

Health Legislation Amendment Bill 2025

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Mr Robert Molhoek MP
Chair, Health, Environment and Innovation Committee
Chair, Parliament House
George Street
BRISBANE QLD 4000

Email: HEIC@parliament.qld.gov.au

Dear Mr Robert Molhoek MP

Re: Health Legislation Amendment Bill 2025

The Australian College of Nursing (ACN) would like to thank Queensland Parliament's Health, Environment and Innovation Committee for the opportunity to provide feedback on the amendment to the *Hospital and Health Boards Act 2011* and to the *Tobacco and Other Smoking Products Act 1998* (TOSPA). The amendments are in alignment with the National Tobacco Strategy 2023-2030¹ and with the position ACN holds with regard to vaping and vaping products.²

Details of ACN's response is as follows:

Amendments to the *Hospital and Health Boards Act 2011*

The amendments to the Hospital and Health Boards Act represents a commitment to put doctors, nurses, and clinical staff back in charge of Queensland's hospitals. The change proposed in this amendment to the Act is designed to encourage frontline clinicians to take on leadership positions in local Hospital and Health Services (HHSs), including as members of Hospital and Health Boards (HHBs).

At present, the Hospital and Health Boards Act requires that each board must have five or more members, with at least one member who is a clinician. According to the Act, a 'clinician' is a registered health practitioner who provides care or treatment to patients in a profession that provides health services in the public sector.

¹ Department of Health and Aged Care (2023). National Tobacco Strategy 2023-2030

<https://www.health.gov.au/resources/publications/national-tobacco-strategy-2023-2030>

² Australian College of Nursing (ACN) (2024). 'Vaping: a Position Statement', ACN, Canberra. [Vaping – Australian College of Nursing](#)

This amendment to the Hospital and Health Boards Act will ensure that at least one board member is a clinician employed or engaged by the HHS for which the board is established, although they cannot be appointed as Chair or Deputy Chair of the board. The appointment of HHS clinicians on boards will help to ensure that frontline clinical staff are involved in decision making for the delivery of health services to patients served by the HHS.

ACN commends this amendment and considers it a timely move to ensure that there is a doctor, nurse or allied health professional employed in the local HHS who has a role in shaping the leadership of that HHS. ACN is aware that each discipline has different perspectives and priorities. As such, it is worth considering that representation is spread across disciplines and the selection process needs to be fair and equitable to prevent a bias towards medical practitioners.

ACN asks, in the unlikely event that there are no clinicians volunteering for a position on the HHB, what incentives can the HHB offer to ensure the role is filled by a doctor, nurse or allied health professional from that HHS?

Amendments to the *Tobacco and Other Smoking Products Act 1998* (TOSPA)

ACN takes a strong position on vaping and vaping products, recognising the harms that vaping causes children and young people in particular.³ ACN also recognises that nicotine products are expanding to encompass many other novel methods to ingest or inhale natural or manufactured tobacco products and recommends that Queensland Health includes surveillance on the importation of, for example, nicotine pouches.⁴ ACN also notes the rise in the availability of nicotine pouches and is concerned about the, as yet unknown, harms they present in the short and much longer term.⁵

ACN views vaping as an evolving public health issue⁶ and the laws have shifted to allow adults to buy vapes containing 20 mg/mL of nicotine or less without prescriptions since 2024. Although people under 18 years old require a prescription, as does anyone requiring a dose greater than 20 mg/mL. Therapeutic vapes are available from pharmacies without a prescription, provided the state and territory laws allow the sale.⁷ Yet unregulated vapes continue to pose a threat as illegally imported products appear to be readily available to the community.

ACN is aware of the continued illegal import and sale of vaping goods and supports all measures to limit access to vapes and thus reduce the impact vapes have on the community's health, particularly the health of young people.

³ See ACN's Response to the consultation: Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Bill 2024

⁴ Therapeutic Goods Administration (2024). Nicotine pouches. [Nicotine pouches | Therapeutic Goods Administration \(TGA\)](#)

⁵ Roberts, J. (25 March 2025). Nicotine pouches an 'evidence-free zone'. NewsGP. [RACGP - Nicotine pouches an 'evidence-free zone'](#)

⁶ Australian College of Nursing (ACN) (2024). 'Vaping: a Position Statement', ACN, Canberra. [Vaping – Australian College of Nursing](#)

⁷ Department of Health and Aged Care (2024). New laws for vapes. <https://www.health.gov.au/vaping/new-laws>

In Queensland, at present, the process for seizing and destroying vaping goods is lengthy as it allows the owner of the product 28 days to respond to the show cause notice before the goods can be seized. ACN agrees that the show cause process requires an amendment to allow seized vaping goods to be destroyed promptly.

The eight weeks in which Queensland Health is currently required to store vaping goods is of particular concern to the health and safety of the community. The hazardous nature of vapes and the dangers that storing the vapes can pose, given the potential for the vapes to explode, burst into flames, and leak dangerous and poisonous materials, for example, all suggest that storing seized vapes is not safe and not to be recommended. Further, as Queensland Health's capacity to store seized vapes is diminishing, ACN supports the changes to TOSPA to remove the show cause process for forfeiture of vaping goods and to enable prompt destruction of the seized products. This action supports ACN's advocacy for the removal of all non-therapeutic and disposable vapes from Australia⁸ whether they contain nicotine or not.

ACN also supports the changes to TOSPA to allow for a convicted person to pay for the reasonable costs incurred in managing seized items, investigating the offence, and preparing for prosecution. ACN also considers it prudent to ensure this measure covers all offences under TOSPA and note this measure aligns with the National Tobacco Strategy 2023-2030⁹ states "there is a need to ensure sufficient controls are in place to protect the Australian community from the range of tobacco, nicotine and other drug delivery systems that may be marketed by the tobacco industry, the e-cigarette industry and their associated interests."

In summary

ACN supports the amendments to both the *Hospital and Health Boards Act 2011* and the *Tobacco and Other Smoking Products Act 1998* (TOSPA).

If you have any enquiries about this matter, please contact policy@acn.edu.au.

Yours sincerely,



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8 April 2025

⁸ Therapeutic Goods Administration (2024). Changes to the regulation of vapes. [Changes to the regulation of vapes | Therapeutic Goods Administration \(TGA\)](#)

⁹ Department of Health and Aged Care (2023). National Tobacco Strategy 2023-2030
<https://www.health.gov.au/resources/publications/national-tobacco-strategy-2023-2030>