australia.

Introduction

ALNA understands the purpose of the Inquiry to consider amongst other things the status of e-cigarette use, particularly amongst children, and how to discourage their use, as well as opportunities to reduce accessibility to children and young people.

Position Statement

ALNA understands the Queensland Government's stated intention to crack down on vaping. We confirm our own member's view that there has been an explosion in availability of illegal nicotine containing vaping products being sold with other illicit tobacco products in Queensland, especially over the past two years. This has been linked to criminal gangs and the huge profit that the sale of these products generate. This has had a financial impact on our members in legitimate retail outlets, as it has provided an easy avenue for people seeking cheaper products through hundreds of illegal outlets that have mushroomed across the state.

ALNA has made numerous submissions to Queensland Government reviews into the issue, including and most recently the Tobacco and Other Smoking Products Amendment Bill 2023 (Smoking Bill). In those submissions we have reinforced the view that thousands of young Queenslanders including young people have easy access to vaping products as the illegal stores are not regulated and have only profit as their motivation.

Together with other retail peak bodies, ALNA worked proactively with the Queensland Government, Queensland Police, Queensland Health, and federal government agencies, to develop new, tougher legislation that supports the state and federal government's aims to crack down on illicit vaping. ALNA advocated and were successful in lobbying for stronger enforcement models around sales of illicit tobacco and illegal vape products in Queensland and to identify legitimate retailers from the illegal ones.

Given the upcoming enactment of this legislation in Queensland, with the enhanced powers of enforcement, the State Government will soon be able to close the loopholes more effectively for criminals who sell both these products through dodgy retailers.

This means the criminal business model for illicit vaping sales - which is closely aligned with illicit tobacco sales – can be shut down.

ALNA is supportive of a comprehensive suite of evidence-based regulatory approaches to both tobacco and nicotine vaping control. We accept that vaping is not risk free and so should be properly regulated.

The majority of nicotine vaping products are continuing to be purchased on the black market through illicit sellers, along with illicit tobacco sales. This rapidly expanding black market has unfortunately been allowed to flourish and put simply the current federal prescription policy model has not worked, as it is evident that illicit supply has been easy for young people to access. More practical and pragmatic policy settings such as broader and better regulated retail models will be required.

The further increases in tobacco excise and cost of living pressures will likely exacerbate market dynamics as more people will seek out the cheapest available option, which will include illicit nicotine containing vapes and illicit tobacco. We support efforts by the QLD Government to crack down on the availability of these products that is occurring mainly through illegal retailers, and we are fully supportive of working with the State government constructively on our shared goal of cleaning up illicit nicotine vapes and the illicit tobacco market.

The Opportunity

The major policy and program announcement by the Federal Government in early May 2023 to reduce vaping in Australia, and its commitment to work with states and territories, is a timely opportunity for the Queensland Government to achieve its aims in relation to reducing the availability of illicit vaping products and the sale of illicit tobacco products in Queensland.

In particular, the enforcement model and enhanced resourcing through the establishment of a licencing scheme that has been outlined in the new Queensland legislation - together with the potential for additional federal government funding to support a crackdown - positions the State Government well to take quick and decisive action on the sales of illicit vaping products through illegal outlets in Queensland.

In Queensland as in other states, both illicit vapes and illicit tobacco are being sold by illegal retailers simultaneously. Any crack down therefore requires a double-pronged approach. If the State Government does not also work to close the door on illicit tobacco, consumers will simply move to the nearest cheapest product, which will likely be on the illicit black market.

Vaping Taskforce

The State Government might consider the establishment of a short term 'Vaping Taskforce'. Given the potential for additional Federal Government funding to support a national crack down on illicit vaping and its clear links to the illicit tobacco market, and the new state legislation that empowers Health officers and Police, there is a strong window of opportunity to show the community that the State is serious about an illicit vaping crackdown.

Initially the taskforce would be responsible for dismantling the existing illegal retail networks currently operating across QLD. A small but targeted team from Queensland Health, supported by

QPS, would be able to investigate and co-ordinate enforcement action against the criminal groups involved.

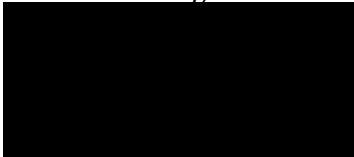
The rapid rise in stores selling illegal tobacco and illegal vaping products in Queensland has to date been driven by the understanding amongst criminal groups that there had been no effective enforcement framework in place to shut them down.

The Federal's Government's announcement and the new state legislation support a potential enforcement blitz by the Vaping Taskforce. This would send a strong message that Queensland is now specifically targeting this sort of activity and provide sufficient supply chain disruption to halt the rapid growth in illegal store numbers.

Once the current situation is under control the staffing requirements of the Taskforce could be reduced while still maintaining surveillance and as-needed compliance operations to deal with emerging store syndicates in the future.

We appreciate the opportunity to share our views with this inquiry.

Yours sincerely,



Ben Kearney
Chief Executive Officer
Australian Lottery & Newsagents Association



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