

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

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

**Cancer Council Queensland submission to the Health
Environment and Innovation Committee**

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**Cancer
Council**
Queensland



Executive Summary

This submission makes the following recommendations:

- 1.** Pass the Bill in full and commence all enforcement powers as a coordinated package, as a matter of urgency, supported by clear implementation guidance.
- 2.** Enable controlled purchase operations (CPOs) at pace with a standardised statewide protocol, regular reporting, and safeguards, to detect unlicensed sale and commercial possession.
- 3.** Operationalise landlord accountability through practical implementation guidance, a model lease clause, and a clear expectation that lessors act promptly on credible notifications, with escalating penalties for wilful non-action.
- 4.** Expand and simplify public reporting systems, applying a lower threshold for credible tip-offs to ensure swift action on community intelligence.
- 5.** Sustain and expand youth-focused prevention and early intervention, extending school engagement to upper-primary levels, funding evidence-based education resources, and strengthening penalties and licensing consequences for retailers who supply minors.
- 6.** Strengthen enforcement capacity within Queensland Health through the progressive expansion of public health enforcement teams, supported by periodic review of resourcing needs, until the illicit tobacco and vaping market is demonstrably reduced and sustained compliance is achieved.

Introduction

Cancer Council Queensland strongly supports the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025, recognising it as a critical reform to address the escalating public health harms caused by illicit tobacco, vaping and other nicotine products.

As Queensland's leading non-government cancer organisation, we hold expertise across prevention, research, service delivery, and advocacy. From this vantage point, we affirm the urgent need for decisive legislative reform to dismantle illicit supply chains that undermine decades of progress in tobacco control and expose Queenslanders to significant health risks, including cancer. Tobacco use remains Australia's leading cause of preventable death, claiming more than 24,000 lives each year, or 66 every day, and is responsible for around one in five cancer deaths nationwide.^{1 2 3 4} Without urgent and coordinated action, the unchecked growth of illicit tobacco and vaping products threatens to reverse smoking reduction gains, normalise nicotine use, and entrench a new generation of Queenslanders in addiction.

Cancer Council Queensland endorses the full scope of the reform package under inquiry, which represents a comprehensive and evidence-based approach to enforcement. The Bill's provisions, when implemented as a cohesive suite, will substantially reduce the profitability of illicit trade, disrupt organised criminal activity, and strengthen tobacco control efforts.

We commend the Queensland Government for its continued national leadership in tobacco control and for proposing what is now among the most progressive and world-leading enforcement regimes. Together with the state's existing penalty infringement notices (PINs), these measures set a new benchmark for tobacco and vape regulation in Australia.

Comparable measures introduced in South Australia have demonstrated the effectiveness of strong closure and enforcement powers; however, Queensland's inclusion of landlord liability, three-month interim closure orders, and expanded corporate responsibility provisions establishes this Bill as the most comprehensive framework of its kind in the country.

Consistent, transparent enforcement sends an unequivocal message that tobacco and nicotine products are dangerous and lethal, not ordinary consumer goods. When backed by appropriate enforcement capacity, and strengthened early intervention education and cessation support, this Bill has the potential to send a clear and unified public health message: tobacco and nicotine products are dangerous, addictive, and have no place in a healthy Queensland.

Cancer Council Queensland would also like to acknowledge our collaborative advocacy with a wide network of public health non-government organisations committed to reducing tobacco and nicotine-related harm. In particular, Cancer Council Queensland fully endorses the submission provided by the Australian Council on Smoking and Health (ACOSH) to this Parliamentary Inquiry, which aligns closely with our position.

Cancer Council Queensland declares no conflicts of interest and no financial or non-financial links to the tobacco or nicotine industry, its affiliates, or representative groups.

Smoking and vaping harms

While we strongly support decisive legislative action to reduce the health burden caused by illicit tobacco, vapes, and other nicotine products, it is imperative to highlight that all tobacco, whether legally sold or illicit, causes devastating public health harm. Tobacco is a Group 1 carcinogen and is responsible for more than 20 types of cancer.⁵ There is no safe level of exposure.

Commercial tobacco was systematically introduced through colonisation and has been used as a tool of dispossession, addiction, and structural violence. Aboriginal and Torres Strait Islander peoples continue to face these ongoing consequences, while also leading powerful movements for health justice, tobacco resistance, and cultural reclamation. Two out of every three people who smoke will die from tobacco-related illness, with tobacco use responsible for approximately 37% of all deaths among Aboriginal and Torres Strait Islander peoples, and more than 50% of deaths among those aged 45 years and older.^{6 7}

In 2024, 8.9% of Queensland adults smoked daily. Daily smoking rates were three times higher among the most disadvantaged Queenslanders compared with the most advantaged, and twice as high in rural and remote areas as in major cities.⁸ However, according to the *National Drug Strategy Household Survey 2022–2023*, Queensland's smoking rates have declined more slowly than the national average (11.2% compared to 8.8%).⁹ There is also a notable discrepancy between state and national data survey.

The emergence of vaping and novel nicotine products has created new and complex challenges for tobacco control. Vapes deliver high doses of nicotine, are strongly addictive, and expose users to harmful substances including formaldehyde, acrolein, arsenic, lead, and cadmium, all known carcinogens.¹⁰ Research now links e-cigarette use to lung injury (EVALI), impaired respiratory function, cardiovascular harm, and DNA damage associated with cancer development.^{11 12}

Recent evidence from the Clinical Oncology Society of Australia's research survey demonstrates that e-cigarettes are likely to be carcinogenic to humans who use them, with specific risks for lung cancer and oral cancer.¹³ This finding fundamentally supports the urgent need for the strongest possible enforcement measures against illicit nicotine products.

There is also compelling evidence that vaping acts as a gateway to tobacco use. According to Cancer Council's Generation Vape research, young people aged 12–17 who had vaped were five times more likely to take up smoking than their peers, and 12-year-olds who had vaped were 29 times more likely to go on to smoke cigarettes.¹⁴

Vaping is rapidly re-normalising nicotine use and reversing years of public health progress, particularly among younger Queenslanders. Since 2018, rates of daily vaping have risen sharply, and more than one in three high school students have tried vaping.¹⁵ Aboriginal and Torres Strait Islander peoples are now 1.5 times more likely to use vapes than non-indigenous Australians, a trend that threatens to broaden health inequities.¹⁶

Queensland schools are currently facing significant and complex challenges around vaping and other emerging nicotine products, including not just e-cigarettes but also nicotine pouches and other novel products. Cancer Council Queensland's 13 11 20 support line has had a school leader seeking informed, practical guidance to address surreptitious vaping on school grounds, including advice on installing vape detectors to help curb use in locations like toilets and locker rooms. Additionally, our community engagement team was recently approached by a primary school requesting tailored and age-appropriate presentations on vaping harms for pre-teen students, reflecting a growing demand for proactive education and intervention at younger ages.

Commendation of reforms

CCQ welcomes the Bill's major elements and offers the following comments to support implementation.

We particularly support:

Extended closure powers

Cancer Council Queensland strongly supports the extension of temporary closure powers from 72 hours to three months, and the introduction of court-issued closure orders for up to 12 months. These powers provide the sustained disruption necessary to dismantle entrenched criminal networks and remove repeat offenders from operation.

Experience in South Australia and comparable international jurisdictions demonstrates that longer closure periods are among the most effective deterrents available to enforcement agencies. Short-term closures of 72 hours have limited impact, often absorbed by operators as a "long weekend" within their business model. By contrast, multi-month closures remove the commercial viability of reoffending and prevent the rapid relocation of illicit trading activity.

Cancer Council Queensland recommends that Queensland Health establish a clear operational policy that prioritises the early, targeted, and highly visible enforcement of powers against repeat and multi-site offenders, especially where there is evidence or credible tip-offs of illicit tobacco and vaping activity near youth services or school precincts.

Over time, Cancer Council Queensland recommends consideration be given to establishing a public register of active closure orders, like models in food safety or liquor licensing, to promote greater transparency, strengthen community awareness, and reinforce public confidence in enforcement outcomes.

Controlled Purchase Operations (CPOs)

Cancer Council Queensland supports the introduction of Controlled Purchase Operations (CPOs) as a critical, proportionate enforcement measure to curb the unlicensed sale and commercial possession of tobacco and vaping products. CPOs empower authorities to conduct intelligence-led compliance checks under real-world retail conditions, gather robust evidence, and direct

enforcement toward repeat or high-risk offenders and supply chains that deliberately evade regulation.

We also support extending CPOs and intelligence gathering to detect and disrupt suspicious online trading of illicit tobacco, vapes or nicotine products. Effective enforcement of the online retail space will require specialised skills and resources to identify and investigate suspicious websites, online stores, and social media or messaging platforms where these products are promoted and sold, often to young people.

Seizure and forfeiture of co-located stock

The co-location of lawful and unlawful stock within the same retail premises is a practice that enables traders to obscure the source of their products, exploit enforcement ambiguity, and continue profiting from the illicit market while maintaining a façade of legitimacy. Empowering authorities to seize all stock from such premises removes that shield entirely, sending an unambiguous message that compliance with tobacco laws must be total, not partial or conditional.

Lessor (landlord) responsibility and lease termination powers

Cancer Council Queensland strongly supports the introduction of a lessor offence and statutory lease termination power as part of the Bill's comprehensive enforcement framework. These provisions close a longstanding accountability gap in the retail environment by extending responsibility to those who enable, ignore, or profit from illegal trading on their premises. By introducing direct accountability for landlords, the Bill compels due diligence at every level of the retail chain and prevents complicit property owners from facilitating illicit trade.

Under the proposed reforms, a landlord who knowingly permits illicit tobacco or vaping activity on their premises faces a maximum penalty of 1,000 penalty units or one year's imprisonment (or both), with even higher penalties for corporations. The inclusion of civil penalties, in addition to criminal sanctions, represents an important innovation in Queensland's approach. Civil penalties enable a lower evidentiary threshold and faster enforcement, ensuring landlords cannot evade accountability through delay or procedural complexity. This balanced model preserves fairness while maximising deterrence.

South Australia has recently introduced similar provisions under the *Tobacco and E-Cigarette Products Act 1997*, granting lease termination powers.¹⁷ However, Queensland's Bill goes further. It introduces a dual structure of criminal and civil liability, ensuring that lessors are both legally and financially accountable for failing to prevent or report unlawful conduct. By coupling penalties with statutory termination rights, Queensland's framework will deliver stronger compliance outcomes than any existing state model.

New South Wales has also moved toward greater accountability, introducing lease termination powers in 2025 and considering formalised lessor liability provisions.¹⁸

By passing this Bill in full, Queensland will position itself as the national leader in landlord accountability, setting a benchmark for other jurisdictions and creating a clear expectation of vigilance among property owners and centre managers.

Corporate responsibility

Cancer Council Queensland strongly supports the introduction of personal liability for executive officers where a corporation commits an offence under the *Tobacco and Other Smoking Products Act*. This reform closes a critical accountability gap by ensuring that those who profit from and control business operations are equally responsible for compliance with Queensland's tobacco laws.

The Bill achieves an appropriate balance between fairness and deterrence. Executive liability applies only where an officer has failed to exercise due diligence to prevent an offence, preserving procedural fairness while reinforcing the principle that ignorance is not a defence when public health is at risk. Given the scale of harm caused by illicit tobacco and vaping products, Cancer Council Queensland agrees that such exceptional measures are justified and proportionate.

We also welcome the expansion of information-gathering powers, enabling Queensland Health to verify records, trace supply chains, and penetrate the complex corporate structures often used to conceal illicit activity.

To support effective implementation, we recommend the development of plain-language and translated compliance guidance for small businesses and corporate entities, outlining director obligations, due-diligence standards, and record-keeping expectations. Proactive education will reduce inadvertent breaches and help foster a strong culture of compliance across the retail sector.

Employee responsibility

Cancer Council Queensland interprets the Bill as striking an appropriate balance between proportionality, human rights protection, and targeted regulatory focus. It directs enforcement attention to where harm is coordinated, organised, and financially sustained, ensuring that those who manage, enable, or profit from illicit tobacco activity bear the greatest responsibility. At the same time, the framework preserves judicial discretion to differentiate between levels of culpability and to address instances of employee involvement or wilful misconduct in a fair and proportionate manner.

Three new penalty infringement notice (PIN) offences

Cancer Council Queensland also supports the Bill's introduction of three new PIN offences in Sections 49(3), 49(4), and 209C(1), targeting failures to retain and provide invoices as required, and breaches

of closure orders. These measures give authorities the power to issue immediate fines to non-compliant licensees and operators, providing a direct and effective enforcement response while conserving court resources for more severe or contested violations.

The introduction of these PIN offences reflects a pragmatic and graduated approach to tobacco and vaping law enforcement in Queensland. By enabling swift, proportionate penalties for routine or lower-level breaches, while preserving criminal prosecution for the most serious cases, the framework enhances the ability to disrupt the economic incentives of illicit trade and to prevent systemic non-compliance by illegal operators. This model promotes compliance, enhances supply-chain accountability, and ensures that the enforcement system remains responsive and fair, delivering public health benefits in the process

Further considerations

Public reporting

Effective surveillance depends not only on reliable data collection but also on public trust, active community engagement, and rapid investigative follow-up.

Queensland Health currently provides online forms for reporting suspected breaches of smoking and vaping legislation. However, the effectiveness of these mechanisms could be substantially improved through broader promotion, lower evidentiary thresholds, and faster response pathways. Cancer Council Queensland recently received feedback from a concerned community member who described difficulty completing the reporting form due to requests for detailed information (such as transaction times and customer names) that is not readily available to witnesses of illicit activity.

When the evidentiary burden on the public is too high, genuine reports are deterred, and enforcement opportunities are lost. Cancer Council Queensland therefore recommends simplifying the reporting process, reducing the level of proof required to initiate an investigation, and making these channels more visible and user-friendly.

Increased enforcement capacity

Cancer Council Queensland welcomes the Queensland Government's recent investment in expanding enforcement capacity; however, the rapid proliferation of illegal traders across Australia continues to outpace regulatory resources, with every jurisdiction facing similar pressures from increasingly sophisticated supply networks.

To effectively dismantle illicit supply chains and prevent illegal retailers from re-establishing, Queensland must continue to scale up its frontline enforcement workforce. Cancer Council Queensland recommends progressive, sustained increases to Queensland Health's population health enforcement teams, reviewed on a periodic basis to ensure resourcing keeps pace with the evolving market.

Youth-targeted early interventions.

Reducing the supply of illicit tobacco and vaping products through enforcement must be matched by equally strong efforts to cut off demand, particularly among young people. While the Bill provides the enforcement backbone needed to curb illicit availability, enforcement alone cannot reverse the cultural normalisation of vaping and nicotine use now entrenched among adolescents.

Youth-focused prevention and early intervention remain among the most effective long-term strategies to reduce harm and cost. Such programs prevent initiation at the point of greatest vulnerability, disrupt the social acceptance of vaping in schools, and deliver the highest return on public health investment. Cancer Council Queensland recognises and supports Queensland Health's ongoing work in this area and calls for expanded, sustained investment in prevention and cessation programs for young people, including those in priority populations.

Culturally appropriate education and cessation support

Aboriginal and Torres Strait Islander people continue to face disproportionate exposure to commercial tobacco and vaping products. To deliver sustained improvement and reduce disparities, the Bill's enforcement powers should be implemented in parallel with community-led, culturally grounded prevention and cessation initiatives. Aboriginal and Torres Strait Islander people have long demonstrated leadership in tobacco resistance and health promotion; policy design and program delivery must therefore be undertaken in partnership with Aboriginal Community Controlled Health Organisations (ACCHOs).

World Health Organisation Framework Convention on Tobacco Control (WHO FCTC)

To align with Australia's WHO FCTC Article 5.3 obligations and maintain the integrity of Queensland's public health policy, Cancer Council Queensland respectfully recommends that the Committee adopt a cautious and transparent approach regarding industry or associated lobbyist input during this inquiry.

Article 5.3 clearly requires governments to shield public health policy from the commercial and vested interests of the tobacco industry. The WHO FCTC guidelines specify that any engagement with the tobacco industry must be strictly limited to what is necessary for regulation and conducted transparently, with all interactions placed on the public record.¹⁹

Conclusion

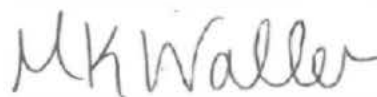
The Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025 marks a decisive and necessary advance for Queensland's leadership in tobacco control. Cancer Council Queensland urges the Health, Environment and Innovation Committee to support this legislation in its entirety.

We thank the Committee for the opportunity to provide feedback on the Bill. Cancer Council Queensland remains committed to reducing smoking and vaping rates across our state. Our ongoing tobacco control work spans over four decades, and we look forward to continuing our collaboration with the Queensland Government to protect Queenslanders from the health risks associated with both tobacco cigarettes and nicotine products.

We would welcome the opportunity to expand on our recommendations and address any further questions at the Public Hearing.



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