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

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Australian Council on Smoking & Health

Consultation on *Tobacco and Other Smoking Products and Other Legislation Amendment Bill 2025*

Response by the Australian Council on Smoking and Health (ACOSH)

October 2025

ACOSH acknowledges the traditional owners of the land on which we are based, Whadjuk Noongar Country. We acknowledge Noongar Elders and families and pay our respects to Elders past, present and emerging.

10 October 2025

Ms Peta Bryant
Deputy Director-General
Strategy, Policy & Reform Division, Queensland Health

Background

The **Australian Council on Smoking and Health (ACOSH)** is an independent, non-government, not-for-profit coalition of thirty-one prominent health, education, community, social service and research bodies. ACOSH members are united in their shared concern about smoking, vaping and health. Established in 1971, ACOSH works collaboratively across the public health sector. In submitting a response to the Inquiry, we also support the submission to this Committee by Cancer Council QLD, with whom we work closely.

ACOSH works through advocacy and collaboration on comprehensive strategies to achieve a tobacco– and vape-free Australia by 2030. **We have never provided or received services, assistance, or support to or from the tobacco or e-cigarette industry.**

We are funded by the Western Australian Health Promotion Foundation (Healthway).

Declarations:

International research has demonstrated that industry actors selectively promote internally funded or non-peer reviewed studies as their evidence, which can misrepresent the scientific evidence base. These tactics[i] are designed to dilute support for strong tobacco control.

In accordance with Article 5.3 of the World Health Organization Framework Convention on Tobacco Control (WHO FCTC)[ii], to which Australia is a signatory, we urge the Committee to remain vigilant to attempts by the tobacco industry, or its representatives, to influence public policy or decision-making in this process. Protecting public health policy from commercial and vested interests of the tobacco industry is both an international obligation and a critical safeguard to ensure decisions on policies are based on the best possible independent, evidence-based considerations[ii] .

A note on conflict of interest

To support transparency and accountability, all submissions and witnesses to this Committee should clearly disclose any relevant affiliations and sources of funding.

To protect the integrity of this Inquiry and ensure alignment with Australia's obligations under Article 5.3 of the WHO Framework Convention on Tobacco Control, we recommend the Committee adopt a robust conflict-of-interest framework. This should include:

- Requiring all individuals and organisations making submissions to provide a full disclosure of any financial or non-financial support - direct or indirect - from entities involved in the production, distribution, or sale of tobacco, nicotine, or vaping products; and
- Excluding individuals, companies, or organisations with such links from participating in public hearings.

These steps reflect best-practice in safeguarding public health policy from vested commercial interests and will help ensure that the Inquiry's recommendations are informed by independent, evidence-based contributions.

Submission contact: **Laura Hunter** CEO ACOSH

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Executive Summary

The *Tobacco and Other Smoking Products and Other Legislation Amendment Bill 2025* represents a significant and necessary step toward strengthening Queensland's response to the growing issue of illicit tobacco and nicotine products.

By expanding enforcement powers, introducing new offences, and enhancing regulatory mechanisms, the Bill provides a robust framework to disrupt the supply chain and deter commercial possession of illegal products. Measures such as extended closure powers, new offences for non-compliance, increased accountability for lessors and executive officers, and broader seizure, entry, and information-gathering powers collectively support stronger public health outcomes[iii].

These reforms are essential to protect the community, uphold lawful business operations, and ensure the integrity of Queensland's tobacco control framework.

ACOSH recommends that:

- The Committee adopt a robust conflict-of-interest framework. This should include:
    - Requiring all individuals and organisations making submissions to provide a full disclosure of any financial or non-financial support - direct or indirect - from entities involved in the production, distribution, or sale of tobacco, nicotine, or vaping products; and
    - Excluding individuals, companies, or organisations with such links from participating in public hearings.
- The Committee pass the Bill, in full.
- The Committee uses the opportunity presented by this Bill to enhance the existing tobacco retailer licensing scheme by introducing more stringent governance and integrity standards, stock accountability, security and reporting requirements.

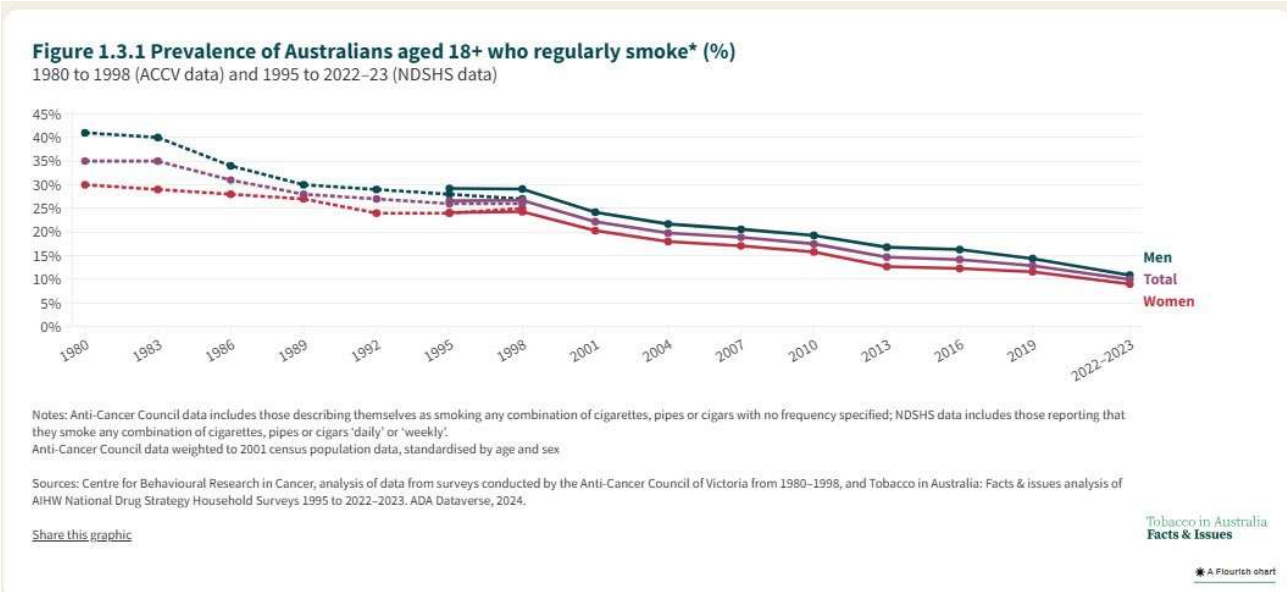
Tobacco and the impact on health

In 2024, smoking remained the leading preventable cause of death in Australia and the second highest risk factor contributing to the total burden of disease[iv].

Tobacco use kills 66 Australians every day[v] and is linked to a variety of individual diseases such as lung cancer, chronic obstructive pulmonary disease (COPD), laryngeal cancers, lip and oral cancers[iv], cardio-vascular illnesses contributing to increased risk of a heart attack, stroke and peripheral arterial disease[vi]; and premature death. On average, smokers lose 10 years of life compared to non-smokers[vii].

The health impacts of smoking are of particular concern in Queensland, where regular (daily and weekly) smoking is higher than national figures (11.2% vs 8.8% respectively)[viii], according to the National Drug Household Survey, 2022-2023. While declines in smoking prevalence have been achieved over the past 20 years[ix], **illicit tobacco trade and vapes are the biggest threat to undoing decades of success in this space**.

Australia is recognised globally as a leader in tobacco control, with decades of strong public health policy driving smoking down from highs of more than 35% in 1980 to about 10% regular smoking in 2022-23[x]. This is one of our greatest public health achievements - and one that must not be undermined. Any discussion on tobacco, whether legal or illegal, must uphold this legacy and ensure that public health remains at the centre of decision-making.



Key Strengths of the Bill

ACOSH 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 enhanced powers will provide the sustained disruption needed to dismantle entrenched criminal networks and prevent repeat offenders from continuing operations.

Experience in other jurisdictions shows that longer closure periods are among the most effective deterrents available to enforcement agencies. Multi-month closures remove the commercial viability of reoffending and hinder the rapid relocation of illicit trading activity.

ACOSH supports the introduction of **landlord (lessor) accountability provisions** and statutory lease termination powers. These measures close a key gap by holding property owners responsible when they knowingly allow or ignore illegal tobacco or vaping activity on their premises. By extending liability to lessors, the Bill ensures due diligence throughout the retail chain and prevents complicit landlords from profiting from unlawful trade. The inclusion of both criminal and civil penalties strikes the right balance - allowing faster enforcement through civil action while maintaining strong deterrence through criminal sanctions.

The approach combines strong penalty options with the power to terminate leases where illegal activity occurs. This dual mechanism provides an effective means to remove repeat offenders from operation and sends a clear message that facilitating or ignoring illicit tobacco and vaping trade will not be tolerated.

ACOSH supports the introduction of **Controlled Purchase Operations (CPOs)** as a practical and proportionate enforcement tool to detect and deter the illegal sale of tobacco and vaping products. Illicit trading of tobacco is often discreet, occurring “under the counter” or through informal transactions that are difficult to identify through routine inspections alone. CPOs enable authorised officers to conduct supervised test purchases in real-world retail settings, providing a credible and effective means of uncovering these covert practices. By generating reliable evidence and targeting enforcement toward retailers and supply chains that deliberately evade regulation, CPOs will play a critical role in strengthening capacity to address illicit tobacco activity and uphold the integrity of the state’s tobacco control efforts.

The ongoing importance of tobacco tax in driving public health outcomes

Tobacco tax and pricing policies are one of the most effective policy mechanisms to reduce population consumption of tobacco[Error! Bookmark not defined.,xv,xi,xii,xiii,xiv]. Price is a key deterrent to smoking, and this strategy has significantly contributed to declining consumption and daily smoking rates: from 24.3% in 1991 to 8.3% in 2022-23[xv]. However, the rise of the illicit trade seriously undermines this approach. By having cheaper tobacco more accessible, particularly to young people and disadvantaged groups, the illicit trade is directly contributing to preventable illness and death and threatens to reverse the gains made through decades of evidence-based policy.

Recent calls for lowering of the tobacco excise[xvi] amid claims it fuelled the illicit trade of tobacco have been vocal in common media. However, there is evidence that illicit tobacco trade exists in countries with and without high levels of tobacco taxes; and that countries that have reduced tobacco excise in attempts to reduce illicit trade have not been successful[xvii].

International learnings

In the early 1990s, Canada[xviii] halved its tobacco excise to combat smuggling across the U.S. border, but the move led to more people (especially young people) starting to smoke, and fewer quitting. Cigarettes are much cheaper in the U.S. than in Australia, yet illicit trade in tobacco is also common. Similarly, in countries such as Vietnam[xix], the Philippines[xx], and Senegal[xxi], tobacco is very cheap, yet illicit cigarettes continue to flood the market.

Fifteen years ago, the United Kingdom[xxii] was also facing a problem of high levels of illicit trade in tobacco. Rather than cutting taxes under pressure from the tobacco industry, the UK Government took a smarter approach – keeping the tax and implementing a comprehensive enforcement strategy to tackle the issue. As a result, the size of the illicit trade of tobacco in the UK declined.

Enhancing enforcement mechanisms and addressing regulatory gaps are critical to improving control of the supply chain oversight and ensuring adequate resourcing for compliance efforts. It is critical that the Queensland Government continues to support the Federal Government to maintain coordinated action towards the illicit tobacco trade issue and policy responses to it.

Opportunities for next steps in tobacco control

While the Queensland Government has recently introduced a licensing scheme for tobacco retailers, this Bill presents an important opportunity to further strengthen that framework to more effectively address the illicit tobacco trade. Currently, the process for obtaining and maintaining a tobacco licence remains comparatively low-barrier, especially when contrasted with other regulated industries such as liquor licensing, where applicants are required to undergo rigorous probity checks, governance assessments, and community consultation processes.

Given the clear association between poor governance and engagement in illicit tobacco activities, the existing scheme could be enhanced to include higher standards of accountability and oversight. These measures would include more stringent governance standards, stock accountability, security and reporting requirements. Considerations should also be made for mandatory training for licence holders and staff, in the same way that is applied to other regulated harmful industries.

By taking this opportunity to strengthen the licensing framework, the Government can improve the integrity of the tobacco supply chain, deter unlawful conduct, and reinforce Queensland's broader commitment to protecting public health and reducing illicit tobacco activity.

Recommendations

ACOSH recommends the following to the Parliamentary Committee:

- Adopt a robust conflict-of-interest framework. This should include:
    - Requiring all individuals and organisations making submissions to provide a full disclosure of any financial or non-financial support - direct or indirect - from entities involved in the production, distribution, or sale of tobacco, nicotine, or vaping products; and
    - Excluding individuals, companies, or organisations with such links from participating in public hearings.
- Pass the Bill, in full.
- Use the opportunity presented by this Bill to enhance the existing tobacco retailer licensing scheme by introducing more stringent governance and integrity standards, stock accountability, security and reporting requirements.

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