



HEALTH, ENVIRONMENT AND INNOVATION COMMITTEE

Members present:

Mr R Molhoek MP—Chair
Ms K-A Dooley MP
Mr JP Kelly MP
Dr BF O'Shea MP

Staff present:

Ms K Jones—Committee Secretary
Miss A Bonenfant—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE TOBACCO AND OTHER SMOKING PRODUCTS (DISMANTLING ILLEGAL TRADE) AND OTHER LEGISLATION AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Tuesday, 21 October 2025

Brisbane

TUESDAY, 21 OCTOBER 2025

The committee met at 1.19 pm.

CHAIR: Good afternoon. I declare open this public briefing for the committee's inquiry into the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025. My name is Robert Molhoek MP. I am the member for Southport and chair of the committee. I acknowledge the Aboriginal people and Torres Strait Islander people of this state and their elders past, present and emerging. I also acknowledge the former members of this parliament who have participated in and nourished the democratic institutions of this state. Finally, I acknowledge the people of this state, whether they have been born here or have chosen to make this state their home and whom we represent to make laws and conduct other business for the peace, welfare and good government of this state. With me here today are: Mr Joe Kelly MP, the member for Greenslopes and deputy chair; Ms Kerri-Anne Dooley MP, the member for Redcliffe; and Dr Barbara O'Shea MP, the member for South Brisbane.

This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the briefing at the discretion of the committee. I remind committee members that officers are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

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ANDERSON, Detective Acting Superintendent Melissa, Queensland Police Service

McGRATH, Detective Acting Chief Superintendent Craig, Queensland Police Service

CHAIR: I now welcome representatives from the Queensland Police Service who have been invited to brief the committee. Make sure you turn your microphones on and off when you speak.

Det. Chief Supt McGrath: I appreciate the committee's time this afternoon. Firstly, I would like to respectfully acknowledge the traditional custodians of the land on which we meet, the Turrbal and Yagara people, and pay our respects to elders past, present and emerging. Thank you for inviting us here today and the opportunity to speak with the committee in relation to the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025.

The Queensland Police Service is the primary law enforcement agency in Queensland, responsible for a wide range of duties including State Emergency Service and Marine Rescue Queensland. Our purpose is to keep the people, places and communities of Queensland safe through excellence in policing and community safety services. Every day across Queensland our officers and staff endeavour to act with strength, respect and courage to build a safer and more resilient Queensland. To achieve this vision we continuously evaluate the risks and challenges within our community so that we can deliver effective and responsive policing.

The illicit tobacco industry presents a significant health and safety risk to the community. It undermines the Australian economy by an estimated \$600 million annual loss to Commonwealth revenue through excise evasion and damage to legitimate businesses. Organised crime syndicates are attracted to the illicit tobacco market because of the enormous profits that are generated. The Queensland Police Service targets organised and serious crime and is aware of connections with legitimate businesses including tobacconists.

The prevalence of violence associated with the illicit tobacco trade unfortunately represents a considerable threat to the community's safety. The profit margins associated with illicit tobacco and vaping products are extremely lucrative, which has resulted in strong competition between the Brisbane

criminal groups that operate these businesses. Engaging in this activity presents minimal risks yet offers substantial financial rewards, as profits from illicit tobacco sales are often channelled into other criminal enterprises both here and offshore. The Queensland Police Service remains focused on targeting the criminal offending and nefarious activities of these crime syndicates.

Retailers and consumers of illicit tobacco are drawn by cheaper prices, a perceived tolerance by authorities and ignorance of the dangers and risks that illicit tobacco represents for consumers and, more broadly, the general community. On 1 July 2018 the federal government acknowledged the severity of this issue by launching the Commonwealth multi-agency Illicit Tobacco Taskforce. This taskforce was initiated to proactively target, deter, disrupt and dismantle key offenders and organised crime syndicates engaged in the illicit tobacco trade which undermine national tobacco policy and strategies.

The Illicit Tobacco Taskforce is comprised of the federal agencies that maintain responsibility for the operational and intelligence response to this issue including Australian Border Force, Australian Taxation Office, Department of Home Affairs, Australian Criminal Intelligence Commission, Australian Transaction Reports and Analysis Centre—also known as Austrac—and the Commonwealth Director of Public Prosecutions. The Queensland Police Service also provides operational assistance to other agencies, including Queensland Health and the Therapeutic Goods Administration, in accordance with section 16 of the Police Powers and Responsibilities Act, assistance to public officials.

In July 2024 the Queensland Police Service Crime and Intelligence Command established Taskforce Masher with a focus on investigating and disrupting organised crime syndicates targeting legitimate retail tobacco businesses through serious offending. I am fortunate to have with me today the commander of Taskforce Masher, Detective Acting Superintendent Melissa Anderson from the Drug and Serious Crime Group, to also assist the committee with any questions you may have this afternoon.

Taskforce Masher is comprised of detectives and intelligence officers from crime command who deliver specialist support to regional police in investigating offences including arson, offences of violence, extortion and money laundering. The team actively monitors criminal activity linked to tobacco and tobacco related retailers throughout Queensland whilst also maintaining awareness of developments occurring at the national level. Whilst the enforcement of illicit tobacco and vaping sales remains a Queensland Health responsibility, the Queensland Police Service, including Taskforce Masher, provides ongoing support to agencies including Queensland Health and the Therapeutic Goods Administration alongside interstate law enforcement agencies and other federal colleagues.

The illicit tobacco trade remains a complex national issue with significant implications for the health and safety of Queenslanders. The Queensland Police Service remains committed to prioritising investigations and strengthening partnerships to disrupt organised criminal networks to reduce harm and, ultimately, to protect our Queensland community. I thank the committee for the opportunity to be here today and I welcome your questions.

CHAIR: I will start by asking Detective Acting Superintendent Melissa Anderson to outline the work of the taskforce and explain how that operates.

Det. Supt Anderson: I am the current commander of the Drug and Serious Crime Group under which Taskforce Masher currently sits. I have just lost my notes.

Det. Chief Supt McGrath: I will jump in. Taskforce Masher was established in July 2024 to investigate the arson and violent offences involved with illicit tobacco. In particular, it was set up to concentrate on disrupting the organised crime syndicates that are continuing to impact not only legitimate businesses but also the community. I think we have all seen shopping centres that have been targeted with arson attacks. It is not only the shop that is disrupted; it is the neighbouring shops and the neighbouring businesses. Often these businesses are run by hardworking Queenslanders. The taskforce aims to target the entrenched syndicates involved in the coordination of offences of violence across the state of Queensland.

The taskforce is made up of 17 members currently—14 investigators and three intelligence staff. At the same time, we have the ability to surge in other specialist areas from the Queensland Police Service depending on what offending we are seeing. For example, we have recently been involved in an operation where we targeted the illicit profits. The Queensland Police Service money laundering unit was involved in significant overt action resulting in a number of search warrants and significant moneys being seized off individuals involved in the illicit tobacco market.

Since its launch in July 2024, Taskforce Masher has conducted investigations across Queensland in collaboration with regional investigators leading to the arrest of 29 individuals for a total of 92 offences, including 26 counts of arson. Additionally, other work units within the QPS and regional detectives continue to target individuals who involve themselves in the illicit tobacco market in a number of different types of offending, from extortion to firearm offences and arson.

As I mentioned at the outset, Taskforce Masher also provides support and assistance to Queensland Health. In 2024 Taskforce Masher staff assisted with 65 compliance actions with Queensland Health and other agencies, seizing over 3½ million cigarettes, 1.6 tonne of loose tobacco and 3½ million e-cigarettes, also known as vapes. This was an estimated value of \$4.8 million, with \$7 million excise avoidance. However, this year up until 20 October 2025—and this just shows the extent of the problem—Taskforce Masher has assisted with 94 compliance actions and assisted Queensland Health and other agencies to seize 48,732,364 cigarettes, just under five tonne of loose leaf tobacco and 264,122 e-cigarettes, with an estimated total value of \$56 million, with \$80 million excise avoidance.

Taskforce Masher continues to work with our partners. With Queensland Health in particular, we have appointed one key point of contact to liaise strongly with Health to make sure we can continue to assist in what would be regarded as a hostile environment across Queensland to impact organised crime.

CHAIR: Thank you.

Mr J KELLY: Thank you for your presentation. This bill extends the powers for public servants in Queensland Health to act in a covert manner, presumably to gather confirmation or evidence of illegal behaviour. Does the QPS have any concerns around non-sworn officers engaging in these sorts of activities?

Det. Chief Supt McGrath: In relation to this matter, the Queensland Police Service supports any legislation that will continue to have an impact on the criminality associated with this industry. With regard to whatever is proposed and what is assented to, all we would ask is that people have regards to the safety of the people involved and mitigate any risks to the individuals involved in any activities.

Mr J KELLY: With regard to that matter of safety, is that something that can be done at a legislative level or does that have to be thought through at an operational level by Queensland police and Queensland Health?

Det. Chief Supt McGrath: I would suggest that is a matter for Queensland Health. The Queensland Police Service, as we do with other agencies and as we do daily through Masher, are in a position to provide assessments and advice if need be and can be called upon by Health.

Mr J KELLY: Obviously, there is a significant organised crime element to what we are dealing with here. This bill proposes to shut businesses for three months and confiscate a pretty significant amount of product, both illegal and legal. Detective Superintendent Anderson, in your experience, will this have a significant disruptive effect on these businesses?

Det. Supt Anderson: Taskforce Masher had the privilege of assisting Queensland Health with a regime of compliance in Wide Bay earlier in the year, where Queensland Health took several businesses in that regional town through the existing compliance framework, through to closure and then onto a court injunction. What we observed was a cessation of those illegal businesses for some periods of time, albeit with some intervention.

Mr J KELLY: So is there some value in an educative approach to this—to get out there and proactively go into areas and say to these people, 'These laws are coming in and you're going to be caught up if you're involved in this, so perhaps it's better you shut down now and move on'?

Det. Supt Anderson: I guess the educative approach around the health aspect is a Health issue. Queensland police is always committed to trying to assist the public to comply with legislation. We do that in a number of ways, which includes aspects of community information and community education.

Mr J KELLY: Detective Chief Superintendent McGrath, you gave some statistics on enforcement for this year. Could you take on notice to provide the committee with enforcement activities over the last five years, because we have heard evidence that that is the time over which this problem has been escalating?

Det. Chief Supt McGrath: I will take that on notice.

CHAIR: We heard concerns from some submitters earlier today—and the deputy chair started on this—around the wellbeing of Queensland Health employees who are being asked to be involved in covert operations and the potential for that to go badly with civilian participants. There was also some discussion around whether this new entity should have some line of accountability to the Controlled Operations Committee and provisions under the PPRA. Is that something that has been considered?

Det. Chief Supt McGrath: In relation to the risks associated with people involved with the health inspectors, the Queensland Police Service, in particular with Taskforce Masher, engage with Queensland Health and assist them in conducting assessments. On occasions the Queensland Police Service will attend with the health inspectors and conduct the visitations. That is a continual, ongoing piece of work depending on the assessment, because it ebbs and flows every day.

We also have the ability now to access with Queensland Health their Axon body worn cameras. That provides the Queensland Police Service with a great opportunity in that, even if we are not there, we can review footage and look at opportunities for other avenues for us to investigate from a criminality point of view. Likewise, what we have seen with the information sharing is that, if need be, we will involve other regional police with tactical crime squads to supplement what is being carried out in the tobacco store visitations. Ultimately, it is about creating a safe environment for the employees and also for the public health inspectors.

CHAIR: Given the fact that so much of this is being run by organised crime, are there clear links between the illicit tobacco trade and just illicit substances generally? Would it be common for raids on particular retail outlets to discover that there are other illicit substances being sold?

Det. Chief Supt McGrath: In our experience at this stage, we are well aware that organised crime is just an income stream. Be it tobacco or other drugs, for example, it is all the same actors, unfortunately. I do not think any of them necessarily want to own a tobacco store; it is just that there are such high rewards being generated through the sale of tobacco that they are prepared to go into it. In recent times we have seen minimal other commodities such as drugs located during inspections which we have conducted or Queensland Health has conducted. There is that siloing off, but it would be naive to think that organised crime is not involved in other aspects of criminality across the board because it is quite simply so lucrative.

Ms DOOLEY: Thank you for the work you do. It is critical work, with Taskforce Masher having those kinds of seizures since July last year and getting that off the streets, thankfully. We have had presentations by Queensland Health saying that no matter how much you take off the streets there are three more shiploads coming to our shores. Do you feel that the penalties that are proposed are severe enough in terms of trying to dissuade people from conducting this type of business?

Det. Chief Supt McGrath: In this type of environment, having a multi-agency approach with multifaceted strategies—including financial penalties and, obviously, from a criminal point of view, the opportunity to be sentenced to a term of imprisonment—is all very much a part of creating that hostile environment that basically aims to eliminate the illicit tobacco industry and also put them on notice that we will not tolerate it. We are fortunate that we sit on a number of national working groups. We continually hear from some of our interstate colleagues that they look to Queensland in terms of what we are doing from both a policing and a health point of view with regard to making impacts.

You mentioned Queensland Health being here previously and speaking about the enormous amounts of tobacco that continue to come in. That is correct, and it is purely supply and demand. We see that the consumer is prepared to pay a much lower amount of money in order to get the same commodity, and that is a very difficult challenge for any agency to deal with. In our investigations, apart from engaging with the Australian Border Force and the Australian Federal Police, we also look to use different types of legislation, working with our partners to try to get the best result to impact the syndicates, remembering also that some of the syndicates are operating from offshore and outside Queensland jurisdiction—hence the requirement to engage heavily with our national colleagues, in particular the Australian Federal Police and the Australian Border Force.

Ms DOOLEY: Some of the submitters this morning—the Queensland Law Society and the Queensland Council for Civil Liberties—were concerned about covert operations and I asked if they were aware of any that had gone wrong and they could not answer that. From your experience in the last 12 months or so, have there been any instances where you have felt that covert operations have gone wrong, in that Queensland Health employees were in vulnerable positions, or has it been all smooth sailing?

Det. Chief Supt McGrath: We are not involved in any covert operations in the illicit tobacco side of it with Health. I am not aware of any that they have been involved in. Obviously, covert operations—by their nature—have a risk in part of them. That is part of having that governance

structure—to ensure the safety of the individuals both during and post any activities, and also to ensure that entrapments in other areas are not taken and do not occur. It is really important that a governance structure over any type of covert activity is in place.

CHAIR: We also heard that there was a concern that people likely to become involved in some of those enforceable actions or covert operations are also at risk of maybe not being regulated appropriately. Are there sufficient safeguards in the legislation to cover concerns about employees of Queensland Health or the Police Service to dissuade them from maybe getting caught up in it?

Det. Chief Supt McGrath: In relation to the legislation the Queensland Police Service currently operates under—which is the Police Powers and Responsibilities Act—we do have safeguards in place which are legislated. One of the things we have a reliance on—particularly when we go into a controlled operation as opposed to a controlled activity—is that we have a legislated committee with a retired Supreme Court judge, who is the chair of that committee, as an independent person to provide that oversight. The committee is made up of the chair of the Crime and Corruption Commission and me as the chief of crime for the Queensland Police Service, as the commissioner's representative on that committee. We also have the ability, if the chair sees the need, to introduce someone else into that committee for a particular operation to provide advice to the committee. Again, that makes sure the safeguards are in place and we are confident with what we are trying to achieve and how we are going to do it. Again, safety is very much a part of it as well.

CHAIR: In its current structure, would the taskforce or the groups that are working within Queensland Health in some way be indirectly or directly accountable to that committee that you have just referred to, or only on an exception basis?

Det. Chief Supt McGrath: Chair, as I understand at this time, they would not have anything to do with the committee. That is legislated by the Police Powers and Responsibilities Act. It is completely different.

CHAIR: You mentioned earlier there have been 29 arrests for 92 offences. Can you tell us where that has led? Have any of those 29 people ended up in prison as a result of those offences or arrests or have they just been fined? What sorts of actions have we seen as a consequence of those arrests and offences?

Det. Supt Anderson: Those statistics that you have been provided relate to the criminal arrests which Taskforce Masher has either itself or assisted the regions to progress. Those 26 individuals actually account for 29 arrests. A couple of individuals have reappeared within our policing figures. That relates primarily to the investigation of incidents of arson of illicit tobacco stores. There are 22 arsons in total that have been solved since January 2025 until now, just looking at that figure. It has been 30 arsons that we have solved since January 2024. The 92 charges also comprise the conjoined offences—for example, the theft of the stolen car that was used to get to that scene; a range of offences against individuals—for example, those victims that may have been caught up in that fire sustained injuries or burning; the break and enters on those stores as part of that arson; and a number of other offences leading up to the participation in that criminal offending. The majority of those defendants are still before the courts awaiting court outcomes.

CHAIR: Would they be currently sitting in prison waiting for bail or are they on bail?

Det. Supt Anderson: The majority—I would say all but two or three—had bail refused and are in custody pending the outcome of court matters.

CHAIR: That is good to hear. I will go to the member for South Brisbane.

Dr O'SHEA: First of all I want to say thank you to both of you for all your years of service and keeping our community safe. We all appreciate that. Thank you. Going back to what the chair raised, both the Council for Civil Liberties and the CCC recommend in their submissions that the sections from the Police Powers and Responsibilities Act that govern covert operations, including the independent committee, should be introduced into this bill to provide those protections. What would your comments be on that?

Det. Chief Supt McGrath: The Queensland Police Service will not comment on legislation. We stand by and wait to see what is enacted and work with the legislation that is given to Queensland Health if need be.

Dr O'SHEA: At the moment across Queensland, if environmental health officers want to go into a business to see if illicit tobacco products are being sold there, they do a risk assessment and they decide they need the police to go with them, do they contact the local police or do they come to Taskforce Masher?

Det. Supt Anderson: The arrangements we have in place to reduce demand on our front line are that each public health unit has been assigned a key point of contact officer within Taskforce Masher. That officer obviously has an ongoing relationship with the public health unit and gets to understand not only the local issues that that particular public health unit are trying to tackle and deal with but also the networks that might operate in that area. When the public health unit seek the assistance of Queensland police, they in most instances come to Taskforce Masher. We undertake a risk assessment, having a look at what policing information we have with respect to the venues or the entities involved, and we provide advice back to the public health unit if the attendance of Queensland police with them is warranted. Then we will logically arrange that attendance, which in most instances will be an officer from Taskforce Masher. In some instances we will make the arrangements via the local area.

Dr O'SHEA: Because of the demand on police on general duties, do sometimes those visits to the premises have to be cancelled because the police are busy?

Det. Supt Anderson: Since the standing up of Taskforce Masher, the reason we have taken on that key point of contact is to avoid that situation for Queensland Health. That is certainly a challenge. If you are reaching out directly for a call for service, it has to be prioritised in amongst the other competing demands of our agency. By coming through Taskforce Masher, we hope to better manage the demand, understand the demand and provide the resources that best match trying to assist Queensland Health whilst meeting the needs of the service.

Dr O'SHEA: Do you find that you have the public asking the police, 'Why are you not going in and closing that down?' Is that a common thing that comes up for you?

Det. Chief Supt McGrath: In fact, in many cases it is the other way. It is, 'Why are police there? Why aren't you out attending to domestic and family violence? Why aren't you attending to other matters?' It is the flip side. In part it is also that the community is not aware that the organised crime element is very much entrenched into the illicit tobacco industry. That is just a lack of awareness on their part of what is involved and why we are there.

Dr O'SHEA: When Taskforce Masher is going out to support environmental officers doing these checks, in terms of looking at the barrier of being able to find people or give a closure order, do you think introducing possession, as opposed to having to prove supply, will be helpful in being able to bring charges against people?

Det. Chief Supt McGrath: Any legislation that creates that hostile environment is important to us in achieving the removal of organised crime from this industry. Whether or not possession is something which needs to be considered, again, would be a matter for Health to determine when making any legislative amendments.

Dr O'SHEA: At the moment, when an environmental officer or the police have to go into a business they are having to prove that there is supply, whereas with this new legislation they will only have to prove possession, that those products are present in the store. I thought that might remove a barrier that is currently there in being able to charge people.

Det. Chief Supt McGrath: Initiation of prosecution for those particular matters will be a matter for Queensland Health, not for the Queensland Police Service.

Mr J KELLY: The Queensland police have powers around unexplained wealth and assets. You can use those?

Det. Chief Supt McGrath: Most definitely. We refer matters that have originated from criminal investigations to the Crime and Corruption Commission for their consideration, and if they deem that there is sufficient there they can then refer to the Director of Public Prosecutions.

Mr J KELLY: I am trying to think through the sequence of connection of ownership. You have a landlord who owns a premises. You potentially have someone who owns the business but does not necessarily manage it or work in it. You have potentially employees who may be the source of the illegal product. Then you have somebody who is standing behind the supply of that product who could be connected to the business as well. Are you able to then use these laws to try to connect people in that chain of events?

Det. Chief Supt McGrath: Organised crime, by the nature of the way they operate, and in this case the sheer amount of money that is involved, provides them the opportunity to engage professional facilitators. As you mentioned in what you ran through there, it can often be difficult to identify where the money is going to, first and foremost. If we look at it from a shop point of view, the shop will be leased from probably a legitimate landlord, the person in the shop will be just employed, getting a base wage and having no idea who they are working for, and it just continues through.

Obviously, what we see in all organised crime is the anonymity provided by encrypted devices, so by WhatsApp and Signal and other things that are readily available. That is a challenge for law enforcement nationally in trying to identify it and then to identify the wealth and assets that action can be taken against to forfeit, ultimately, to the state.

Mr J KELLY: I have seen these types of shops in my own area and other areas. Some of them seem to have extremely small amounts of stock in the shop, although they are trading as a convenience store with three packets of chips and there is not much else. In some of the submissions there was discussion around the fact that one of the ways they currently get around this is to have very minimal stock which they can quickly restock after it has been confiscated. Is there a capacity to follow the logistics of the supply chain?

Det. Chief Supt McGrath: Taskforce Masher, and I am sure Queensland Health investigators, has actually identified shops where there is little stock on that premises; however, there is a false wall or something which goes into the adjoining shop next door and that is where the stock could be stored as well. Again, the crime syndicates are very alive to the legislation and legislative changes. They are very alive to enforcement measures and will do their utmost to circumvent what can happen. It makes our job challenging but also rewarding when we can actually bring it to an end.

Det. Supt Anderson: We have been successful in working with our partners, including Queensland Health, TGA and Border Force, in identifying and seizing product from some of those much larger storage facilities. We are talking significant quantities of product that we are able to get if we can get beyond the retail space.

Mr J KELLY: While you mention WhatsApp and those sorts of groups, is there evidence around online supply of these products? Is that something that falls within the remit or QPS or does that sit with other levels of policing?

Det. Chief Supt McGrath: In relation to selling the product online?

Mr J KELLY: Yes.

Det. Chief Supt McGrath: I am not aware. I would not say it is definitely not there, but we have not seen an awareness of it in Queensland, even in national discussions. We will see what the future holds.

Ms DOOLEY: This morning we had a submitter indicate that there are online pharmacists now actually prescribing vapes which are illegal. The Lung Foundation indicated that is happening—shonky pharmacists cashing in on it. I am just letting you know that that is happening. If you go in and do a search without a warrant, are police able to seize other products of crime? If there are other drugs or weapons, are you able to seize them?

Det. Supt Anderson: When Queensland police assist Queensland Health in the compliance space, they are the lead agency—they lead that compliance inspection—and the threshold we have set around assistance usually necessitates their attendance with a search warrant. In most instances, we are rarely finding secondary criminal offences around other illicit products within that shop space because this product is so lucrative and why would you want to bring other goods into that store that might attract police attention?

Where Queensland police have an awareness of a crime, we would be proceeding with our own warrant under the PPRA. That does occur from time to time where we may come with a second warrant. Likewise, our Commonwealth partners acting in cooperation with us may also bring their warrants under their legislation for the offences for which they want to investigate. It is a complex matrix to answer that question, but we do not rely on the Tobacco and Other Smoking Products Act for our powers at that scene.

CHAIR: One of the frustrations has been that there will be a raid, products get seized and then two hours later they have just reopened their front doors and are blatantly flouting the laws. What other actions could we undertake to perhaps more forcefully deal with that blatant abuse of the legal system?

Det. Chief Supt McGrath: As I have mentioned, the importance of multi-agency, from both a state point of view and nationally, cannot be underestimated. This is not a Queensland issue; this is a national issue, and it has to be addressed accordingly. I note that even as recently as Sunday the federal government has announced a new national tobacco disruption team. We are yet to know what that means. Again, it provides some context as to just how complex this is.

Whilst the visitation of stores is an important aspect, rest assured that agencies such as the Queensland Police Service behind the scenes are involved in other matters that are ongoing. Often the first the organised crime groups will know about it is when there is a knock at the door. It is a complex problem. The Queensland Police Service has listed the illicit tobacco industry in our top five Brisbane

of crime priorities with regard to making sure we provide the resourcing to support our partners and also police across the state in addressing the criminal offending, ultimately to try to ensure we provide a safe community.

CHAIR: A bit over a decade ago, we had the criminal gang laws where there were mandatory sentences introduced for repeat offenders. I am trying to phrase this without asking for an opinion because I am not allowed to do that. Would that sort of approach be helpful, to have some sort of mandatory—

Det. Chief Supt McGrath: I spent four years as the acting commander of the Organised Crime Gangs Group so I fully understand where that question is coming from.

CHAIR: We are talking to the right person, then.

Det. Chief Supt McGrath: Currently we have legislation that does still provide mandatory sentencing if it is identified that an individual or individuals are part of a criminal network. We still have legislation. That is not just applicable to outlaw motorcycle gang activity. That can be attached to other criminality across the spectrum. When investigators are conducting their investigations, that is one aspect they will determine when preferring charges. We also have to take into account, obviously, that many of the main agitators or offenders, as I mentioned earlier, sit offshore. In some cases, they may already have been deported from Australia so we will not be bringing them back. However, those are the matters and that is why it is important that we continue to work with our federal partners to see what we can do to impact their impact back here in Queensland and from the national environment as well.

CHAIR: Better you than me. What a challenge. There are no further questions from the committee. I thank you for coming today. I think it was fairly late notice that we got you under, but I think it is important that we heard from the Queensland police.

Det. Chief Supt McGrath: Thank you, Chair and committee. We appreciate your time this afternoon.

CHAIR: I echo the sentiments of the member for South Brisbane: thank you for your service and commitment to Queenslanders and Queensland. It is not an easy job that you have.

ALLEN, Ms Amy, Manager, Legislative Policy, Queensland Health

GOOD, Ms Elizabeth, Manager, Prevention Strategy, Queensland Health

MAHLER, Mr Karson, Director, Legislative Policy, Queensland Health

SANDERSON, Ms Kate, Manager, Legislative Policy, Queensland Health

WEST, Mr Mark, Executive Director, Prevention Strategy, Queensland Health

CHAIR: I now welcome representatives from Queensland Health who have been invited to brief the committee. Would you like to make a brief opening statement before we get underway with some questions?

Mr West: Thank you for inviting us back to further discuss the bill. The vaping and illegal tobacco crisis is a serious, entrenched public health issue that disproportionately impacts our children and young people in Queensland and undermines the safety of our communities through the links to organised crime. That is why this bill is so important. It brings together a package of reforms that will work together to give us strong, practical tools to tackle the problem head-on. On Sunday, just this week, the Australian government announced the formation of a national disruption group led by Australian Border Force. This multi-strategy effort complements the intent of this bill by reinforcing a coordinated national approach to dismantling the illegal trade and protecting community health.

I will quickly respond to concerns raised by the Australian Association of Convenience Stores about Queensland's enforcement capacity which I believe were raised this morning. For the record, Queensland Health has 159 environmental health officers and compliance officers across 11 public health units and the central compliance team in the department that are authorised under the Tobacco and Other Smoking Products Act 1998. Each public health unit has a dedicated lead officer for the tobacco act and officers focused on dedicated enforcement of the tobacco laws. The central team supports enforcement efforts across the state and partners with state and federal regulatory agencies for joint operations. Recruitment for an additional 41 frontline officers is currently underway, with around 30 officers already recruited across the state. We are well placed to continue enforcing the laws and have well-established relationships with Queensland police, the Australian Border Force and the Therapeutic Goods Administration.

We also heard suggestions from stakeholders that licensing changes should be part of this bill. I want to be clear about our focus. The central purpose of the proposed bill is to deal with illegal operators: those selling illicit products and acting completely outside the legal framework. That is the problem we must urgently address and that is what these reforms are designed to target. As Mr Brooke from the Lung Foundation noted earlier today, there is an important distinction between criminal offending and broader public health policy. This bill is about criminal behaviour. It is about shutting down unlawful operators who undermine public health, exploit loopholes and put Queenslanders at risk. Issues relating to the licensing framework, including ideas like caps or broader system changes, are best considered as part of Queensland Health's wider public health agenda and that work is ongoing. The department continues to review the licensing scheme to ensure it remains effective, balanced and fit for purpose, including whether further improvements may be appropriate in the future.

I will now hand over to Karson, who will respond to some of the issues and concerns raised by stakeholders during the public hearing this morning. We would then be very pleased to take questions from the committee.

Mr Mahler: I will try to keep my remarks very brief; however, we would like to respond to some of the various issues that have come up during the hearing today. I will start with the very key issues in the interests of giving the committee a balanced perspective on some of the feedback that you have heard. As we have heard from stakeholders today, we are dealing with a public health crisis of extraordinary proportions. I do not think anyone can contest that. It is increasingly also an issue of community safety. Illicit tobacco and vaping products are flooding the market. They are being sold cheaply and blatantly and current penalties are simply not shifting behaviour. The bill is designed to change that.

I will turn to some specific issues raised by stakeholders today. I will begin with controlled purchase operations, because we have heard a lot of talk on this issue from the CCC and from the Queensland Council for Civil Liberties. They raised a number of concerns around these provisions. To that end, respectfully, in our view it is a serious exaggeration to conflate the provisions in this bill

around controlled purchase operations with the powers of police officers and the Crime and Corruption Commission to conduct covert operations in the context of serious criminal investigations. The powers in this bill are very narrow. They are focused on the operations of illegal traders in a very specific niche industry. They are effectively in practice, if you like, mystery shopping for compliance purposes.

What we are talking about is not covert policing. These authorised persons are not performing surveillance. They are not launching investigations into organised crime. They have no powers of arrest. They have no general roving police powers. They are dealing with the same retailers and shopfront operators that our teams already regularly engage with and they do so in a structured way under this bill where illegal sales are occurring. In fact, under the bill controlled purchase operations will not even involve the undercover officer engaging in any illegal activity. They will be walking into a store and their purchase of the product is not an illegal activity. A member of the public can go into a store and purchase a vape and that is not prohibited. The sale of vapes is prohibited; the purchase of vapes or illicit tobacco is not prohibited. They are not engaging in weapons cases or elaborate sting operations.

We feel that there is an exaggeration and an attempt to cast this as some sweeping covert power of investigation. That is not what it is about. It is about providing a simple mechanism, which, by the way, exists in other jurisdictions already, actually in a more extreme form. There are controlled purchase operations in other jurisdictions for children to go in and test whether stores are selling products to children. This should not be controversial. We understand the concerns but we believe they are overblown. I wanted to defuse that. We would be very happy to speak in more detail to the safeguards and the way this is being managed in the context of this bill.

The next thing I want to briefly touch on is the closure orders and some of the concerns that the Queensland Law Society raised. They suggested that the administrative orders should be shortened to 28 days and there really should be a requirement for an application to be made to the Magistrates Court in every case of a 'short-term closure order'. I think as the committee has already discussed, these are not viewed as short-term closure orders; these are administrative closure orders. That is a key feature of this scheme. The point is to shut these guys down for a substantial period so it hurts and to shift the burden onto the illegal operators to really convince landlords and the department that they have ceased the illegal activity and are able to reopen.

I understand there is this inclination to want to provide process and to have a very quick, expedited judicial review of these types of decisions; however, as we have covered at length in our previous testimony, these closure orders are not being issued really where facts are even in dispute in the vast majority of cases. We have not had cases where they have been successfully challenged. Really, the facts are not in issue. The idea that you would be providing a 28-day period, for example, would mean that every single closure order would need to go through an expedited form of litigation or court proceedings before it could be effectuated and it would divert significant resources away from enforcement, which we believe is where it is needed, for very little actual practical value. There are other safeguards in the bill—compensation and other things—that deal with the very unlikely potential that these provisions could be misused. That is how we have addressed it.

Moving to a related point I should touch on, the Law Society also expressed concern that, if delays with the courts are a problem, funding could be increased for the courts. I think that is just outside the scope of the bill and, again, more importantly, it assumes that every matter should go to court. We just fundamentally do not believe that is productive in terms of what we are dealing with.

Moving to the landlord offence and civil penalty provision, I note that the Law Society did raise some concerns around landlords, particularly smaller investors or businesses in regional or remote areas that may be disproportionately affected by the landlord offence provision. We are very sympathetic to rural businesses and the financial pressures they are under, but we cannot excuse businesses that are knowingly complicit in illegal activity. I think that is what it boils down to. We understand those concerns, but we also have to be mindful of legitimate businesses. Levelling the playing field and protecting those businesses that are doing the right thing is just as important as discouraging those businesses that are doing the wrong thing by dabbling in illicit tobacco and getting caught up in that space. I just have a couple more things because I am very conscious of time and we really want to take questions.

In relation to the termination provisions in the bill, the Law Society has asserted that landlords should be able to claim compensation from the state for all losses or expenses not recovered from the tenant even where a closure order was validly issued. Our position is that this is not warranted. It is not uncommon for legitimate regulatory actions to impact businesses. That is just a reality of regulation. There will be downstream effects. People's interests will be affected; for example, Brisbane

bankruptcy proceedings or the loss of an occupational licence may impact a business. It is not the responsibility of the state to provide financial indemnification for every injury that results from a regulatory action which is based on a breach or violation of the law. If we were to entertain this type of broad-based compensation framework, we would place enormous financial strain on public resources and taxpayers and potentially overwhelm the judicial system with compensation claims. We would caution against any approach to expand those compensation provisions.

Finally, I just want to mention the compromised goods provisions in this bill. The Law Society did raise a suggestion that a court order should be obtained before compromised goods are seized. With respect, this would defeat the intent of the provision in ensuring enforcement efforts can immediately disrupt businesses that are engaging in illicit supply. The ability to seize and forfeit tainted legal products which are found alongside illegal products and being used to disguise those products is an appropriate and effective response to the growing public health concerns associated with tobacco and vapes. It is a necessary disruption measure, and the idea of having court proceedings or additional procedures around that would fundamentally frustrate the purpose of that reform.

In conclusion, we recognise that some of these measures are novel, but we are responding to a novel problem. Half-measures will not cut it. We need to take bold action. This bill delivers that. We have seen vapes containing nitazenes show up in New South Wales. We do not want that happening in Queensland. We need strong enforcement tools. This bill has been carefully drafted to include safeguards where appropriate. However, in the department's view, we cannot allow an excessive focus on the abstract and attenuated rights of criminals to frustrate the purpose and effect of this bill. We need to keep these human rights and civil liberties concerns in perspective with the problem we are dealing with. The reality is that these laws are targeting individuals and businesses that are knowingly profiting from putting our children and young people in danger. I am happy to take questions.

CHAIR: I have a few questions. Of the 189 closure orders that have been issued, how many of those tobacconists were licensed and how many were unlicensed? I assume if you are running an illicit tobacco shop you may not bother to go and get a licence. I wonder if you have any stats on that.

Ms Good: Of the 189, none were licensed.

CHAIR: Of the 189, none?

Ms Good: None of them were licensed. Some of them may have applied. I do not have the exact numbers. Some had applied for a licence and had been refused a licence. Otherwise, they had not applied for a licence.

CHAIR: Has anyone been jailed or sentenced to imprisonment under previous tobacco and other smoking products legislation?

Ms Good: No, they have not been.

CHAIR: With regard to the penalties that have been issued, I think the response from the department indicated there were \$41 million in fines and 3,196 PINs have been issued but only \$8 million has been collected so far. It is a little bit like the SPER debt. It keeps ratcheting up and people do not pay their fines. Can you explain that disparity?

Mr West: Whether people pay their fines or not is a concern to the government. The government has in place a structure where in this circumstance the agency, being the Department of Health, issues fines and we collect those fines through our own system. We do that for a range of legislation. We also have in place—and it has been in place for quite some time—SPER and what it can do for the government around debt collecting. We are totally streamlined with working with SPER and having referrals to SPER for uncollected fines for Queensland Health. Under the SPER arrangements, people can also elect to pay in instalments et cetera. Importantly, it is my understanding that under the legislation SPER has greater powers to seize assets and goods related to a person not paying their fine which we do not have in Queensland Health. It is good that SPER has those powers.

CHAIR: Going back to the issue of the safety of your staff, I think we heard a little bit about that today. I think you said you have 159 and that is going to scale up to about 200. It is organised crime, and I do understand there are operations conducted with Queensland police from time to time. Are there enough safeguards built into the current legislation and operating framework that Queensland Health employees operate under to ensure their safety? We heard earlier that they are a bit like environmental safety officers or health inspectors who go into restaurants and other places. It does seem quite apparent from the evidence we have heard that illicit tobacco products are a little bit of a bigger deal than, say, someone with too many cockroaches running around their kitchen.

Mr West: The health and safety of our authorised officers, who are Queensland Health employees, is of utmost importance to Queensland Health. The health and safety of those officers is protected under bigger laws that Queensland Health complies with, of course, and that also goes to the great challenge in Queensland Health around some circumstances in hospitals, for example, where there is aggravated behaviour and people are put at harm—doctors and nurses in EDs, for example—so the department is aware of risk. We respond effectively to risk if that puts staff in situations that are potentially risky. More specifically, I think Liz explained last time that we have very established routine processes for risk-assessing premises that are put in place well before any inspection happens. Liz might want to talk to that a bit more in a moment. My other message is that, with all of those things considered, we have constant reminders to the workforce. We support managers within the workforce to look at workplace health and safety always.

Another important thing to take into account is that, even though we are talking about the involvement of organised crime, it probably is not a heavily tattooed biker selling cigarettes in a little shop. It is more likely a 19-year-old on their phone when they are not selling things. They could even be in a regular shopping strip. I think Karson mentioned the prevalence of this. We do not have the tools to shut down shops properly for three months, so they keep popping up. A lot of those pop-up shops have temporary employees, they are cash in hand and they probably do not even know who their employer is. When you conduct a risk profile of that shop during the day—not at night; awful things can happen at night related to arson or break and enters and things like that, which is police business—one thing to keep in mind is that the inspectors do a full assessment of the premises there and then, at two o'clock in the afternoon on the main street shop strip: who is likely to be in there, where are the exits, what is next door and everything else. They are the sorts of things they take into account around the actual context. Liz, do you want to add anything around the process?

Ms Good: Mark, you have covered most of it. I would say that, before they go, all of them do a full risk assessment before they even consider entering the store. That is a desktop exercise. We also have occupational violence prevention training, which all of the officers have access to. We have other training and guidelines and processes for them to follow. We look at and give them guidance on how to protect their identity as well so they do not disclose their name and personal details to anyone. When they are onsite they will do another assessment to check if there are any risks they were not aware of at the desktop. They will be looking to see if there is a back entrance. Are there customers around that may be aggressive towards them? It is not always the people in the store; it is often the customers waiting to purchase products as well. If there are risks and they cannot mitigate them at the time by calling police and having police come, our advice is that they leave the premises and come back another time with police if there is a risk. We have lots of safety procedures in place that staff follow.

Mr J KELLY: Some submissions talk about shops that carry minimal stock that are restocked from bigger warehouses. Would the warehouses be captured by this legislation—if you can locate them?

Ms Good: We already do warehouses. We do joint operations with our other regulators around warehouses and we have seized significant products from them. Yes, it is covered already and it is covered by this bill.

Mr West: I would also add that warehouses are particularly important because they are part of the supply chain. If we can get a bigger seizure from a warehouse that potentially supplies six shops then that is a very good escalation of what we can seize. Generally speaking, warehouse inspections involve the Police Service as well because, again, the risk assessment may show that the warehouse is in an industrial estate that is potentially not busy with foot traffic or retail traffic, where other people are around and things like that, so they take into account the location of where this warehouse might be in an industrial estate and how to access it and how to secure the premises. A lot of that work is Queensland Police Service work and they support us a lot in that way. We also work with the TGA with warehouses.

Mr J KELLY: Are vehicles transporting product captured if they are en route?

Ms Good: Not en route, no. If there is a vehicle, say, at a warehouse, inside a warehouse or on the premises where they are and they can see that there is illicit product inside, they can look to seize that generally under QPS—unless the occupier or the owner of the vehicle actually gives you permission to take it, which they sometimes do. For travel in-between en route, no.

Mr J KELLY: In some of the older suburbs around Brisbane you have the old corner stores that are half residential and half corner store. Oftentimes they are owned by the person who is operating the business. I presume they would still be captured by this. They are the landlord and the business operator, so they would definitely be captured by this? There would be no exemption because it is a person's house, per se?

Ms Good: We can do a closure of the business part of that, but obviously they are not the landlord. Kate, Karson or Amy may want to provide further information about that, but they are not the landlord because they are the premises owner.

Ms Allen: Going back to the initial question about wholesale premises and how the bill targets those premises, I would just like to clarify that the closure orders as proposed in the bill will apply to the offence of possession. That would mean that, for those wholesale premises that are engaging actively in supply but are storing the stock at their premises, Queensland Health would now be able to close those premises for a period of three months or apply to the court for a 12-month closure order. We have also expanded our entry powers to extend to wholesale premises, so that would mean, without a warrant or without the consent of the owner of the premises, we would be able to enter the premises during their regular business hours to undertake enforcement action or monitoring. The closure order powers do not extend to residential premises; however, they apply to all commercial premises.

Back to the offences that are already in the act in relation to the supply and possession of illicit products as part of a business activity, that can also extend to activity undertaken from a vehicle or storage facilities adjacent to the commercial premises, so those premises are captured as part of that framework.

Mr J KELLY: You mentioned concerns around vapes containing nitazene. Why are you concerned about vapes that contain nitazene?

Mr Mahler: Member for Greenslopes, I am not sure if I am understanding the question.

Mr J KELLY: Okay, I will rephrase it: why are you concerned about vapes that contain nitazene?

Mr Mahler: Because I am worried that minute doses of nitazene can kill people.

Mr J KELLY: It is a grand shame that you cannot do anything about that in relation to pills that are going to be passed around at schoolies, isn't it?

Mr Mahler: As you know, the recent amendments around pill testing were a decision of government, so the department is not here to comment on the policy of that.

Dr O'SHEA: Thank you for all coming again today; it is great to see you all again. We were talking with the police in the previous session and they were telling us about Taskforce Masher. For the police officers there, that is the dedicated task for them. We were talking about the fact that that was stood up because of the operational requirements of the local police force. Just roughly, with the retail side of this operation, for what percentage would you require the police to come with the environmental health officers?

Ms Good: I do not have a percentage that I could share with you today. It is something that we could look up for you. It is really a public health unit level decision. For routine inspections, if they feel that there is a risk they will contact the police for that. For joint operations where we have worked with the Therapeutic Goods Administration, QPS is always there for those. When we are doing a joint operation we would have police at all of those, but for routine ones we would have to come back to you with that.

CHAIR: Can we perhaps place that as a question on notice?

Mr West: We do not centrally collect that information. Within the framework of Queensland Health and how the environmental health officers and enforcement officers work, they are managed locally by 11 units, so we could only seek that information—it might take a little while—from 11 different places to ask them to give a proportion because it is part of their business as usual; it is their routine work. We know the profile of when they ask for help and they get help from QPS, and from my departmental point of view my main mission, if you like, is to try and reinforce that with the Queensland Police Service in the hierarchy and everything else so the commands are available locally to assist. I note that it may take a little while because we do not routinely collect that information and we certainly do not collect it centrally.

Dr O'SHEA: I was just interested because you are obviously moving to 200 environmental health officers. There are, I think, 17 members on Taskforce Masher across the state. Obviously, to try and enforce all of this, if you required the police half the time, and if there are delays because of

their operational duties and things like that, I am interested to make sure everything is adequately resourced. I am trying to understand: with the current legislation an environmental health officer goes into a store, so what is the barrier then to be able to prove that the illicit products are being sold there? Does the environmental health officer have the right to go in and say, 'We've received information that these products are being sold in this store and we have a right to search these premises'? Is that what happens at the moment?

Ms Good: Yes. They will get a complaint and they will go in and conduct an inspection. The general powers they have allow them to search all of the store now, which then helps them prove possession. If they find illicit tobacco or vapes then they have that possession. To then prove supply, they need to look at other factors. For example, are they on display? Are there price tickets or menu boards that are saying 'Cheap tobacco—\$15' or something like that? They also look at their point-of-sale information and request that from the occupier where they can access that to also look at whether there are supply offences. There are a number of things they do to prove supply. The controlled purchase operations will allow us to make it even easier to prove supply because an officer would go in, ask for the product, purchase the product and then have that supply very clearly there.

Dr O'SHEA: Now that possession is included in this legislation, is that necessary, because if they are able to search the store the products are there? Do they have to also then prove supply if possession is allowed to be a cause for a closure?

Ms Good: The other reason for the controlled purchase operation is: if the store has been issued a closure order but is open, the officer can go in and ask for the product. It is also if they are unlicensed. The current arrangement is that if they do not have a licence they cannot be supplying smoking products but they can be open. They could say, 'No, we're not supplying smoking products because we're waiting for our licence application to be decided,' or they just have not put in a licence application. The officer can then go in and use that purchase as proof that they are supplying unlicensed, so it is twofold.

Mr West: The supply penalties are much higher than possession penalties. If we want to disrupt this illicit business and hit them where it hurts and dissuade the profit motive, we are seeking the highest penalties possible under the statute in Queensland, and that is what Queensland Health is focused on. We have been working with those requirements for a year or so and we got feedback from the frontline officers that it would be a better enforcement tool and make it easier if we could, as Karson described, mystery-shop or test a sale first to have solid evidence around the supply, record that properly as evidence and then be able to go again also in teams. I do not think we have mentioned this yet, but usually an inspection is a team of three or four.

Ms Good: Minimum of three.

Mr West: Minimum of three, and they have backup buddies. There is a person who does surveillance of who is coming in and out of the shop and not coming in and out of the shop and a person who is actually doing the searching while someone else is recording. There are body worn cameras and it is solid teamwork as a team to have all the bases covered, which is also important for workplace health and safety.

Dr O'SHEA: With increasing the short-term closure orders from the 72 hours to the three months, at that time would you then apply for the long-term order or do you wait and see if they reopen at the three months and see what is happening? What is the intent behind this?

Mr West: We would consider multiple options. Hopefully, the closing down of a business for three months sees the end of them and they have cleared off out of the place. We have seized all their product, we have locked their doors, we have done other follow-up surveillance to see whether they are breaking the closure requirement or law and then taken action against that, which we can do. If they do close for three months and finish their process and then reopen, we will go back and inspect again to see if they have found the error of their ways or whether they are reoffending and we go again. That escalation process comes back centrally to the department, where we would work with the local team about pursuing a court process, because it is an option, basically. We would see that option—and it is a great option to have a court process—and there are injunctions as well on the actual individual that can happen and we would fully look at pursuing that option on a case-by-case basis.

Dr O'SHEA: You could always put a second short-term closure order in place if they have breached again when you go back to check on them?

Mr West: Yes, we will have that option. They would be on the bad list and they would be known to us, and we would be pursuing them relentlessly, especially if we can get the bill through with the three-month closure order. At the moment—and I think we talked about this last time—the 72 hours

is almost seen as a long weekend, unfortunately. That has been reported in the media and it is not good enough. We want three-month closures to really break the back of the supply from the outlet, and then they will be at the top of our list and we will go back and do more repeat enforcement.

Mr Mahler: Three months also allows the landlord to take action, which is a pivotal part of this package of reforms. Ideally, within that three-month period the landlord will decide, 'I do not think we want to continue letting to this illegal trader,' and that may obviate the need for any further closure orders.

Dr O'SHEA: That is right. Once you give that notice to the landlord, hopefully they will act within those three months and another business goes in there.

CHAIR: It certainly makes for some interesting legal challenges. I think the member for Redcliffe had a couple of questions, so I might let the member for Redcliffe go first.

Ms DOOLEY: Firstly, thank you so much for collating the information from this morning and providing your summation of ideas. I am not a lawyer; I am a nurse, and this is a public health crisis. Whilst I appreciate we need the Queensland Law Society to provide unintended consequences et cetera, it has been really valuable to have you come again at the end of the day to remind us that these are organised criminal gangs and the increased powers that your officers will have are necessary to actually break the neck of this. Can you tell us about the training that is provided? There are some concerns around their safety, and I heard you say that safety is important. What additional training is given to the staff who are doing this?

Ms Good: As part of their authorised officer training, there are standard modules about how to act as an authorised officer that they need to do. We have an online and a paper-based training program for our act which steps them through all of the things that they need to know. It is self-paced learning. The idea is that they have to do it as part of their authorisation. We have a specific module around illicit tobacco and vapes and what they need to do there and around the safety precautions they should be taking. If this bill passes we will have a specific training module for the further things they need to know.

We also have a very large suite of guidelines, procedures and resources that is available to all of our officers to work through. We also meet with the dedicated lead in each public health unit every month to go through everything and troubleshoot any issues that might have come up, and we amend our guidance around that.

Mr West: We have talked about the workforce. About 150 of those workforce are tertiary educated environmental health officers, and that is a requirement for their employment. That means they get graduate-level training in being a regulator and how to conduct investigations and how to pull together the required evidence for meeting a provision of legislation in general. The environmental health officers in particular have that extra training.

We have also complemented that workforce with compliance officers. While they do not have the same academic qualifications, we are seeing that many of the people who are being employed as compliance officers are either ex-police or ex-customs officers. We are recruiting people with a level of experience in regulation and enforcement. That has been a good complement to the tertiary-educated environmental health officers.

Ms DOOLEY: It is really important to be aware of that—they are not just 19-year-olds going in with no training or no academic rigour.

Mr West: No, and our workforce profile is experienced.

Ms DOOLEY: Excellent.

Mr West: I know quite a lot of the people in the Queensland Health system who have been there for over 15 years. We are talking about very experienced officers with local management support and access to all of Queensland Health's training who are being supported in that workplace. They are permanent Queensland Health employees—the EHOs in particular—and they are supported that way.

Ms DOOLEY: It was suggested we use the framework of the PPRA to try to prevent any corruption of employees. Do you think that is a fair suggestion? I am sorry—that is seeking an opinion.

Mr West: It has not been necessary with this public health legislation to date. I have been involved with this legislation for 30 years. Are you concerned about powers, protections or due process?

Ms DOOLEY: I am not personally, but this morning the Queensland Law Society and Mr O'Gorman suggested using that framework to try to prevent that. That is not my view, but—

Mr West: I will just hand over to Karson.

Mr Mahler: As I said, we have borrowed parts of the PPRA framework where it is appropriate. That is a framework that is designed to underpin very sweeping, covert investigative powers that apply across things like investigations into dangerous weapons offences and drug trafficking. Also, it is dealing with police officers who have enormous general policing powers. Our authorised persons have limited powers. They have regulatory powers. It is a bit of a sledgehammer approach to be suggesting that you would have that level of process.

We heard about the committee structure. The bill already provides that the director-general has to sign off on every single operation, and it has to be time limited and very clear. It is almost like swearing out a warrant as to the specifics and the constraints around what the job purchase operation looks like. There is the training and the education—all of that goes on. A lot was brought in from the PPRA, but it has been adapted to the narrower context. Having a specialised committee is incredibly bureaucratic. The provision would be unworkable if we had to do that every time we wanted an appointed officer to go in and buy a pack of smokes to follow up on a complaint and test whether an illicit trader is selling illicit tobacco. They would not be used, frankly, if I can be candid with the committee. They would sit on the statute book. They would not be used. They are not going to be diverting that kind of energy to jump through that sort of process. Kate, did you want to elaborate on the specific safeguards? There are many that we have imported from the PPRA.

Ms Sanderson: Yes, certainly. As Karson mentioned, the authorisations for each operation need to be signed off by the chief executive. The Controlled Purchase Officers—CPOs—have a very limited scope of what they are able to do. They are not engaging, as Karson said, in anything elaborate like joining organised crime gangs; they are going in and attempting to buy a packet of illicit cigarettes or a vape. It is a very different scope from what we see in the PPRA.

CHAIR: When you say ‘the chief executive’, is that you, Mark?

Mr West: It is the director-general of Queensland Health.

CHAIR: So it goes all the way to the top of Queensland Health?

Mr West: Or it goes to his delegate. The power is vested in the director-general and he has to be satisfied—

CHAIR: That is a lot to deal with on a day-to-day basis.

Mr West: There could be a consideration of delegation, of course, because the director-general of Queensland Health is very busy.

Mr Mahler: He is ultimately accountable for the decision, so he has to be satisfied that the delegate is appropriate to make those calls.

Ms Sanderson: In relation to the additional safeguards: the officers have to be appropriately qualified and trained; the chief executive has to be satisfied of a number of matters before that approval is given; every operation is subject to the limits on the places they can go or the websites they can attempt to purchase from; and there will always be oversight by a supervising authorised person. A really strong oversight framework is built into the legislation and, as we have said, we have borrowed quite heavily from the PPRA, but we have not gone to the full extent because it is just not necessary in the same way it is for police legislation and police operations.

Mr Mahler: I have a final point to add to the controlled purchase operations. Again, to put it in perspective—and I think we did talk about this at some length in the previous briefing—these traders are incredibly good at hiding their illicit stock and at using legal stock to obscure what they are doing. The committee members have cited several examples of their own experiences where it is not as straightforward as catching them in the act of supply or even possession. Sometimes you need to send a customer in and say, ‘Can I just buy the stuff?’ because very quickly they show you where they are storing it. It is tremendously efficient for our enforcement officers to be able to go in and not have to stake out a joint for weeks to figure out where they are storing the contraband. It is easier if they can go in and try to make a purchase. Again, it is legal to go in and make a purchase. We could just send Kate in to make the purchase. We have been tempted to do it ourselves! I find it quite curious and, frankly, very theoretical that concerns have been raised that these covert operations are exercising extreme powers. I will stop my colourful commentary there.

CHAIR: Just one final question: will it ever be reasonable for a landlord not to terminate a lease in response to the issuing of a closure order, and in what circumstances could that occur?

Mr Mahler: I might ask Kate to respond to that.

Ms Sanderson: Reasonable excuse is used very frequently throughout Queensland legislation. It is not an unusual term. It is in many statutes. I note that some submitters and some witnesses who appeared today said it is not defined or asked, 'What exactly does that mean?' It will depend on the circumstances of the case. It is very rare for that to be defined in legislation.

Ultimately, it is for the court to determine if it is reasonable for a landlord to continue letting to a tenant. I think there will be circumstances where it is reasonable. For example, where the landlord is a franchisor, who is acting under the Commonwealth franchising legislation, and is taking steps under that legislation to terminate the right to occupy, that is likely to be a reasonable excuse. If the lessor has not received a closure order and had no way of knowing that the illegal conduct was going on, that could be a reasonable excuse. Another example we have been given is where they are under duress from a criminal organisation—if that is genuine and can be established, that is likely to be a reasonable excuse. Again, it is ultimately a matter for the courts, and we certainly would not seek to define it in the bill.

CHAIR: That concludes this briefing. Thanks to everyone who has participated today. We have one question on notice. Thanks to Hansard. A transcript of these proceedings will be available on the committee's webpage in due course.

Dr O'SHEA: If I may interrupt: if you do not hold that information, I do not want you spending time trying to find it. I just wanted to get a rough idea.

CHAIR: It could be more of a general comment.

Mr West: I am happy to provide a general comment. Thank you for that. It is not kept centrally, but we can provide a general comment.

CHAIR: We would like to have that by 5 pm on Wednesday, 29 October. I declare this public briefing closed.

The committee adjourned at 3.00 pm.