

Health Legislation Amendment Bill 2025

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Cancer Council Queensland Submission

Queensland Health Legislation Amendment Bill 2025

Introduction

As the state's leading non-government for-purpose cancer control organisation, Cancer Council Queensland appreciates the opportunity to contribute to your consideration of the *Queensland Health Legislation Amendment Bill 2025* (the Bill).

We welcome the proposed reforms in the Bill and commend the Queensland Government's proactive stance in addressing the harms associated with the illicit supply of tobacco, vapes, and other novel nicotine products. These reforms mark a critical step forward in protecting the health of Queenslanders—particularly our youth—from nicotine addiction and its associated risks.

Recent data from Queensland Health reveals the alarming prevalence of vaping in our communities. The Chief Health Officer's latest report shows that more than a quarter of all adults in Queensland have tried vaping at some stage. The proportion of adults currently using e-cigarettes has increased fourfold from 2018 to 2024, while those who vape daily has increased by 5.9 times in the same period.¹

Even more concerning are the rising levels of vaping among our young people. Over one-third (35.6%) of Queensland secondary school students aged 12-17 have tried vaping at some stage, and regular usage among students has tripled between 2017-2023.²

This trend continues into young adulthood, with Cancer Council Queensland's Cancer Risk Calculator showing that 31.1 per cent of Queenslanders aged 18-24 have tried vaping

¹ Queensland Health. [The health of Queenslanders. Report of the Chief Health Officer Queensland](#). Queensland Government. Brisbane 2025.

² Ibid.

(exceeding the national average by 3³ per cent), and 21.4 per cent identify as regular or occasional users.⁴

The prevalence of vaping among First Nations people is higher compared to the non-indigenous population. The National Drug Strategy Household Survey (2022-2023) revealed that First Nations people were 1.5 times more likely to be current vape users compared to non-indigenous Australians.

A growing body of research strongly suggests a ‘gateway effect’ from vaping to tobacco smoking. The *Generation Vape* study (2024), analysing data from over 5,000 Australian adolescents, found that those aged 12-17 who had vaped were five times more likely to take up smoking compared to non-vapers. Most concerning was the finding for younger children: 12-year-olds who vaped were 29 times more likely to subsequently try cigarettes.⁵

While traditional smoking rates have declined to historic lows of 10.1 per cent among Australian adults,⁶ vaping has created a new pathway to nicotine addiction for a generation that had largely rejected cigarettes. This rapid rise in vaping risks undermining decades of successful tobacco control efforts that have saved countless Queensland lives and billions in healthcare costs.

Cancer Council Queensland has two main concerns about vaping. The first is in relation to the documented ‘gateway effect,’ in that vaping can lead users to start smoking traditional cigarettes which are well known to cause cancer. Second, while any long-term cancer risks from vaping remain unknown, we know that these products contain low concentrations of toxic metals and aldehydes (such as formaldehyde, acrolein and crotonaldehyde) that are known to cause cancer.⁷

³ Australian Institute of Health and Welfare. (2024). *First Nations people’s use of alcohol, tobacco, e-cigarettes and other drugs*. Retrieved from <https://www.aihw.gov.au/reports/first-nations-people/first-nations-use-alcohol-drugs>, accessed 7 April 2025.

⁴ Cancer Council Queensland. Cancer Risk Calculator Online Tool. Available from <https://cancer-risk-calculator.org/>

⁵ Egger, S., David, M., Watts, C., Dessaix, A., Brooks, A., Jenkinson, E., Grogan, P., Weber, M., Luo, Q., & Freeman, B. (2024). The association between vaping and subsequent initiation of cigarette smoking in young Australians from age 12 to 17 years: a retrospective cohort analysis using cross-sectional recall data from 5114 adolescents. *Australian and New Zealand journal of public health*, 48(5), 100173.

⁶ Australian Bureau of Statistics (5 December 2022), *Insights into Australian smokers, 2021-22*. Available from <https://www.abs.gov.au/articles/insights-australian-smokers-2021-22#cite-window1>, accessed 6 April 2025.

⁷ Winnall, W , Greenhalgh, EM and Scollo, MM. 18.6.4 E-cigarette use and possible cancer risk. In Greenhalgh, EM , Scollo, MM and Winstanley, MH [editors]. *Tobacco in Australia: Facts and issues*. Melbourne : Cancer Council Victoria; 2023. Available from <https://www.tobaccoinaustralia.org.au/chapter-18-e-cigarettes/18-6-the-health-effects-of-e-cigarette-use/18-6-4-e-cigarette-use-and-possible-cancer-risk>

It is imperative that Queensland's relatively early adoption of a positive licencing scheme (1 September 2024) is underpinned by a robust and well-resourced enforcement regime. Without this, licensing alone will be insufficient to deter the unlawful supply and distribution of nicotine products.

We commend the Queensland Government for taking significant steps in this direction—both through the legislative changes proposed in the Bill and through recently increased penalties (\$32,260 for individuals and \$161,300 for corporations). While these increases represent important progress, they fall significantly short of South Australia's penalties for both the supply and/or advertisement of illicit tobacco and nicotine products (\$750,000 for first offenses and \$1.1 million for subsequent violations).⁸

Despite this gap in penalty severity, Cancer Council Queensland welcomes the Queensland Government's extension of the penalty scheme beyond traditional tobacco to include all nicotine delivery systems—vapes, pouches (such as zyns or snus), and other emerging products. This inclusive approach creates regulatory consistency across all nicotine products and closes potential loopholes that the tobacco industry and illicit suppliers have used to circumvent restrictions.⁹

Support for Key Amendments

We strongly support the Bill's amendments to the *Tobacco and Other Smoking Products Act 1998* (the Act); specifically, the:

- Removal of show-cause requirements for seized illegal vapes, which will significantly expedite enforcement.
- Empowerment for immediate seizure and destruction, eliminating the need for prolonged storage periods that have previously burdened Queensland Health with logistical and cost challenges.
- Introduction of a 'polluter pays' model, allowing courts to recover storage, destruction, and prosecution costs from offending parties.

These measures are urgently needed to counter the accelerating public health crisis caused by highly addictive nicotine products. The proliferation of illicit trade channels has created unrestricted access to these harmful substances across our communities.

⁸ Government of South Australia. Ministerial Statement (30 January 2025). New alarming nicotine trend banned in South Australia. Available from <https://www.preventivehealth.sa.gov.au/about/news-announcements/new-laws-to-restrict-sale-and-use-of-nicotine-pouches>, accessed 6 April 2025.

⁹ Queensland Government. Ministerial Statement (3 April 2025). Tough new fines to extinguish illegal tobacco and vapes. Available from <https://statements.qld.gov.au/statements/102326>, accessed 6 April 2025.

Constructive recommendations

While we support the intent and direction of the Bill, we recommend several key additions to further strengthen the effectiveness of proposed enforcement measures and ensure holistic impact:

1. Clarify and extend product definitions

We recommend the Bill explicitly identify emerging nicotine products such as nicotine pouches and other novel smokeless products in the legislative language. This would future-proof the Act and ensure comprehensive regulation of all nicotine delivery systems, regardless of form. We call on the Committee to recognise that there is no legitimate therapeutic application for these products in their unregulated form.

2. Penalty-to-prevention circular funding model

To complement enforcement efforts, Cancer Council Queensland urges the Queensland Government to mandate a proportionate reinvestment of illicit trade penalties into prevention and cessation services.

We commend the Queensland Government for its \$5 million investment in the *Blurred Minds Academy* alcohol and drug education program across all Queensland secondary schools, alongside co-designed health promotion campaigns such as *There's Nothing Sweet About Vapes* (\$1.3 million investment).

Cancer Council Queensland recommends that reinvestment be expanded to include:

- Health promotion and behaviour change programs across multiple community settings that extend beyond schools to reach young adults in universities, workplaces, and sports clubs. This is particularly important for reaching the 18-24 age group, which has high vaping rates.
- Expansion of cessation services across Queensland's hospital and health services.
- Culturally safe, co-designed services addressing vaping in Aboriginal and Torres Strait Islander communities.

Other considerations

Introduction of penalties for the advertisement of illegal nicotine products

Proactive regulation must extend beyond supply and possession to include penalties for promoting and advertising illicit tobacco and nicotine products. Cancer Council Queensland urges the Queensland Government to implement enforcement measures that target the advertisement of illegal novel nicotine products, including nicotine pouches and

smokeless tobacco products such as 'snus.' These products are increasingly marketed to young people as recreational items through social media platforms, undermining existing control measures.

Additionally, we recommend establishing an accessible public reporting mechanism to facilitate community involvement in enforcement efforts.

While Queensland's recent penalty increases for supply and possession are commendable, the lack of penalties for advertising represents a significant gap in the regulatory framework.

Industry interference

As enforcement against illicit tobacco and nicotine products are strengthened, we urge the Queensland Government to be vigilant against increased lobbying efforts by the tobacco industry, including potential attempts to influence policy through political donations.

While we acknowledge that major Queensland political parties currently voluntarily reject tobacco industry donations, this practice remains a matter of discretion. We therefore recommend that the Government consider the introduction of legislative amendments to permanently ban political donations from the tobacco industry, in line with existing bans on property developer donations. This would safeguard the integrity of tobacco control policy and align Queensland with best practice.

Cancer Council Queensland, the Heart Foundation, and the Australian Council on Smoking and Health (ACOSH) previously advocated for this reform in 2020, during the Government's consideration of the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019*.¹⁰

Such policy reform is not without precedent. New South Wales bans tobacco industry donations through the *Electoral Funding Act 2018* (NSW), which explicitly includes tobacco industry business entities within its definition of 'prohibited donors.'

Online pharmacy sales

While strengthening enforcement against illicit vapes is crucial, it is also important to address emerging challenges in the online pharmacy space. Recent developments in

¹⁰ Cancer Council Queensland; Heart Foundation; Australian Council on Smoking and Health (ACOSH). Parliamentary Inquiry Submission No. 065 to the Economic and Governance Committee on the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019* (15 January 2020). Available from <https://documents.parliament.qld.gov.au/com/EGC-A022/RN3756PEOL-59DB/submissions/00000065.pdf>, accessed 6 April 2025.

Queensland highlight the need for rigorous monitoring and enforcement of pharmacy ownership regulations and advertising restrictions for nicotine products.

The apparent transition of vape retailers to online pharmacies, as evidenced in the close association between Vape World and Pharmacy World Australia (PWA) may compromise the intended outcomes of recent regulatory changes designed to restrict vaping product access through therapeutic pathways. There is a need for the Queensland Government to work with federal authorities in investigating potential compliance issues related to the *Therapeutic Goods Act 1989* (Cth).

International frameworks

Cancer Council Queensland notes that all tobacco control legislative reforms should reflect Australia's obligations under Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC), which requires parties to protect public health policies from the commercial and vested interests of the tobacco industry.¹¹

Conclusion

We thank the Committee for the opportunity to provide feedback on the Bill. Cancer Council Queensland remains committed to reducing smoking and vaping rates across our state. Our ongoing tobacco control work spans over four decades, and we look forward to continuing our collaboration with the Queensland Government to protect Queenslanders from the health risks associated with both tobacco cigarettes and nicotine products.

Please contact Dr Danielle Jackman, Cancer Council Queensland's Policy and Advocacy Specialist on [REDACTED] or [REDACTED] for further information or to discuss this response in more detail.

Yours sincerely,



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Cancer Council Queensland

¹¹ WHO Framework Convention on Tobacco Control. Guidelines for implementation: Article 5.3, Article 8, Articles 9 and 10, Article 11, Article 12, Article 13, Article 14. Geneva: World Health Organization (WHO); 2013. Available from https://apps.who.int/iris/bitstream/10665/80510/1/9789241505185_eng.pdf, accessed 6 April 2025.