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

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Submission to the Queensland Parliament

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

Tobacco Station Group (TSG) represents over 540 franchises nationally, including more than 170 in Queensland and employs over 1,500 people nationally.

The illicit nicotine market in Queensland is out of control. Current laws are not sufficiently enforced, resulting in ongoing health risks, loss of excise and tax revenue, and unfair competition for compliant retailers. While we are broadly supportive of stronger enforcement, we urge the Queensland Government to ensure penalties are directed at illicit operators and unlicensed stores, not at compliant businesses and landlords.

Feedback on Key Proposed Amendments

1. Expansion of Closure Powers (short-term: 72 hrs → 3 months; long-term: 6 months → 12 months)

TSG Position: Supportive.

Rationale: The 72-hour closures have had negligible impact due to lack of follow-up enforcement. Expanding closure periods will deter illegal operators if combined with visible enforcement. However, to date, there have been no examples of magistrates ordering even the current six-month closures. The government must ensure magistrates are directed to apply these penalties in practice.

2. Offence for Operating During Closure Orders

TSG Position: Supportive.

Rationale: Compliance with closure orders must be enforced. To date, follow-up penalties have been absent despite continued illicit activity after 72-hour closures

3. Lessor Rights to Terminate Leases on Closure Orders

TSG Position: Supportive.

Rationale: This measure allows lessors to remove bad actors and prevent recurrence at affected premises.

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4. New Offence for Lessors Knowingly Permitting Supply of Illicit Products

TSG Position: Not supportive.

Rationale: Landlords are generally not equipped to identify illicit products or monitor tenant business activity. Imposing criminal or civil liability risks unintended consequences—landlords may avoid leasing to law-abiding tobacco retailers altogether, harming compliant businesses

5. Seizure and Forfeiture of 'Compromised Goods' (lawful products found with illicit stock)

TSG Position: Not supportive.

Rationale: Most illicit traders' stock little or no compliant goods. This power risks punishing otherwise compliant operators who may inadvertently stock a product deemed non-compliant (e.g. due to packaging changes under the National Tobacco Strategy). It could bankrupt lawful retailers while illicit traders adapt and evade enforcement

6. Expanded Entry Powers (wholesale premises without warrant/consent)

TSG Position: Supportive.

Rationale: Licensing should already imply consent for entry. This ensures enforcement officers can act quickly at both wholesale and retail levels.

7. Controlled Purchase Operations

TSG Position: Supportive.

Rationale: Covert operations will assist in identifying illicit operators and improve enforcement outcomes.

8. New Power to Require Information from Any Person Relevant to Enforcement

TSG Position: Supportive.

Rationale: Broader investigatory powers will help address networks of illicit trade and improve regulatory oversight.

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9. Expanded Offences Relating to Bongs, Ice Pipes, Hookahs (including possession/storage)

TSG Position: Supportive.

Additional Recommendation: Forfeited items should be destroyed once evidence is documented, avoiding taxpayer costs for storage.

General Comments

- Enforcement has been the primary weakness under the existing Act. Stronger penalties will only be effective if consistently applied and enforced against unlicensed operators.
- Imposing liability on lessors is disproportionate and risks driving compliant retailers out of viable premises.
- Forfeiture of lawful goods alongside illicit stock must be reconsidered to avoid punishing compliant retailers.
- TSG welcomes the Queensland Government's leadership in tackling illicit tobacco and vaping products, but urges careful consideration of unintended consequences that may harm legal businesses.
- TSG and its members thank the Queensland Parliament for the opportunity to provide this submission. We encourage a pragmatic enforcement-led approach that prioritises targeting illicit operators, while protecting the rights and viability of law-abiding retailers and their landlords.

TSG Franchise Management

October 2025