

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

Submission No: 40
Submitted by: Crime and Corruption Commission
Publication:
Attachments:
Submitter Comments:

GPO Box 3123
Brisbane QLD 4001

Level 2
North Tower Green Square
515 St Pauls Terrace
Fortitude Valley QLD 4006

Tel.: **07 3360 6060**
Toll-free: 1800 061 611
(in Queensland outside
Brisbane)

Fax: 07 3360 6333

mailbox@ccc.qld.gov.au
www.ccc.qld.gov.au

ABN 32 164 714 360



Our Reference: AD-25-0374 | 25/214230
Contact Officer: David Caughlin

10 October 2025

Committee Secretary
Health, Environment and Innovation Committee
Parliament House
George Street
BRISBANE QLD 4000

By email: heic@parliament.qld.gov.au

Dear Committee Secretary,

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

The Crime and Corruption Commission (“the CCC”) would like to thank the Committee for this opportunity to provide a submission on the *Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025* (“the Bill”).

The CCC notes the primary purpose of the Bill is to amend the *Tobacco and Other Smoking Products Act 1998* (“the Act”) and the *State Penalties Enforcement Regulation 2014* (“the Regulation”) to:

- protect public health by reducing the supply and possession of illicit tobacco and illicit nicotine products;
- strengthen existing powers and offences to ensure they provide an appropriate financial deterrent to the supply and possession of illicit tobacco and illicit nicotine products;
- reduce the availability of commercial premises used for the illegal trade;
- hold lessors who permit the supply and possession of illicit products accountable;
- improve enforcement and investigation efficiencies; and
- make minor and technical amendments to improve the operation of the Act.

Particular issues regarding proposed amendments

The CCC has broad statutory purposes to combat and reduce the incidence of major crime and to continuously improve the integrity of, and to reduce the incidence of corruption in, the public sector. The CCC also has a function in helping to prevent corruption, which necessarily involves identifying and taking action in relation to corruption risks.

The CCC acknowledges the public interest in enhanced investigative powers designed to tackle illicit tobacco and nicotine markets and protect public health. Such significant powers, however, ought to be commensurate with mechanisms designed to ensure compliance and accountability.

The CCC considers that the Bill raises some areas of vulnerability to corruption risk that ought to be addressed. It is recommended that the following measures be enshrined in the Bill to manage and mitigate against identified corruption risks:

1. Modelling governance and oversight mechanisms for controlled purchase operations on the existing frameworks for controlled operations under Chapter 11 of the *Police Powers and Responsibilities Act (2000)* (PPRA) and Chapter 3, Part 6A of the *Crime and Corruption Act 2001* (CC Act). Specifically:
 - a. front-end consideration and authorisation of controlled purchase operations by an external, independent committee;
 - b. a requirement to report back to the committee at the conclusion of the controlled purchase operation, as to the conduct and effectiveness of the operation; and
 - c. a requirement to report to Parliament or the relevant oversight entity on the use of controlled operations, including publication of relevant data relating to the operation/s.
2. Mandatory publication of annual statistics on the seizure and forfeiture of compromised goods.
3. Requirement to review or evaluate the effectiveness of controlled purchase operations and increased seizure and forfeiture powers after a specified time frame, including the extent to which they achieve the policy objectives for the Bill.

a) Covert controlled purchase operations

The Bill seeks to introduce, *inter alia*, powers to authorise Queensland Health officers to conduct covert controlled purchase operations.

The provisions at Chapter 11 in the *Police Powers and Responsibilities Act 2000* (Qld) provide a comprehensive legal framework for the authorisation and oversight of controlled operations undertaken by police officers for the purpose of investigating criminal activity. Those provisions aim to balance the need for covert investigative powers in tackling serious crime with appropriate safeguards.

Under the framework, the Controlled Operations Committee reviews and recommends applications. Upon completion of the controlled operation, a report is required to be provided to the Committee on compliance and the effectiveness of the operation. The provisions also provide for annual reporting by the Committee to the Parliament on those activities.

There are no similar safeguards or oversight mechanisms proposed in the Bill, and it is recommended that the PPRA model be adopted to ensure appropriate oversight and compliance of controlled operations.

b) Seizure and forfeiture of compromised goods

The Bill proposes to expand Queensland Health's powers of seizure and forfeiture of illicit goods and products to include 'compromised goods' – that is, goods that are sold alongside illicit goods that would otherwise be legal, for example hookahs and their individual components. Such powers are exercisable by authorised Queensland Health officers.

The Act already has in place mechanisms designed to provide retailers with relief against these powers, for example by providing an avenue to seek compensation (section 219). The Bill, however, does not propose that compromised goods seized and/or forfeited under the relevant powers be subject to reporting.

Requiring Queensland Health to maintain appropriate records and statistics, and to engage in mandatory reporting and publication on their activities under this power will ensure such powers are exercised appropriately and in a way that is compliant with the Bill's policy objectives. Transparency of operations is an effective way of maintaining public confidence and mandatory reporting and/or data publication requirements are crucial to achieving this.

Similarly to above, mandatory review or evaluation of the new powers will ensure powers are being exercised appropriately and in line with the Bill's objectives, whilst simultaneously providing opportunities to identify areas for improvement.

Conclusion

The CCC appreciates the opportunity to make a submission on the Bill. There is a clear public interest in achieving the policy objectives set out in the Bill, and the powers proposed are suitable in achieving the stated aim. Notwithstanding, the expansion of the powers must be balanced through adequate oversight and independent review mechanisms to promote public confidence in Queensland Health's exercise of the new powers.

Should you have any questions about this submission or wish to discuss these matters further, please contact David Caughlin, Executive Director, Legal, Risk and Compliance on [REDACTED] or [REDACTED]

We confirm this submission is suitable for publication.

Yours sincerely



Bruce Barbour
Chairperson