

Health, Environment and Innovation Committee inquiry into the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025

Departmental response to issues raised in written submissions

The Health, Environment and Innovation Committee (Committee) has published 43 submissions as part of its inquiry into the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025 (Bill). A further two submissions were provided by the Committee to Queensland Health. In total, 45 submissions were received as of 16 October 2025. A list of the submissions published on the Committee's website as of 15 October 2025, and the additional two submissions provided to Queensland Health, is provided in the table below.

Queensland Health has responded to the key themes and substantive issues raised in the submissions.

Submissions	
001	Name withheld
002	Name withheld
003	Name withheld
004	Nevell Group Retail, IGA Birkdale, IGA Coomera Waters, Friendly Grocer Capalaba
005	Luke Cardwell
006	Super Vape Store and supplementary
007	Drug Free Australia
008	Robyn and Ashley Maeyke
009	Australian Association of Convenience Stores
010	Name withheld
011	No More Butts
012	The Royal Australian College of General Practitioners
013	Michelle Jongenelis
014	John Carter
015	Pamela Wright
016	Professor Matthew Rimmer
017	Gold Coast Public Health Unit, Gold Coast Hospital and Health Service (GCHHS)
018	Fusion Body Corporate Committee
019	Thomas Lyons
020	Imperial Brands Australasia
021	Cignall Pty Ltd

Submissions	
022	TSG Franchise Management
023	Australian College of Rural and Remote Medicine (ACRRM)
024	Confidential - Not released
025	Lung Foundation Australia (LFA)
026	Free Choice Tobacconist Deception Bay
027	Name withheld
028	Name withheld
029	Cancer Council Queensland
030	Queensland Network of Alcohol and other Drug Agencies (QNADA)
031	NHMRC Centre of Research Excellence on Achieving the Tobacco Endgame
032	Australian Council on Smoking and Health (ACOSH)
033	Public Health Association Australia, Queensland Branch
034	Office of the Information Commissioner (OIC)
035	Name withheld
036	Name withheld
037	Shopping Centre Council of Australia (SCCA)
038	Cairns and Hinterland Hospital and Health Service (CHHHS)
039	Stroke Foundation
040	Crime and Corruption Commission (CCC)
041	Sheena Lindholm
042	Real Estate Institute of Queensland (REIQ)
043	Environmental Health Australia (Queensland) Inc.
044	Queensland Law Society (QLS)
045	Queensland Council for Civil Liberties (QCCL)

Submitters	Issue	Department's response
General		
<u>Supported the Bill:</u> 01. Name withheld 04. Nevell Group Retail, IGA Birkdale, IGA Coomera Waters, Friendly Grocer Capalaba 07. Drug Free Australia 08. Robyn and Ashley Maeyke 09. Australian Association of Convenience Stores (AACS) 11. No More Butts 12. Royal Australian College of General Practitioners (RACGP) - Queensland Faculty 13. Associate Professor Michelle Jongenelis (University of Melbourne) 16. Professor Matthew Rimmer 17. Gold Coast Hospital and Health Service (GCHHS) Public Health Unit 18. Fusion Body Corporate Committee 20. Imperial Brands Australasia 21. Cignall Pty Ltd 23. Australian College of Rural and Remote Medicine (ACRRM) 25. Lung Foundation Australia (LFA) 27. Name withheld 29. Cancer Council Queensland 31. NHMRC Centre of Research Excellence on Achieving the Tobacco Endgame 32. Australian Council on Smoking and Health (ACOSH) 33. Public Health Association of Australia Queensland Branch 35. Name withheld 37. Shopping Centre Council of Australia (SCCA) 39. Stroke Foundation 43. Environmental Health Australia <u>Supported some aspects of the Bill:</u> 15. Pamela Wright 22. TSG Franchise Management 28. Name withheld 30. Queensland Network of Alcohol and other Drug Agencies (QNADA) 42. Real Estate Institute of Queensland (REIQ) 44. Queensland Law Society (QLS) 45. Queensland Council for Civil Liberties (QCCL) <u>Did not express a view on the Bill but sought changes or clarification:</u> 34. Office of the Information Commissioner (OIC)	<u>Supported the Bill:</u> The majority of submitters supported or strongly supported the Bill. <u>Supported some aspects of the Bill:</u> Some submitters supported some aspects of the Bill but raised concerns about other aspects. <u>Did not express a view on the Bill but sought changes or clarification:</u> Some submitters did not express support or otherwise for the Bill, but did suggest changes to some of the amendments in the Bill. One submitter sought clarification of technical wording and procedural aspects of the Bill. <u>Did not comment on the Bill directly:</u> Some submitters raised concerns about the approach to regulating and enforcing tobacco and vaping, provided anecdotal accounts, and made suggestions for additional proposals, without providing direct comment on the Bill. <u>Did not support the Bill:</u> John Carter noted that the Bill proposals would drive tobacco underground. Similarly, Super Vape Store stated that enforcement of the Bill will result in street gangs selling vapes and reduced product safety.	Noted. Areas of concern are addressed below. Queensland Health notes that the supply and commercial possession of illicit tobacco and illicit nicotine products such as vapes is illegal both under the <i>Tobacco and Other Smoking Products Act 1998</i> (Act) and Commonwealth legislation. The amendments in the Bill, which will be supported by robust enforcement measures, target illegal operators and are intended to disrupt illegal operations in retail and wholesale settings. Queensland Health will continue to work with its regulatory partners to support the disruption of the supply of illicit tobacco and vapes across the continuum.

Submitters	Issue	Department's response
38. Cairns and Hinterland Hospital and Health Service (CHHHS) 40. Crime and Corruption Commission (CCC) <u>Did not comment on the Bill directly:</u> 02. Name withheld 03. Name withheld 05. Luke Cardwell 10. Name withheld 19. Thomas Lyons 26. Freechoice Tobacconist Deception Bay 36. Name withheld 41. Sheena Lindholm <u>Did not support the Bill:</u> 06. Super Vape Store 14. John Carter <u>Not disclosed:</u> 24. Confidential		
Closure orders		
08. Robyn and Ashley Maeyke	Robyn and Ashley Maeyke queried why the closure order is not permanent.	As closure orders apply to the premises, rather than the business, applying a permanent closure would mean that the premises could never be used for any purpose. This would not be appropriate and would have significant consequences for owners and prospective future tenants.
15. Pamela Wright	Pamela Wright considered that the short-term closure order should be at least six months. Regarding long-term closures, Pamela recommended court-orders be able to close shops and businesses permanently (rather than for a maximum of 12 months). Pamela noted closure orders should be put into place in response to a first offence. Pamela also queried whether wholesalers would be subject to closure orders.	Queensland Health considers that the proposed three-month period for short term closure orders is appropriate to provide a credible deterrent and disrupt illegal businesses. If, at the end of a three-month closure order period, the relevant business continues to be non-compliant, a further three-month closure could be imposed, or the chief executive could seek a long-term closure order of up to 12 months. As noted above, closure orders apply to the premises, rather than the business. Therefore, applying a permanent closure to a premises would mean that premises could never be used for any purpose. If closure orders were applied to businesses, rather than premises, illegal operators would easily circumvent the orders by rebranding as a new business, even in the same premises. The proposed changes to the closure order powers are considered to strike an appropriate balance. The Act also allows the chief executive to seek an injunction from the District Court, restraining a person from engaging in particular conduct. Where appropriate, this can be used to prevent a person from trading. The Bill provides for the chief executive and courts to consider a range of factors when determining whether to issue a closure order. One of these factors may be previous enforcement action. However, where appropriate, a closure order can be issued in response to a first offence. As amended, the closure orders will apply in relation to both supply and commercial possession. Therefore, a closure order could be imposed against a wholesale premises.

Submitters	Issue	Department's response
22. TSG Franchise Management (TSG)	TSG supported the expansion of the duration of closure orders, however recommended that the government ensure Magistrates are directed to apply these penalties in practice, given there have been no examples of Magistrates ordering long-term closure orders for the current period of six months.	The Bill will provide Magistrates with the power to order a closure of a premises for up to 12 months. Depending on the circumstances of the case, it may be appropriate for the Magistrate to order a shorter period and the Bill ensures this judicial discretion is available. Queensland Health notes that to date, six long term closure orders have been issued, with five issued for the current maximum period of six months and one for five months.
26. Freechoice Tobacconist Deception Bay	Freechoice Tobacconist Deception Bay recommended that closure orders be expanded to apply to storage shed businesses.	Queensland Health notes that the amended closure orders will apply to any commercial premises where illicit tobacco or illicit nicotine products are being supplied or possessed as part of a business activity, or where unlicensed supply of smoking products is occurring. The closure orders therefore would capture storage shed businesses possessing illicit tobacco or illicit nicotine products.
44. Queensland Law Society (QLS)	QLS considered that the short-term closure order should not exceed 28 days, allowing time for the chief executive to apply to the Magistrates Court for a longer order. QLS noted this is the South Australian model. QLS suggested that if 28 days is not long enough to apply to the Magistrates Court, additional funding should be provided to the Magistrates Courts to ensure they can hear closure orders on an urgent basis.	Queensland Health considers a closure of 28 days would not adequately achieve the policy intent of providing a strong deterrent against illegal supply and possession in an industry where non-compliance is entrenched and highly profitable. In some cases, it is anticipated that a business will be brought back into compliance after a short term closure order and a long term closure order will not be required. In other cases, Queensland Health may use the short term closure order as an interim measure to allow for application to the Magistrates Court for a long-term closure order. Additionally, requiring expedited applications to the Magistrates Court to affirm administrative closure orders in every case would impose a significant burden on the courts and Queensland Health. In particular, it would divert significant resources away from monitoring and enforcement activities, with enforcement teams instead preparing for and supporting expedited legal proceedings which, based on experience to date, are likely to focus on collateral issues and not on any genuine dispute as to the factual predicate for the closure order (being that illicit tobacco or illicit nicotine products were supplied from the premises). The funding of the Magistrates Court is outside the scope of the Bill. Queensland Health acknowledges that South Australia's legislation provides for interim closure orders of 72 hours and short term closure orders of 28 days. However, tobacco legislation in New South Wales has recently been amended to provide for administrative closure orders of up to three months. Media reports indicate the Western Australian Government is also considering implementing closure orders of six or 12 months.
Closure offence		
08. Robyn and Ashley Maeyke 31. NHMRC Centre of Research Excellence on Achieving the Tobacco Endgame (NHMRC)	Robyn and Ashley Maeyke queried why the penalty for the closure offence was not higher. The NHMRC is supportive of the Bill, including the expansion of closure powers. However, the NHMRC recommended that the penalty for the closure offence be increased to a higher level to serve as a greater deterrent.	The maximum court ordered penalty for breaching a closure order is 200 penalty units, or \$33,360. This aligns with the existing maximum penalty for breaching a closure order in the Act but expands what is considered a breach to more appropriately target the supply of any goods or services, or opening the premises to the public, during a closure order. The maximum penalty is considered appropriate to reflect the relevant seriousness of breaching a closure order and to create a deterrent effect. The Bill also prescribes the closure order offence as a penalty infringement notice offence, which will allow enforcement officers to impose an on-the-spot fine of 20 penalty units, or \$3,338. Queensland Health notes that the penalty for violating a closure order is not on the same scale as the penalty for illegal possession and supply because a closure order can be breached for any use of the premises—for example, selling soft drinks or snacks. However, should the premises be used to continue illegal trading, those involved would not only commit an offence by violating a closure order, but also by engaging in the illegal supply or possession of illicit tobacco and/or illicit nicotine products. Those offences carry far higher penalties under the Act (2,000 penalty units or two years imprisonment, or both, for supply, and 1,000 penalty units or one year imprisonment, or both, for possession).

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Submitters	Issue	Department's response
		Queensland Health further notes that a maximum penalty of 200 penalty units applies to other offences in the Act, including selling or transferring a licence, or possessing a tobacco product vending machine when prohibited from doing so. The penalties in the Bill are proportionate to the relevant seriousness of the conduct being regulated and drafted for consistency across the Act and Queensland's laws more generally.
22. TSG Franchise Management (TSG)	TSG supported the proposed closure order offence, but recommended that closure orders be enforced, given follow-up penalties have been absent despite continued illicit activity after 72-hour closure orders are issued.	The current closure order offence applies only to the supply of smoking products from the closed premises. It has been difficult to enforce because businesses need to be caught in the act of supplying smoking products during the closure period. The amended offence will support improved enforcement as it will apply if the business is open to the public or supplying any product or service during the closure period. The Bill also prescribes the offence as a penalty infringement notice offence, allowing on-the-spot fines to be issued for contraventions. These changes will significantly enhance enforcement of closure orders.
34. Office of the Information Commissioner (OIC)	The OIC recommended clear protocols for sharing closure orders and notices to landlords, ensuring compliance with privacy obligations and fairness.	Queensland Health will develop guidance materials relating to the service of closure orders on relevant lessors and ensure that processes comply with privacy obligations under Queensland's <i>Information Privacy Act 2009</i> .
35. Name withheld	Submitter 35 recommended that businesses trading during a closure order should risk permanent closure and forfeiture of stock and equipment.	As noted above, closure orders apply to the premises, rather than the business. Therefore, applying a permanent closure to a premises would mean that premises could never be used for any purpose. A permanent closure of a business could be easily circumvented by the business rebranding as a new business. The Bill, however, enables the seizure and forfeiture of compromised goods. Compromised goods are legal smoking products, hookahs and components of hookahs found alongside illicit tobacco and illicit nicotine products. This measure ensures there is a greater and immediate financial impact for those engaging in the illegal trade. Additionally, the State Penalties Enforcement Registry hold significant powers in relation to unpaid fines, including asset and vehicle seizure.
42. Real Estate Institute of Queensland (REIQ)	REIQ noted that property owners and managers should be afforded procedural fairness, including the right to respond to closure orders. REIQ also recommended that appeal mechanisms for closure orders be clearly outlined.	Short term closure orders are not subject to show cause or administrative review rights. This reflects the need for swift and decisive action against obvious non-compliance. This also provides certainty for landlords when using the associated termination power. However, an affected party could still seek review under the <i>Judicial Review Act 1991</i> . Similarly, the chief executive of Queensland Health is able to revoke a closure order under the <i>Acts Interpretation Act 1954</i> . However, given the strength of evidence upon which a closure order is issued, revocations are expected to be extremely rare. Appeals may be available with respect to long term closure orders, depending on the circumstances.
Statutory lease termination power		
12. Pamela Wright	Pamela Wright questioned whether it will be mandatory for landlords to terminate leases subject to a closure order.	The termination power is discretionary. Landlords can consider their own circumstances in deciding whether to terminate. However, if they do not terminate, they may be exposed to liability under the landlord offence or civil penalty.
35. Name withheld	Submitter 35 recommended mandatory landlord notification following raids or enforcement action to enable lease termination.	The Bill requires Queensland Health to notify landlords if a closure order is issued against a leased premises. The closure order is the trigger for the landlord to be able to terminate the lease.
43. Environmental Health Australia	Environmental Health Australia supported the termination power but recommended training for commercial agents and landlords to ensure they understand when the termination power applies.	Noted.
44. Queensland Law Society (QLS)	QLS expressed concerns about giving a landlord the right to terminate a lease before a long term closure order has been issued by a Magistrate or the tenant is found to have committed an offence. QLS recommended the right to terminate a lease only be exercisable after a Magistrate has issued a long-term closure order. QLS noted this is consistent with the South Australian legislation, which grants a landlord the right to terminate a lease if a long-term closure order has been issued by the Magistrates Court.	Queensland Health considers it is appropriate for landlords to be able to terminate a lease in response to a short term closure order. Where a closure order is issued, the premises cannot be used for the period of the order, which is likely to impact the rights and interests of the landlord. Additionally, closure orders are generally issued in response to repeated non-compliance, not in the first instance.

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Submitters	Issue	Department's response
	QLS recommended modifying section 219 of the Act to permit the landlord to claim from the State, all losses or expenses the landlord has been unable to recover from the lessee, regardless of whether the closure order is valid or invalid. Further, QLS raised concerns that a landlord may be reluctant to terminate a lease if the tenant is part of an organised crime group, undermining the impact of the reforms.	Queensland Health notes that the termination power in the Bill is consistent with the recent changes made to tobacco legislation in New South Wales which provides that if a short term or long term closure order is in effect for a premises, the lease or licence for the premises is taken to include a provision allowing the landlord or licensor to terminate the lease or licence. In relation to compensation, the Bill provides that if a closure order is later found to have been wrongfully issued, is revoked, or is found by a court to be invalid, a person who has incurred loss or expense as a result of the closure order may be able to seek compensation from the State under the Act. Compensation may be awarded by the court where it is just to do so. Compensation claims and unlawful terminations are expected to be rare, as closure orders are only issued in response to strong evidence of illegal conduct or repeated non-compliance under the Act. Compensating landlords for losses or expenses incurred due to reliance on a validly issued closure order is not warranted. Regulatory actions undertaken within the framework of established legislative schemes may inevitably affect businesses and individuals. However, it is not the responsibility of the State to provide financial indemnification for such consequences. Doing so would place an undue fiscal strain on public resources and taxpayers, while also potentially overwhelming the judicial system with compensation claims. Concerns about the safety of landlords who terminate rather than risk liability under the criminal offence or civil penalty were considered during development of the Bill. Importantly, the provisions include a reasonable excuse defence, which could be raised where a landlord genuinely fears for their safety. In such cases, it would be appropriate for the landlord to raise their concerns with the Queensland Police Service. Conversely, the power to terminate may reduce safety risks for some landlords by enabling them to exit leases with businesses engaged in illegal trade and re-let the premises to tenants with a lower risk profile.
Landlord criminal offence and civil penalty		
22. TSG Franchise Management (TSG)	TSG did not support the proposed landlord offence and civil penalty, noting that landlords are generally not equipped to identify illicit products or monitor tenant business activity. TSG submitted that imposing criminal or civil liability risks unintended consequences, meaning landlords may avoid leasing to law-abiding tobacco retailers altogether, in turn harming compliant businesses.	Queensland Health notes the criminal offence and civil penalty are not intended to require landlords to identify illicit products or actively monitor tenant business operations. Rather, the amendments are designed to apply only where a landlord knowingly permits illicit tobacco or illicit nicotine product activity to occur at the premises, or fails to take reasonable steps once they are aware of such conduct. This ensures that liability is confined to landlords who are complicit or wilfully blind to unlawful activity on their premises, rather than those who act in good faith. The intent is to promote accountability where a landlord continues to profit from or ignore illegal trading; not to impose an unrealistic compliance burden on ordinary commercial landlords. Queensland Health acknowledges the potential reluctance of landlords to lease to legitimate businesses. However, such reluctance may also relate to existing concerns about the risk of criminal activity associated with tobacconists and similar businesses, and the resulting consequences, such as increased insurance premiums. The criminal offence and civil penalty provisions in the Bill are designed to target illegal operators, not compliant businesses.
26. Freechoice Tobacconist Deception Bay	Freechoice Tobacconist Deception Bay recommended that landlords should be required to explain why a lease with a business engaging in the illicit trade has not been terminated, and that a full investigation of employees working at these businesses be undertaken, given some are paid up to \$300 a day in cash. Freechoice Tobacconist Deception Bay also recommended that employees at these stores be issued on-the-spot fines of up to \$32,260 if they are found to be selling illicit tobacco products or vapes.	Queensland Health notes that if a landlord does not terminate a lease following the issue of a closure order, they may be liable for the landlord offence or civil penalty where it can be established that they permitted the illicit activity to occur. This ensures accountability where a landlord knowingly allows illegal conduct to continue at their premises. In addition, section 161B of the Act makes it an offence for an employee to supply illicit tobacco or illicit nicotine products from retail or wholesale premises. This offence is also currently prescribed as a penalty infringement notice offence, carrying a fine of \$3,338.

Submitters	Issue	Department's response
28. Name withheld	Submitter 28 recommended: - strengthening landlord and agent responsibility by holding landlords and their agents accountable for the business activities conducted on their premises; - leasing agreements requiring tenants to provide a current copy of their tobacco licence to the landlord; - a compliance model used by 'The Lott' to be followed, requiring landlords to verify the validity of licences during routine audits; - requiring any serious breach of a tobacco licence to be reported to the landlord without delay, and where illegal or illicit tobacco is sold without a valid licence, legislation providing for the seizure and sale of the landlord or agent's assets to recover costs associated with court proceedings.	Queensland Health notes that the landlord offence and civil penalty provisions strengthen landlord accountability where a landlord permits the trade of illicit tobacco or illicit nicotine products at their premises. These provisions are intended to deter deliberate inaction or complicity, rather than impose additional administrative or compliance burdens on landlords acting in good faith. While the Bill provides a clear legal mechanism to terminate a lease and holds landlords to account for knowingly permitting unlawful activity, it does not prescribe the detailed terms of leasing arrangements or require specific audit, verification or monitoring practices. Such matters fall outside the scope of the Bill. Where a breach of a smoking products licence results in the closure of a store, Queensland Health will notify the relevant lessor where reasonably practicable.
38. Cairns and Hinterland Hospital and Health Service (CHHHS)	CHHHS sought clarification on whether the definition of 'premises' extends to storage-only sites for illicit tobacco or nicotine products.	Queensland Health notes that the Bill is primarily focused on disrupting the commercial availability and supply of illicit tobacco and illicit nicotine products—that is, reducing the number of places where these products can be purchased or distributed, whether at the consumer or wholesale level. However, the strengthened enforcement framework introduced by the Bill, including for seizure powers, closure orders, and penalty infringement notices, applies broadly to all premises where illicit tobacco or illicit nicotine product trade occurs. This ensures a consistent approach to enforcement across retail, wholesale, and other sites associated with the supply chain, supporting the Bill's objective to limit access to illicit products and dismantle the illicit trade.
42. Real Estate Institute of Queensland (REIQ)	REIQ supported the Bill's intent but raised concerns about the proposed landlord offence. They sought clearer definitions of what constitutes 'knowledge' and 'reasonable steps' and protections for agents acting in good faith. REIQ highlighted that many landlords and agents have limited access or authority to monitor tenant activities under commercial leases. REIQ recommended that an exemption or defence be incorporated for landlords and agents who have limited contractual rights or practical ability to monitor tenant activities.	Queensland Health notes that the landlord offence and civil penalty is not intended to capture good faith landlords. It is not intended to require landlords to identify illicit products or actively monitor tenant business operations. Rather, the amendments are designed to apply only where a landlord knowingly permits the trade of illicit tobacco or illicit nicotine products to occur, or fails to take reasonable steps once they are aware of such conduct. 'Knowledge' will depend on the individual facts and circumstances of the case and is ultimately a matter for the courts to determine. However, it is intended to be a high threshold, applying only where a landlord has clear awareness or evidence of illicit activity occurring at the premises. Similarly, what constitutes taking 'reasonable steps' to prevent illicit activity will depend on the case. Taking such steps may also form the basis of a reasonable excuse defence. Examples include action being taken under franchise legislation, such as terminating a franchise agreement or exercising 'step in' rights. The landlord offence and civil penalty do not apply to agents. However, Queensland Health notes that under section 7 of the Criminal Code, a person who enables, aids, counsels or procures another person to commit an offence can be held liable for the offence. Therefore, an agent who enabled an offence to be committed under the Act could, in appropriate circumstances, also be found liable for the offence.
44. Queensland Law Society (QLS)	QLS expressed concerns that: - a landlord who has been made aware of a tenant's illegal activities may not have the power to stop those activities until after a closure order has been issued and the statutory right to terminate the lease has arisen; - whether a landlord would have a reasonable excuse for inaction if they relied on a tenant's assurance that it would stop selling illicit products, or if the landlord feared repercussions from an organised crime group; - landlords of retail premises in regional or remote areas being disproportionately affected by the landlord offence provision because they may not be able to find another tenant willing to lease premises in an area with a low population;	Queensland Health notes that prosecutorial discretion will be exercised in determining whether a landlord should be pursued for the criminal offence or civil penalty. Where a landlord can demonstrate that they were genuinely unable to terminate the lease, this may constitute a reasonable excuse—though this is ultimately a matter for the court to consider. Where a landlord cannot lawfully terminate a lease because no closure order is issued, they can still take steps to mitigate liability. For example, they can inform Queensland Health or the Queensland Police Service of suspected illicit conduct, refuse to renew the lease, or amend future lease terms to prevent illicit behaviour.

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Submitters	Issue	Department's response
	• 'mum and dad' investors or self-managed superannuation fund owners of single stand-alone shops it harder to secure another tenant than a large, commercial shopping centre landlord, and whether they would have a reasonable excuse if they could not afford to take the commercial risk of having a vacant store; • the the landlord offence may make some landlords reluctant to lease to businesses that legally sell tobacco and nicotine products or impact a landlord's ability to obtain insurance; • landlords may pass additional risk management costs onto lessees through higher rents and rental bonds, disproportionately affecting lawful business operators, who may be unable to find suitable premises to lease at a reasonable rent or who may have to pass these costs onto consumers; and • landlord provisions will add more legal complexity to the leasing process and increase legal fees charged to landlords and tenants. QLS recommended: • the government issues clear guidance to landlords and their advisors before the provisions commence; and • the notice given to landlords with a closure order under proposed section 209CB(2)(b) contains guidance about the landlord's right to terminate the lease and how to prevent a contravention of section 209CE(1).	Whether a landlord relying on the assurances of their tenant that they would stop selling illicit products would be a reasonable excuse in defence of the landlord offence and civil penalty would be a matter for the court, and is likely to depend on whether such reliance was reasonable in all of the circumstances. Queensland Health recognises that some landlords may face challenges in securing new tenants following the termination of a lease with individuals engaged in criminal activity, including when such action is taken to mitigate exposure to liability under the landlord offence and associated penalties. Nonetheless, Queensland Health maintains that the broader public interest in curbing the availability of commercial premises for unlawful supply activities outweighs the potential commercial impacts on individual landlords. Notably, the Bill provides landlords with a discretionary power to terminate leases, enabling them to make informed commercial decisions—either to continue leasing to a tenant engaging in illegal conduct and accept the associated legal risks, or to end the lease and pursue leasing arrangements with tenants who operate lawfully. What constitutes a reasonable excuse is ultimately a matter for the courts. Queensland Health notes however, that the lease termination power has been drafted to be as favourable as possible to the landlord, to mitigate any adverse financial impacts. For example, the termination is taken to be a repudiation of the lease by the tenant and to preserve the rights and powers of the landlord, including, for example, the right to claim damages or a rental bond. Queensland Health acknowledges that some landlords may be hesitant to lease premises to legitimate businesses due to perceived risks associated with tobacconists and similar enterprises. However, this reluctance may also stem from ongoing concerns about potential criminal activity linked to such businesses. Queensland Health further notes that these concerns have already contributed to increased operational costs for affected businesses—for instance, elevated insurance premiums have been reported for businesses associated with tobacconists, reflecting apprehensions about possible criminal damage. Queensland Health acknowledges that the landlord criminal offence and civil penalty may result in some changes in the leasing process to mitigate liability. However, these changes reflect a necessary shift in behaviour to address the current problem—where some leasing arrangements are enabling the illicit tobacco and vaping trade to continue operating. Queensland Health notes QLS's suggestion to provide clear guidance to landlords on the provisions, including as part of the closure order notice. Guidance materials will be developed to support implementation of the Bill.
Compromised goods		
15. Pamela Wright	Pamela Wright considered that the compromised goods proposals could have an unfair impact on licensed tobacconists who participate in selling small amounts of illegal product to survive financially, and suggested enforcement officers should have some discretion as to when this power is exercised.	Queensland Health considers the compromised goods provisions in the Bill appropriate to address the ongoing illicit tobacco and illicit nicotine product crisis. The provisions target illicit operators who deliberately constrain illicit stock on-site to limit losses, ensuring enforcement actions genuinely disrupt operations. However, the provision is also intended to deter legitimate businesses from 'dabbling' in illegal supply, because they will face losing their legal stock. The public health risks associated with illicit tobacco and illicit nicotine products necessitate a strong and targeted response to non-compliance.
22. TSG Franchise Management (TSG)	TSG did not support the compromised goods proposals in the Bill, and submitted that most illicit traders stock little or no compliant goods. TSG stated that these provisions risk punishing otherwise compliant operators, who may inadvertently stock a product deemed non-compliant (for example, due to packaging changes under the National Tobacco Strategy), and may suffer significant financial outcomes (for example, bankruptcy) while illicit traders adapt and evade enforcement.	The introduction of these provisions will ensure enforcement actions immediately disrupt illegal operations—the compromised goods framework directly targets operators that are purposefully concealing illicit products through the guise of selling legal products. Enforcement efforts will be focussed on retailers and wholesalers deliberately selling illegal products, rather than on legitimate products that are inadvertently non-compliant with the latest packaging requirements.

Submitters	Issue	Department’s response
38. Cairns and Hinterland Hospital and Health Service (CHHHS)	CHHHS sought clarification on whether compromised goods require a separate forfeiture decision or can be addressed concurrently with illicit product forfeitures.	The process for seizing and forfeiting compromised goods varies depending on the illicit products they are found with. If the compromised goods are found alongside vapes, they are able to be seized, forfeited and destroyed immediately, as there is no show cause process for these products in the Act. Conversely, if the compromised goods are found alongside and seized with illicit tobacco, they must follow the same show cause process that applies to illicit tobacco—the chief executive of Queensland Health must give the owner of the seized products a notice, whereby the owner has 28 days to respond, before deciding whether the seized products are forfeited to the State. If compromised goods are found alongside vapes as well as illicit tobacco, the process that allows for the most expeditious forfeiture applies (that is, the process for dealing with vapes). In summary, the process for dealing with compromised goods follows the process of the illicit products they are found alongside.
40. Crime and Corruption Commission (CCC)	The CCC supported the Bill’s objectives to combat illicit tobacco and illicit nicotine product trade but highlights potential corruption and oversight risks arising from the expanded enforcement powers. It recommended mandatory publication of statistics on the seizure and forfeiture of compromised goods to ensure transparency.	The Department of Health Annual Report includes a summary of regulatory action taken under public health legislation. The seizure of compromised goods, as well as illicit tobacco and illicit nicotine products, will be captured in the Department’s annual reporting.
Executive liability provision		
12. Pamela Wright	Pamela Wright raised concerns about the difficulties in prosecuting executive officers.	The amendments in the Bill will shift the evidential onus onto executive officers, so they must establish that they did not know and could not have known of the company’s breach, or that they took reasonable steps to prevent the breach. This is intended to support more effective prosecution of complicit executive officers.
29. Cancer Council Queensland	Cancer Council Queensland strongly supported the Bill and the proposed amendments to the executive liability provision. However, to support effective implementation, Cancer Council Queensland recommended the development of plain-language and translated compliance guidance for small businesses and corporation entities, outlining director obligations, due-diligence standards, and record-keeping expectations. Cancer Council Queensland stated that education will reduce inadvertent breaches and help foster a strong culture of compliance across the retail sector.	Noted. Guidance materials will be developed to support implementation of the Bill.
Controlled purchase operations		
12. Pamela Wright	Pamela Wright suggested that enforcement activity for compromised goods would need to be actioned after hours and weekends to have the best chance of succeeding.	The Bill does not restrict when controlled purchase operations can occur. Timing of controlled purchase operations will be an operational decision.
40. Crime and Corruption Commission (CCC)	The CCC supported the Bill’s objectives to combat the illicit tobacco and illicit nicotine product trade but highlighted potential corruption and oversight risks arising from the expanded enforcement powers. The CCC recommended stronger accountability measures, including independent oversight of controlled purchase operations, modelled on the <i>Police Powers and Responsibilities Act 2000</i> (PPRA) framework, with external authorisation, post-operation reporting, and annual reporting to Parliament.	Queensland Health notes that the PPRA sets out a framework for controlled operations for police, and includes specific requirements to seek approval from a committee, submit reports of each operation, and prepare consolidated reports of authorised operations conducted for Parliament and oversight bodies. The Bill does not include requirements of this nature. This is because controlled purchase operations prescribed in the Bill are not testing criminal conduct to the same magnitude and are strictly confined to making attempts to purchase and identifying suppliers of illicit tobacco and illicit nicotine products and unlicensed suppliers of smoking products. The Bill creates a robust legislative framework that requires the chief executive of Queensland Health to be satisfied of certain matters, and also provides safeguards for the conduct of the operation through the oversight of statutory requirements by a supervising authorised person responsible for the operation.
45. Queensland Council for Civil Liberties	The Queensland Council for Civil Liberties recommended that the Bill replicate the PPRA Controlled Operations regime.	
Information powers		
31. NHMRC Centre of Research Excellence on Achieving the Tobacco Endgame	The NHMRC supported the new information gathering power, however, recommended that the maximum penalty be increased to provide a stronger deterrent to potential obstruction of investigations from those who may be directly or indirectly benefitting from the illicit trade. The NHMRC also recommended Parliament consider amending the <i>State Penalties and Enforcement Regulation 2014</i> by including section 215A as a penalty infringement offence due to fiscal and resource concerns associated with the requirement for judicial intervention to increase efficiency.	Queensland Health notes that the penalty amount for section 215A in the Bill is consistent with similar powers, including the existing power to request information under section 215 of the Act (which relates to requesting information about the commission of offences). Non-compliance with section 215 of the Act is prescribed as a penalty infringement notice offence. However, given the more expansive scope of section 215A, it was determined that non-compliance with this section should not be classified as a penalty infringement notice offence.

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34. Office of the Information Commissioner (OIC)	The OIC noted that the new powers to request information (section 215A) and expanded licence application requirements may involve collecting personal or sensitive information from various parties (e.g. landlords, agents, employees). OIC stressed the need to limit collection to what is necessary.	Queensland Health carefully considered the scope of matters that may give rise to privacy concerns. These are set out in detail in the Human Rights Statement of Compatibility and in the Explanatory Notes to the Bill.
Bongs and ice pipes		
15. Pamela Wright	Pamela Wright suggested a definition of ice pipe is required.	Section 158 of the Act defines <i>ice pipe</i> as a device capable of being used for administering a dangerous drug by the drawing of smoke or fumes resulting from heating or burning the drug, in the device, in the drug's crystal, powder, oil or base form.
22. TSG Franchise Management (TSG)	TSG supported the proposed expansion of offences relating to bongs, ice pipes and hookahs, but recommended that forfeited items be destroyed once evidence is documented, avoiding taxpayer costs for storage.	Under section 205A of the Act, forfeited bongs and ice pipes become the property of the State. Under clause 22 of the Bill, where hookahs and components of hookahs are seized as compromised goods, they can be forfeited to the State. Section 207 provides that things that become the property of the State may be dealt with in any way the chief executive considers appropriate, including by destroying them. Additionally, under section 223A of the Act, a court convicting a person of an offence may order the offender to reimburse the State for costs reasonably incurred as a result of the offence. This includes costs associated with testing, transporting, storing, dismantling, destroying or disposing of bongs, ice pipes and hookahs, or other related evidence.
Entry to wholesale premises		
15. Pamela Wright	Pamela Wright stated authorised officers should be able to enter residential premises where illicit tobacco products are being stored or sold.	The Bill expands the current entry powers in the Act to authorise entry, without a warrant or consent, to wholesale licensed premises and wholesale premises at which illicit nicotine products are available for sale. The Bill does not authorise entry to residential premises—this would require a warrant or consent under the Act.
Licence application requirements		
15. Pamela Wright	Pamela Wright was critical of the existing licensing framework, noting that the prevalence of organised crime in the industry reflected the fact that the current scheme was not working.	A number of factors drive the involvement of organised crime in the industry, including the significant profits gained through illegal supply. The Bill directly targets these economic incentives, making illegal supply less attractive. The Bill also improves the licensing framework by expanding information gathering powers and licence application requirements. These changes will ensure that Queensland Health can better assess the legitimacy of applicants, contact involved parties such as the relevant lessor, and move more rapidly to impose licensing sanctions and other penalties on non-compliant operators.
Electronic acknowledgement of prevention measures		
15. Pamela Wright	In addition to the amendments in the Bill, Pamela Wright suggested that the prevention measures should be broadened to ensure there is training for selling illegal products including vapes.	The supply and commercial possession of vapes are illegal under the Act and under Commonwealth law. Retailers therefore should not be stocking vapes or making them available to be sold by staff. The utility of amending the Act to require retailers to train their staff to not sell illegal products is therefore unclear, as these products should not ever be made available by retailers for their staff to sell. Queensland Health does however have free, online resources available to support employees to understand their obligations under the Act.
Smoking only areas at licensed premises		
16. Matthew Rimmer	Matthew Rimmer suggested the Queensland Government should phase out smoking areas in hotels, clubs, pubs, and casinos.	This is outside the scope of the Bill.
43. Environmental Health Australia	Environmental Health Australia recommended that protections at liquor-licensed premises should be strengthened by removing smoking areas. Otherwise, Environmental Health Australia recommended the definition of designated outdoor smoking area be included in legislation to ensure more efficient prosecution.	The Bill will allow venues with certain types of liquor licences to choose a smoking only area (where drinks are not permitted), instead of a designated outdoor smoking area (where drinks are permitted). Where venues make this election, customers may spend less time socialising in smoking areas, which may have public health benefits. <i>Designated outdoor smoking area</i> is defined in the Act to mean a part of the licensed outdoor area of the premises designated as an area in which drinking and smoking is allowed. The Act imposes a number of restrictions on the size and design of designated outdoor smoking areas, as

Submitters	Issue	Department's response
		well as the activities that can occur within a designated outdoor smoking area—for example, it is an offence for a liquor licensee to allow food to be consumed in the area, or for children or gaming machines to be within the area.
Compensation		
44. Queensland Law Society (QLS)	QLS supported the proposed amendments to section 219 of the Act to provide a right to compensation to a lessee when a closure order is revoked, wrongfully made or invalid, but raised concerns that the person seeking compensation will need to go through a court process before they are awarded compensation. QLS recommended implementing a mediation process for the parties to try to reach agreement on compensation before the party seeking compensation commences court action. QLS queried whether an innocent business operator whose store is closed, goods seized and lease terminated due to the illegal acts of a rogue manager or employee, would be entitled to compensation.	Queensland Health notes that revoked, wrongfully made or invalid closure orders are expected to be extremely rare, and consequently, claims for compensation under section 219 will also be rare. In the unlikely event that such cases arise, it is appropriate that the court consider the specific circumstances before determining whether compensation should be awarded. It would not be appropriate or proportionate for Queensland Health to establish a separate or bespoke mediation process to deal with such infrequent matters. Compensation under section 219 is already available in circumstances where a closure order is revoked, wrongfully made or invalid. Because a closure order attaches to the premises rather than the individual who engaged in the illegal conduct, a business operator would only be entitled to compensation in those specific circumstances. In cases where illegal acts are carried out by a rogue manager or employee without the knowledge of the business operator, Queensland Health may exercise enforcement discretion and instead apply other enforcement tools rather than a closure order. This ensures that enforcement responses are proportionate and targeted at the wrongdoing, not at innocent business operators.
Implementation issues		
15. Pamela Wright	Pamela Wright raised concerns about whether the amendments in the Bill would be operationalised in a timely manner following passage.	Queensland Health has developed a work program to support the implementation of the Bill. Enforcement officers will be provided with training, supporting guidelines, resources and other tools to assist in the implementation of the powers and measures in the Bill. The Queensland Government announced a funding package of \$12.7 million over two years (2025-27) to support frontline enforcement of the amendments in the Bill. Funds will be used to increase the pace and impact of action against the trade of illicit tobacco and illicit nicotine products, and expedite seizures, store closures and fines or prosecutions of non-compliant businesses. Forty-one new frontline officers are being recruited with the funding.
21. Cignall Pty Ltd	Cignall supported the Bill but raised concerns about the resourcing and consistent decision-making of enforcement teams across Queensland.	
29. Cancer Council Queensland	Cancer Council Queensland recommended scaling-up the frontline enforcement workforce through progressive, sustained increases to Queensland Health's enforcement teams, reviewed on a periodic basis to ensure resourcing keeps pace with the evolving market.	Queensland Health is well-placed to enforce the Bill. There are 159 environmental health and compliance officers across the public health units and the central compliance team authorised under the Act. Further recruitment is underway for an additional 41 frontline officers, with new officers having already been recruited in West Moreton, Sunshine Coast, Gold Coast, Brisbane North, Townsville and the central compliance team.
43. Environmental Health Australia	Environmental Health Australia requested that Queensland Health acknowledge the Environmental Health Officer's workforce capacity and recommend targeted support so tobacco enforcement does not displace other core public-health work, and deliver training and templates promptly after passage of the Bill.	Queensland Health acknowledges the workforce impacts this Bill will have and is well positioned to support its staff to deliver outcomes across their mandate.
44. Queensland Law Society (QLS)	QLS recommended a delayed commencement to give business owners, landlords and their advisors, including legal practitioners, enough time to understand the new requirements and make any necessary changes to their practices and systems. QLS also recommended the government undertake a public education campaign for business owners, landlords and their advisors, and support representative bodies, such as QLS, to educate their members who advise businesses and landlords.	Queensland Health notes that the urgent public health crisis caused by the proliferation of illicit tobacco and vaping products requires a swift enforcement response. For this reason, the Bill is intended to commence on assent, ensuring the strengthened enforcement tools are available and can be used immediately to protect public health. This approach is consistent with the views of other key stakeholders, including public health organisations such as Cancer Council Queensland, who have strongly advocated for the immediate commencement of these powers to address the harms associated with illicit tobacco and vaping products. Queensland Health notes the QLS recommendation to delay commencement to allow businesses, landlords and advisors additional time to understand the new requirements. While commencement will not be delayed, Queensland Health supports ongoing

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		communication and education and notes the recommendation to undertake a public education campaign to raise awareness among business owners, landlords, legal practitioners and representative bodies, including QLS, about the new obligations in the Bill.
Commonwealth excise and border control		
05. Luke Cardwell	Luke Cardwell suggested that taxing vapes like alcohol and cigarettes would stop the illicit trade of vapes and allow Queensland to generate revenue.	Excise and border control are matters for the Commonwealth Government and outside the scope of the Bill. Queensland Health notes public health organisations such as the Cancer Council, Lung Foundation and Stroke Foundation Australia support the current rate of tobacco excise.
10. Name withheld	Submitter 10 suggested that if the taxes on legal tobacco were removed, people will purchase it instead of illegal tobacco.	
15. Pamela Wright	Pamela Wright noted the Commonwealth had a role to play in stopping illegal products entering Queensland through improved border controls, and also noted the impact of the value of excise on tobacco and suggested it be removed for a period.	
32. Australian Council on Smoking and Health (ACOSH)	The ACOSH was strongly supportive of the Bill, but also recommended continuing to support strong excise taxation and reject claims that high taxes drive illicit trade, citing international evidence that enforcement, rather than tax cuts, reduces illicit activity.	
39. Stroke Foundation Australia	The Stroke Foundation continues to support and advocate for federal tobacco excise as a key demand-reduction measure.	
Environmental concerns		
02. Name withheld	Submitter 2 raised concerns about the environmental impacts of smoking, and suggested that smoking be banned in all public areas, littering laws be enforced and school students be educated about the health and environmental harms of smoking.	Queensland Health acknowledges the environmental harms of smoking and the need to reduce waste that arises from tobacco products and vapes. While smoking is not banned in all public areas, many communal areas including hospitals, schools, outdoor markets, outdoor eating and drinking places, skate parks, patrolled beaches and national parks are smoke-free areas under the Act. Responsibility for enforcing littering laws sits across a range of Acts and government agencies. For example, under the <i>Waste Reduction and Recycling Act 2011</i> , a person who litters cigarette butts may be liable for a fine of \$500.70 (general littering) or \$667.60 (dangerous littering—for example, throwing a lit cigarette into dry grass in extreme fire danger conditions). In terms of school-based prevention measures, Queensland Health’s school-based youth health nurses are supported to provide advice and information to young people around the harms of tobacco and vapes, and referral pathways for quit support. All Queenslanders who are 30 years or younger (including school students) and want to quit using tobacco or vapes, are eligible for intensive quit support from Quitline. Queensland Health notes the recommendation relating to banning filtered cigarettes is outside the scope of the Bill.
11. No More Butts	No More Butts supported the Bill generally but noted that when it comes to the environment and littering, smokers do not differentiate whether a cigarette is legal or not. No More Butts considered that more needs to be done to create smoke free places and smoking places and suggested that the Queensland Government should work with the Commonwealth Government to implement the recommendation of the World Health Organization (WHO) <i>Framework Convention on Tobacco Control</i> Article 18 on mitigation of the environmental impacts of tobacco products. These recommendations include a ban on the sales of filtered cigarettes.	
Vaping policy		
03. Name withheld	Submitter 3 stated that the proposals do not go far enough, and that vaping and the selling of vapes should be banned as it is in Singapore. The submitter considered that stores in breach should be closed permanently on-the-spot, rather than having to go to a Magistrate.	The supply of vaping goods from pharmacies, for therapeutic purposes, is permitted under Commonwealth laws. The Act is consistent with this position. Queensland’s laws relating to the supply and commercial possession of illicit tobacco and illicit nicotine products focus on retailers and wholesalers, not end users. As closure orders apply to the premises, rather than the business, applying a permanent closure to a premises would mean that it could never be used for any purpose. This would not be appropriate and would have significant consequences for owners and future tenants. Permanent closure of a business could be easily circumvented through the establishment of a new business. Queensland Health considers that the extended closure orders will deter non-compliance and significantly disrupt the profits of illegal operators. These proposals will be used in conjunction with the other reforms proposed by the Bill, and the extensive powers and offences already available in the Act.

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06. Super Vape Store	Super Vape Store expressed concerns about Queensland's parliamentary processes, political inconsistency, and possible unintended consequences of enforcing vaping laws (for example, street gangs selling vapes).	Super Vape Store's concerns about Queensland Parliamentary processes and political inconsistency are outside the scope of the Bill. With regards to unintended consequences, Queensland Health notes the amendments in the Bill, which will be supported by robust enforcement measures, target illegal operators and are intended to disrupt illegal operations in retail and wholesale settings. Queensland Health will continue to work with its regulatory partners to support the disruption of the supply of illicit tobacco and vapes across the continuum.
15. Pamela Wright	Pamela Wright suggested that legalising vapes may improve oversight of these products.	Vaping goods pose a significant public health risk. The use of vapes can lead to nicotine addiction, seizures, poisoning, and lung injury. There is emerging evidence of adverse effects on cardiovascular health, such as elevated blood pressure and heart rate. Evidence shows that vaping is likely to cause lung cancer and oral cancer. Queensland's position in prohibiting the supply and possession of vapes for recreational purposes is consistent with the Commonwealth Government's position.
Other		
08. Robyn and Ashley Maeyke	Robyn and Ashley Maeyke queried how an illegal tobacco business can obtain a tobacco licence or hold an Australian Business Number.	Queensland Health determines licensing applications in accordance with the requirements of the Act. This includes an assessment of whether the applicant is a fit and proper person. As part of this assessment, Queensland Health will consider whether the applicant has previously contravened the Act, and whether any previous licences held by the person have been suspended or cancelled. Where illegal supply occurs after a licence is granted, Queensland Health has a range of enforcement tools available, including suspension or cancellation of a licence. Australian Business Numbers are issued and regulated by the Commonwealth Government under the <i>A New Tax System (Australian Business Number) Act 1999</i> .
12. Pamela Wright	Pamela Wright suggested stores should be checked to ensure they do not sell illicit stock before granting a licence.	Queensland Health notes that without a licence, it would also be illegal under the Act for stores to sell legal smoking products. As above, applications for licences are assessed in accordance with the requirements of the Act. This includes consideration of whether the applicant has previously contravened the Act.
19. Dr Thomas Lyons	Dr Thomas Lyons raised concerns about the difficulties faced when attempting to report the sale of illegal vapes to minors.	Queensland Health supports all members of the public raising concerns and reporting illegal tobacco and vapes by calling the 13 QGOV (13 74 68) hotline or by using the online reporting form.
20. Imperial Brands Australasia	Imperial Brands Australasia expressed support for the Bill but recommended targeted and joint-agency enforcement similar to that established in South Australia. Given the involvement of organised crime, Imperial Brands Australasia considered that the Bill requires broader enforcement capabilities and recommended that the Queensland government review whether enforcement should remain solely under Queensland Health or whether joint governance with law enforcement is required.	Queensland Health works across State and Commonwealth agencies to achieve enforcement outcomes, including the Queensland Police Service, as well as the Commonwealth Therapeutic Goods Administration, Australian Federal Police, Australian Border Force, Australian Competition and Consumer Commission, Australian Criminal Intelligence Commission, Australian Securities and Investments Commission and the Australian Taxation Office to disrupt the continuum and target different elements of the illegal trade.
21. Cignall Pty Ltd	Cignall supported the Bill but noted that public reporting on closure orders, prosecutions, and landlord penalties would help rebuild trust among lawful retailers.	Queensland Health notes that under the Bill, closure orders are required to be posted in a conspicuous place for clear visibility. Many court judgments are published or reported publicly.
23. Australian College of Rural and Remote Medicine (ACRRM)	ACRRM welcomed the objective of the Bill but provided further commentary on the importance of reducing the use of harmful substances in the community. ACRRM recommended that the Committee consider the broader healthcare needs of rural and regional Australians by providing greater assistance to those seeking to quit smoking or vaping. ACRRM noted that rural generalists in some locations are the only point of assistance in treating harm reduction caused by these products, and expressed support for any government action that reduces the supply of illicit tobacco and illicit nicotine products into communities. ACRRM recommended an ongoing focus by all governments in assisting rural generalists in supporting their communities' health and welfare, and that this focus be broader than the measures contained in the Bill.	Noted.

Submitters	Issue	Department's response
34. Office of the Information Commissioner (OIC)	The OIC recommended Queensland Health conduct or update a Privacy Impact Assessment (PIA) to assess how personal information will be collected, used, and disclosed under new enforcement powers, and to develop a privacy risk management approach. The OIC noted Queensland Health should ensure systems and policies align with the Queensland Privacy Principles, including notification, data quality, security and destruction protocols. OIC also encourages proactive disclosure practices consistent with the <i>Right to Information Act 2009</i>, while safeguarding sensitive law enforcement information.	The OIC was contacted during consultation on the Bill and did not provide any feedback at that time, including advice on whether a PIA was required. Queensland Health considered the impacts of the proposals in the Bill on privacy and comprehensively addressed them in the explanatory notes to the Bill and the Statement of Compatibility with Human Rights. Queensland Health will have regard to privacy obligations under the <i>Information Privacy Act 2009</i> during operationalisation of the Bill.
44. QLS	QLS recommended an independent review be conducted within two years of commencement to assess the effectiveness of the amendments in achieving the stated objectives of the Bill. QLS further recommended if, after the review, any of the amendments are found to be ineffective in achieving the Bill's objectives, those amendments be reversed.	While the Bill does not prescribe a formal review mechanism, Queensland Health will continue to monitor and assess the effectiveness of its amendments as part of ongoing implementation and oversight.
Additional proposals outside the scope of the Bill		
16. Matthew Rimmer	Matthew Rimmer suggested the Commonwealth Government should take legislative action to prevent automatic teller machines (ATMs) from operating in tobacconists.	Queensland Health notes that this is a matter for the Commonwealth Government.
21. Cignall Pty Ltd	Cignall supported the Bill but recommended more proposals to strengthen enforcement. This included immediate confiscation of stock and vehicles used in ongoing illegal trade, significantly higher financial penalties for repeat or mobile offenders that reflect the scale of their profits, and the ability to impose asset forfeiture where operations are found to have continued during a closure order.	The Bill is a comprehensive package of reforms aimed at reducing the economic incentives associated with illicit tobacco and vapes. The amendments in the Bill are expected to make a significant difference to the viability of illegal operators. The Bill expands existing seizure powers to allow enforcement officers to seize and forfeit legal smoking products found alongside illicit tobacco and vapes. Enforcement officers can already issue the highest on-the-spot fines for key offences in Australia. Courts can impose penalties of up to two years imprisonment, or \$1.6 million dollar fines for the supply of illicit tobacco and illicit nicotine products. Additionally, the State Penalties Enforcement Registry hold significant powers in relation to unpaid fines, including asset and vehicle seizure.
25. Lung Foundation Australia (LFA)	LFA supported the Bill and commended the ongoing work of the Queensland Government in addressing tobacco control and the illicit tobacco market. However, LFA stated that tackling the illicit tobacco trade and existing legislative loopholes requires a comprehensive range of measures that are subject to regular reviews, including: • enacting tobacco retail licensing caps and location restrictions; • restricting online businesses and stores from selling <u>only</u> therapeutic vapes and accessories, and no other pharmaceutical products; • making all Nicotine Replacement Therapy and cessation medications free to Queenslanders participating in cessation counselling; and • amending relevant legislation to ban political donations from the tobacco and vaping industry in line with Article 5.3 of the World Health Organization's <i>Framework Convention on Tobacco Control</i> and the Australian Government's <i>National Tobacco Strategy 2022-2030</i> priority area 9.	Queensland Health recognises these additional proposals, however they are outside the scope of the Bill. The Bill is a comprehensive package of reforms aimed at reducing the economic incentives associated with illicit tobacco and vapes. The amendments in the Bill are expected to make a significant difference to the viability of illegal operators. Queensland Health notes that members of the public can report illegal tobacco and vapes by calling the 13 QGOV (13 74 68) hotline or by using the online reporting form.
26. Freechoice Tobacconist Deception Bay	Freechoice Tobacconist Deception Bay recommended: • convenience stores with ATMs installed, located next to tobacconists selling illicit products, also be closed; and • all parties involved in transporting, loading and storing illicit products for the illegal trade (for example, shed businesses, drivers, landlords, owners, employees and customers purchasing products) be penalised for their conduct.	

Submitters	Issue	Department's response
27. Name withheld	Submitter 27 strongly supported the Bill, but recommended the Bill's implementation and community outcomes be strengthened by: - enhancing enforcement efforts in regional areas, by allocating dedicated compliance resources to towns such as Gympie, where illegal trade is growing; - introducing public reporting mechanisms by introducing a simple, confidential reporting platform for residents and business owners to alert authorities to suspected illicit sales; - implementing stronger landlord obligations by ensuring commercial landlords have a clear duty to vet tenants and face penalties for enabling illegal retail activity; and - introducing community education and engagement by running awareness campaigns highlighting the risks of illicit nicotine products and the legal consequences of buying or selling these products.	
29. Cancer Council Queensland	Cancer Council Queensland strongly supported the Bill, but recommended further measures be considered, including: - improved public reporting and a reduction in the evidentiary burden before reports are investigated; - implementing youth targeted prevention and early intervention programs; and - implementing culturally-appropriate education and cessation support, including by working in partnership with Aboriginal Community Controlled Health Organisations.	
28. Name withheld	<u>Sale of tobacco products by staff under 18 years of age</u> Submitter 28 recommended that the current provisions in the Act that prohibit staff under the age of 18 from selling tobacco products should be reviewed. Submitter 28 recommended that a supplementary training program be developed to highlight the health impacts of smoking, delivered alongside existing retail training requirements. Submitter 28 also noted the increased wage costs associated with employing staff over 18, particularly for a small grocery or corner store operators opening during weekends and after hours, places significant pressure on business viability. <u>Definition of 'commercial quantities'</u> Submitter 28 stated that the current definition of 'commercial quantities' of illegal tobacco is too high, and allows consumers to avoid penalties by maintaining possession just below the existing threshold of 50 cigarettes or 50 grams of loose-leaf tobacco. Submitter 28 recommended that the quantity for meeting the 'commercial amount' be reduced to ensure that individuals in possession of illicit tobacco face appropriate and proportionate penalties. Submitter 28 stated that lowering this threshold would also enable law enforcement and regulatory agencies to act more effectively, removing the current situation where consumers can openly purchase and consume illegal tobacco products without consequence. Submitter 28 noted that aligning the definition with realistic quantities observed in small and medium retail environments would strengthen enforcement capability, disrupt supply at the consumer level, and significantly improve deterrence across the industry.	These suggestions are outside the scope of the Bill.
30. Queensland Network of Alcohol and other Drug Agencies (QNADA)	QNADA supported action against illicit tobacco but considered the Bill too focused on law enforcement. They argued this could expand the illicit market and harm vulnerable groups. QNADA called for a more balanced harm-minimisation approach, with greater investment in prevention, cessation support, affordable nicotine replacement therapy, and workforce training across health and community services.	Queensland Health notes that the primary purpose of legislation is to support enforcement, monitoring and compliance. Harm-minimisation, such as cessation measures, is primarily achieved through non-legislative measures. For example, Queensland Health is supported by recurrent funding of \$4.9 million for nicotine dependence services. This ensures that Queensland's free Quitline service continues, supporting individuals to access free nicotine replacement therapy.

Submitters	Issue	Department's response
31. NHMRC Centre of Research Excellence on Achieving the Tobacco Endgame (NHMRC)	The NHMRC recommended creating State offences for selling, supplying or possessing untaxed or prohibited tobacco products, including unmanufactured tobacco and tobacco refuse, as prohibited goods for the purpose of the <i>Customs Act 1901</i> (Cth). The NHMRC also recommended increased investment in monitoring and enforcement capacity, including regular compliance checks, joint inspections with police, and proactive audits to detect illicit trade.	The Act already prohibits the supply and commercial possession of illicit tobacco and contains substantial State level enforcement powers. Enforcement teams work alongside partners like the Queensland Police Service, as well as the Commonwealth Therapeutic Goods Administration, Australian Federal Police, Australian Border Force, Australian Competition and Consumer Commission, Australian Criminal Intelligence Commission, Australian Securities and Investments Commission and the Australian Taxation Office to disrupt the continuum and target different elements of the illegal trade. The Queensland Government provided a funding package of \$12.7 million over two years (2025-27) to support frontline enforcement of the amendments in the Bill.
32. Australian Council on Smoking and Health (ACOSH)	The ACOSH was strongly supportive of the Bill, but also recommended: - adopting a robust conflict-of-interest framework to exclude individuals or organisations with links to the tobacco or vaping industry from public hearings, consistent with World Health Organization's <i>Framework Convention on Tobacco Control</i> Article 5.3; and - using the Bill as an opportunity to strengthen the tobacco licensing scheme, including tighter governance, stock accountability, reporting, and training standards.	These proposals are outside the scope of the current Bill.
33. The Public Health Association Australia, Queensland Branch (PHAA)	The PHAA was strongly supportive of the Bill, but proposed additional reforms to further strengthen the Bill and align it with the National Tobacco Strategy 2023–2030, including: - capping and reducing tobacco retailer density to limit access and reduce health inequities; - banning tobacco sales in alcohol-licensed premises and vending machines due to the co-occurrence of smoking and alcohol use; - introducing a tiered licensing system based on sales volume to ensure large retailers contribute proportionally to harm-reduction funding; - protecting policy processes from industry interference, through mandatory disclosure of funding and affiliations, consistent with World Health Organization's <i>Framework Convention on Tobacco Control</i> Article 5.3; - establishing an online public reporting portal to enable community reporting of illicit tobacco sales and enhance enforcement intelligence.	Queensland Health notes that a public reporting form is available on its website already.
35. Name withheld	Submitter 35 suggested the Bill be expanded to enable: - mandatory custodial sentences for repeat offenders to ensure genuine deterrence; - penalties for staff who knowingly continue working in illicit tobacco outlets after enforcement action; - expanded search powers to include staff-owned vehicles and property on-site; - prohibition of ATMs at premises involved in illicit tobacco trade; and - referral to the Australian Transaction Reports and Analysis Centre or financial crime agencies where cash-based activity indicates possible money laundering.	
36. Name withheld	Submitter 36 noted that stores continue to operate without a licence and sell illicit products to children due to the significant financial incentives associated with the illicit trade.	The Bill is directly aimed at disrupting the financial incentives associated with the supply and possession of illicit tobacco and illicit nicotine products. For example, the Bill allows the chief executive to close down premises engaging in illegal trade for three months, and strengthens the offence of opening a premises during a closure order. The Bill also allows enforcement officers to seize any legal products found alongside illicit products. These proposals and others in the Bill will make illegal trade (including unlicensed supply) less financially viable.

Submitters	Issue	Department's response
39. Stroke Foundation	The Stroke Foundation recommended that revenue from enforcement be reinvested into smoking cessation programs, Nicotine Replacement Therapy, education campaigns, and culturally safe support for priority populations. The Stroke Foundation also recommended that the Government remain vigilant against tobacco industry interference in policy development, consistent with the World Health Organization's Framework Convention on Tobacco Control obligations.	Noted.
41. Sheena Lindholm	Sheena Lindholm expressed concerns about the marketing tactics used by commercial premises that sell tobacco and vaping products, particularly to appeal to younger people. Sheena Lindholm noted that vaping devices in particular are designed to appeal to children, with confectionary flavours and designs that are easy to conceal. Sheena Lindholm considers only adult-orientated flavours should be permitted.	Queensland Health is aware of the tactics used to draw younger customers in and have seen evidence of tobacconists rebranding as confectionary stores and toy stores to disguise their illegal activities and lure new customers into their businesses. These tactics are considered during enforcement efforts. Importantly, the sale of vaping devices from anywhere other than a pharmacy is illegal under Queensland and Commonwealth laws. Vaping devices sold in pharmacies are for smoking cessation purposes only, require consultation with a pharmacist and may only be sold in tobacco, mint and menthol flavours in plain pharmaceutical packaging. All other vapes are illegal and subject to Queensland's tobacco legislation. Queensland's enforcement officers have extensive powers to seize and forfeit illegal vapes, and those supplying them can be subject to penalties of up to \$1.6 million for corporations, or \$333,800 and two years' imprisonment for individuals. There are also offences under the Act which apply to the display, advertising and promotion of smoking products and vaping goods.