

Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025

Submission No:	15
Submitted by:	PAMELA WRIGHT
Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	

TOBACCO AND OTHER SMOKING PRODUCTS AND OTHER LEGISLATION AMMENDMENT BILL 2025

SUBMISSION

PAMELA WRIGHT

[REDACTED]

[REDACTED]

[REDACTED]

To the Parliamentary Committee

Thank you for the opportunity to put my thoughts to you regarding the above matter which has been a long time coming. You are probably aware of the campaigning I have done over the past 4 years to highlight the deficiency in our system to allow Organised Crime to take over this industry. It is a little too late for a lot of Legal Tobacconists that have had to close their doors or sell out to Organised Crime Groups as they watched they once profitable business go down the tube with no fault of their own. I will address my concerns as best I can.

SUPPLIER OF SMOKING PRODUCTS AND RETAIL ASSOCIATIONS

- Closure Powers and Offence: I agree that the 72 hours closure has not worked, 3-month closure order is a starting point, but I believe it should be a 6-month closure order as it will take time for Landlords Lessee etc to be contacted and put into action what is required for termination of leases. These closure orders need to be activated immediately without a first call warning. Let's face it these guys know they are selling illegal product so why a first warning and then come back in a months' time to do another raid to close the store. This is wasting valuable time for our Health Dept and QPS. I would like to note these shops believe Health Inspectors only work in business hours so therefore the continue to sell between 5am to 8am and then after 5pm Closed shops immediately no warnings or infringement notices. If you want to achieve maximum results for your efforts, you can't wait for them to be raided a second or third time before closure notices are issued. That isn't an effective use of the manpower that is available.
- Comprised Goods: Unfortunately, this is going to hurt usually honest Tobacconist who for survival they have been forced or threatened to sell some Illicit product. I for one don't condone this but I do understand why they are doing it. The State & Federal Government has forced honest decent operators

to go to the dark side as commitments of Leases etc make it in some cases the only thing they can do to survive to fulfil these commitments. Now I have said that I do believe all stock should be removed no matter what the circumstances.

- Information For License Applications: At present the Tobacco License is not worth the piece of paper that it is printed on. I questioned at a previous committee meeting regarding licensing pointing out that Organised Crime used what they call Clean Skins to front these shops. I was assured all due diligence would be taken in issuing licenses. This has not been the case example of this is in Townsville alone. There are 21 Illegal Tobacconists that I know of and 15 of them have been issued licenses. It appears no due diligence has been completed. Shops should be visited before issuing a license to make sure no illegal product is being sold. Some of these Illegal shops with licenses have been raided on a couple of occasions but they are still trading. Why? In issuing licenses not only companies etc. need to be checked but a cross referencing of address needs to be completed to make sure no illegal activity has happened at that address in the past. You can understand that the tobacconists that are trying to trade legally see that licensing was and is a grab for money as it hasn't protected them. There are 16 legal tobacconists in Townsville plus Convenience stores etc that are really hurting.
- Request for Information: Totally agree with the changes of requesting information from any person. I believe this will give the Health and QPS Officers the ability to retrieve more information to help towards prosecution.
- Written acknowledgement for prevention measures: I believe the Qld Health form that is required at the present time needs to include not only selling to underage and selling from a premises that is unlicensed but also selling illegal product including vapes. If proper documentation is not complied with the owner needs to have a heavy fine implied. If the documentation is complete but the people in the shop are not compliant to the law they also need to receive on the spot hefty fine.

EXECUTIVE OFFICERS OF CORPORATIONS

- Executive Officers Liability: I totally agree with this but in the real world it will be catch me if you can. These stores are regularly changing directors and company names. Some of them don't even live in Australia or addresses are bogus.

LESSORS AND PROPERTY ASSOCIATIONS

- Closure power: I personally have been advocating this for over 2 years that landlords, lessors be notified when a raid is actioned and illegal product seized. Some landlords and lessors are already aware of the illegal activities happening in the premises but turn a blind eye feeling they are exempt from prosecution. This will make them think twice on leasing to these organisations. All Health Inspectors need to be on the same page as closure orders seem to be left to the discretion of the authorised officer. Even a small quantity of illicit product needs a closure order. The reason behind this is these organisations are one step in front of us at any given time. Large quantities of stock are not kept in the shop but in vans nearby or car boots so they can replenish the stock in a number of shops up to 5 times a day. I have witnessed myself within 5 minutes of the authorities leaving the premises is up and running again. Licensed or not if illegal product is being sold shop needs to be closed.
- Closure Offence: I totally agree that no matter what other business activities are being conducted on the premises the order is for the premises not any business activities as these organisations are using gift shops, kebab shops, candle shops and the list goes on to disguise the real purpose of the activities happening. Closed means Closed for all business doors locked. Once closed premises need to be checked on a regular basis due to them operating after hours or from the boot of their cars.
- Termination of leases: Clarification for lessors or agents needing to terminate leases. Is it a must that they do so. If so, procedures need to be put in place in black and white so that the lessor or agent know the appropriate tasks that need to be completed to achieve desired result. The organised crime groups that are behind the Black market/Illicit trade have made so much money they have purchased their own buildings so what penalties will apply to them. The other point is they are getting smarter and in some country areas they are advertising on social media with free delivery. These opportunists are working from home in most cases so what penalties will be they be subject to. Landlords are well aware that they might be trouble on the horizon for them so they are having these illegal owners sign statutory declarations stating they will not sell illegal product from the premise. Both landlords and Illicit Traders know this isn't going to happen.
- Lessor Offence: I once again agree but some loopholes still remain. For example new company or individual leases the shop when termination of lease occurs and same activities of selling illicit products occur. The organised crime syndicates are doing this already once raided they change names directors etc New identity and business goes on as usual. They are also

known to move around the corner to a different address. Certain guidelines for Lessors or agents to help them in restricting this from happening.

WHOLESALE

- Entry to Wholesale Store: Totally agree that Authorised Officers should be able to enter any building where there is sufficient evidence that illegal activities {storage of illicit tobacco products} are happening. This needs to cover residential buildings where illicit tobacco products are being stored or sold from. Are wholesale premises going to be subject to the same closure orders as a retail premises with lessors or agents notified of illegal activities on their premises, If not. Why not,
- Wholesale invoices: Under the licensing act we need to provide invoices when asked to do so. This should be the same for Wholesale. So, I don't see this being any different from a retailer. Severe penalties should be in place for refusal of this request.

ENFORCEMENT OFFICERS

- Closure powers and Offences: Authorised Officers should be using the most severe penalties when dealing with these illicit traders. Up until now they are not scared of the government or the penalties that have been issued. Once again, they flaunt the law and really feel untouchable to a certain degree so we need to take the strongest stand that we can within the rules.
- Compromised stock: I agree all Illicit and legal tobacco products should be confiscated. I am sure there will be cases where a usually honest retailer has turned to the dark side of the trade for survival. In most of these cases there will probably be just a few cartons etc of illegal product this is where the discretion of the Authorising Officers needs to come into play.
- Controlled purchasing operations: The organised crime syndicates are very aware of who buys from them in most cases. My thoughts this activity would need to be actioned after hours and weekends to have the best chance of succeeding.
- Evidentiary aids: Anything that will strengthen Tobacco Licensing will be a good thing as I said before in the submission at the moment it is worthless to Honest traders but costs them money every year.

- Request for information: Covered in previous section.
- Bongs and Ice pipes: Definition of ice pipes need to be made, Photos of what you describe as an ice pipe needs to be completed as some retailers buy glass and brass pipes unaware that you class it as an ice pipe. There are thousands of different pipes out there so for a retailer to be certain what is legal or not can be confusing and catch the honest retailer out not knowing he is selling something illegal. This is to be defined and not left up to the authorised officer as every one of them will have a different interpretation.

LIQUOR LICENSED VENUES

- Smoking areas at outdoor eating and drinking places: Agree that venues should be able to have the option in their designated smoking area.

CONCLUSION

The amendments proposed are certainly a step in the right direction. Unfortunately, it is too late for so many honest hard working business owners. I am also sceptical if these changes go ahead will they be actioned in a timely manner or even actioned at all. As you can understand some of these proposals have been what I have been advocating since 2021 and I feel it is going to be a mammoth effort to reduce the infiltration of organised crime syndicates that have such a hold on the Tobacco Industry. Note we have had 6 new Illicit Tobacconist open store here in Nth Qld in the last 8 weeks. I am aware of closures of stores in the Hervey Bay Region brought on by the courts, but it is a long process. I fear even with all the good intentions of this government has towards this problem the government doesn't have the resources to tackle such a problem. Even with the heavier fines that were introduced earlier by this government these crime syndicates have no fear of really being penalised. Here is another example of the legislation failing. Tobacconist on the Gold Coast has just walked with a \$30,000 fine and a conviction even though he has had \$800,000 infringement notices over the past couple of years. He has paid out under a million dollars so what he says. This guy is making millions of dollars a month with no taxes being paid. This isn't a deterrent; they keep laughing at our legal system. When are the courts going to come down hard on them.

No matter what our Hon Mark Butler states about how smoking rates have decreased drastically, that is not true. Through testing of a wastewater throughout Australia nicotine content is telling a different story. Science is telling us smoking/vaping is increasing year by year, but the government is losing revenue by

the billions every year. The head of the Medical Society in the ACT publicly spoke about the number of people smoking and the rates are as high as they were in 2019

None of the Regulations that the Federal Government has made, has stopped people from smoking. All it has done is to help Organised Crime make billions of dollars without any real fear of prosecution. I have seen with my own eyes how these criminals are getting off with very little consequences.

Here are my recommendations for the Qld Government.

1. Pass these amendments
2. Ensure amendments are actioned quickly across the state.
3. Educate Health Officers better so everyone is on the same page.
4. Proper Due Diligence should be completed in issuing licenses.
5. Magistrates need to be better informed on the legislation.
6. Prosecutors also need to be better educated.

Finally. this problem isn't going away anytime soon. It is now out of control.

This is what must

happen for a successful outcome to reduce smoking and vaping in Australia

1. Stop it at the Border. Border force is infiltrated with organised crime so more containers need to be thoroughly checked. Increase in federal funding, more than what they have proposed.
2. Take excise away altogether for a period for states to be able to make inroads into this scourge. If this isn't done, I believe the states are going to lose the battle as it has just got too big and there is too much money involved.
3. Close shops permanently.
4. Legalise Vapes this will make sure whoever is vaping they know what is in it. An estimate of 10,000,000 vapes are being sold across Australia every month only about 5.500 are bought legally through chemists. Another dumb decision by the Federal Government.

Thank you for your time reading my submission if you require any more information regarding Illicit operators and licenses or court decision that have not been handle in the best interest of the community, I am only too happy to provide such information.

Pamela Wright