

Executive Summary

On 16 September 2025, the Honourable Timothy Nicholls MP, Minister for Health and Ambulance Services, introduced the *Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025* (the Bill) into the Legislative Assembly. The Bill was referred to the Health, Environment and Innovation Committee (the committee) for detailed consideration.

The Bill responds to the growing public health and safety concerns arising from the illegal trade of illicit tobacco and illicit nicotine (including vapes). The committee heard compelling evidence about the scale of the problem faced by enforcement agencies. This highly profitable enterprise has been taken over by organised crime who make millions from their unlawful activities. Queensland Health told the committee:

...this is not a traditional regulatory problem. We have organised crime involved—deeply involved. We have enormous financial incentives for these illegal operators to continue to do what they are doing. They are showing outright contempt for the law. It is not a secret that these products are illegal—they have been for a number of years now—yet you can walk down the street and still see a vape shop. You can go to a pub and half the people there are smoking illicit tobacco.

These activities are not only endangering the gains made over recent decades to reduce smoking, particularly amongst young people, but also threaten public safety. The committee heard evidence of rising violence, arson attacks and ram-raids.

The Bill responds to challenges faced by Queensland Health in enforcing the TOSP Act in response to this emerging problem. While recent amendments to the TOSP Act have provided authorised officers with additional tools for enforcement, these have proved inadequate to address the scale of the illegal trade in tobacco and nicotine products.

The Bill provides for a range of new or improved measures including:

- expanding administrative closure orders to 3 months and amending the closure order offence to ensure that ‘closed means closed’
- providing a statutory lease termination power to enable lessors to terminate leases where premises have been subject to a closure order
- introducing a new criminal offence and civil penalty provision to hold landlords accountable for permitting premises to be used for the illicit trade
- introducing type 2 executive liability to ensure executive officers are held accountable for the conduct of the corporations they lead
- introducing powers to allow the seizure and forfeiture of compromised goods (which are lawful smoking products found alongside illicit tobacco or illicit nicotine)
- introducing controlled purchase operations to allow authorised officers to collect evidence of TOSP Act offences.

These new measures will provide significant deterrence, improve enforcement, reduce the availability of commercial premises, and, if used effectively, reduce the emerging threat to public health and safety posed by the illegal trade.

During its inquiry, the committee received and considered the following evidence:

- a written briefing provided by Queensland Health on 23 September 2025
- 45 written submissions accepted from stakeholders (and Queensland Health's response to submissions, received 20 October 2025)
- two public briefings provided by Queensland Health on 8 October 2025 and 21 October 2025 (including responses to questions taken on notice at those hearings)
- a public briefing provided by the Queensland Police Service on 21 October 2025
- evidence provided by 18 witnesses at a public hearing on 21 October 2025.

Some of the measures in the Bill are novel or extraordinary. The committee carefully considered compliance with fundamental legislative principles and limits on human rights which arise from the measures in the Bill. The committee is satisfied that the Bill has sufficient regard to the rights and liberties of individuals and the institution of Parliament as required by the *Legislative Standards Act 1992*. The committee recognises that the Bill limits certain human rights but is satisfied that the limits are reasonable and proportionate and that the Bill complies with the *Human Rights Act 2019*.

The committee made 1 recommendation, found at page x: that the Bill be passed.