

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

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

From:

Name: [REDACTED]

Address: [REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

Organisation: [REDACTED]

1. Introduction

I appreciate the opportunity to provide feedback on the current legislation and enforcement measures governing the sale and distribution of tobacco products in Queensland.

As a lawful retailer operating within this industry, I have witnessed first-hand the increasing challenges legitimate businesses face as a result of ongoing illegal tobacco trade activity. While the intent of recent legislative changes is sound, enforcement has not kept pace with the adaptability of organised criminal networks. The following points outline key areas where the legislation and its implementation could be strengthened to protect compliant retailers and restore fairness to the marketplace.

2. General Position

In principle, the Bill has been progressing in the right direction since its introduction. However, it is evident within the industry that criminal elements are adapting more rapidly than legislative and enforcement responses. Several aspects of the legislation require further tightening, enforcement processes remain too slow, and the regulatory requirements for all participants within the industry should be strengthened.

3. Key Points and Recommendations

Point 1: Ineffectiveness of 72-Hour Closure Orders

Stores issued with a 72-hour closure order often have customers waiting for their reopening, with the premises restocked with illegal or illicit products ready for sale. Under current legislation, offenders have been inadvertently encouraged to develop extensive social networks that enable them to coordinate customer attendance at specific times that best suit their operations. These same networks facilitate 'just-in-time' delivery of illicit stock, ensuring that stores are fully resupplied and ready to resume trading immediately upon reopening.

Point 2: Lack of Landlord Accountability During Closure Orders

Despite stores being found in breach of the law and issued with a 72-hour closure order, landlords and their agents frequently take no action, continuing to accept rent payments without intervention. The 72-hour shutdown period should serve as a formal trigger requiring the landlord or their agent to seek an explanation from the tenant as to why the lease agreement should not be terminated.

Point 3: Misuse of Court-Ordered Six-Month Closures

When a court orders a store to close for six months, the business is currently permitted to trade for 72 hours to wind up operations. In practice, this period is often misused by operators to re-establish trading arrangements with customers rather than to legitimately close the site. Landlords continue to allow these tenants to occupy their premises, further enabling ongoing unlawful activity.

Point 4: Strengthening Landlord and Agent Responsibility

Landlords and their agents should be held accountable for the business activities conducted on their premises. Lease agreements should require tenants to provide a current copy of their Tobacco Licence to the landlord. Following the compliance model used by The Lott, landlords should verify the validity of these licences during routine audits. Any serious breach of a Tobacco Licence should be reported to the landlord without delay. Where illegal or illicit tobacco is sold without a valid licence, legislation should provide for the seizure and sale of the landlord's or agent's assets to recover costs associated with court proceedings.

Point 5: Sale of Tobacco Products by Staff Under 18 Years of Age

The current provisions allowing staff under the age of 18 to sell tobacco products require review. A supplementary training program should be developed to highlight the health impacts of smoking, delivered alongside existing retail training requirements. The increased wage costs associated with employing staff over 18, particularly for small grocery and corner store operators during weekends and after hours, are placing significant pressure on business viability.

Point 6: Reduction of the Definition of Commercial Quantities

The current definition of 'commercial quantities' of illegal tobacco is set too high and allows consumers to avoid penalties by maintaining possession levels just below the existing threshold of 50 cigarettes or 50 grams of loose-leaf tobacco. The quantity threshold defining a 'commercial amount' should be reduced to ensure that individuals in possession of illicit tobacco face appropriate and proportionate penalties. 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. 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.

4. Conclusion

Thank you for considering my submission and for the opportunity to contribute to this important inquiry.

The progress made over the past year has been commendable and demonstrates a clear understanding of the issue. However, limited resources and the slow pace of implementation have allowed organised criminal groups involved in the illegal tobacco trade to adapt quickly and continue operating with minimal disruption.

Even with enforcement actions and store closures in Hervey Bay, our own tobacco sales have not experienced any measurable increase — in fact, they continue to decline. This is occurring despite no visible reduction in smoking rates within the community, which strongly suggests that the illicit market remains active and thriving.

Now is the time for decisive and comprehensive action. A strong, coordinated, and immediate crackdown is required to eliminate this illegal trade from Queensland. Without such intervention, many legitimate retailers may be forced to withdraw from the tobacco market entirely, as ongoing competition with illegal operators is making lawful trade increasingly unviable.