

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

Submission No: 43

Submitted by: Environmental Health Australia (Queensland) Inc.

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Committee Secretariat, Health, Environment and Innovation Committee, Queensland Parliament

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

From: Environmental Health Australia (Queensland) Inc. (EHA Qld)

Contact: Donna Thompson, Executive Officer E: qld@eh.org.au P: 0448606002

Dear Secretary:

On behalf of Environmental Health Australia (Queensland) Inc., we are pleased to provide our formal submission to the Queensland Parliament's Health, Environment and Innovation Committee regarding the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025.

Who we are:

EHA Qld is the professional body for Environmental Health Officers (EHOs) in Queensland. EHOs are the "first-mile" public health workforce of the health system embedded in local and state government who inspect, investigate, and enforce public health laws across tobacco/vaping, food safety, environmental nuisances, and other community health risks. We are a direct implementation partner for the Bill's enforcement architecture and its on-the-ground success.

Our position:

EHA Qld supports the Bill's objective to dismantle the illicit tobacco and nicotine market and protect public health, particularly children. We support the major enforcement levers (extended closure orders, controlled purchases, expanded seizure/forfeiture, lessor accountability, and executive liability) with practical implementation improvements to ensure they work statewide, not just in metro areas.

What we are asking the Committee to do:

The following requests are grounded in the member feedback set out in Appendix A.

1. Endorse and pass the extended closure powers to address repeat offending, with a request that templates and clear guidance be issued at (or immediately after) assent so officers can act consistently, and that practical arrangements for monitoring closed premises are clarified.
2. Acknowledge EHO workforce capacity and recommend targeted support so tobacco enforcement does not displace other core public-health work; deliver training and standardised templates promptly after passage.
3. Support the statutory lease-termination power and recommend a short awareness/training effort for commercial agents and private lessors so they understand when and how it applies.

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4. Strengthen protections at liquor-licensed premises by removing smoking; if smoking areas remain, legislate a clear, enforceable DOSA definition so compliance is practical and prosecutable.

Submission:

1) Closure orders and closure offence

Support. Members strongly support the proposed extended interim and long-term closure powers, noting that the current 72-hour closure process has had limited deterrent effect and has not stopped repeat offending. Longer closures are viewed as a necessary and proportionate tool to disrupt supply of illicit tobacco and illicit nicotine products, including access by minors.

What would help implementation (from members):

- Timely access to templates and clear guidance once the Bill is adopted, so officers can act consistently and lawfully.
- Recognition that effective closures require monitoring across a large number of premises, many outside metro areas.

2) Workforce capacity

Support for the Bill with workforce support. Tobacco compliance is one component of a broader EHO portfolio. Members note the need for:

- Additional staff resources to ensure effective, efficient enforcement without displacing other core public health work.
- Training and standardised templates provided promptly after passage.

3) Statutory lease termination power

Support. Members support a statutory power enabling a lessor to cancel a lease where a premises is subject to a closure order, as this helps remove illicit activity from commercial premises. Members suggest awareness and training for relevant lessors (commercial agents and private owners) so they understand obligations under the legislation.

4) Smoking areas at particular liquor-licensed premises (DOSA)

Strengthen protections. Members note the significant health burden from tobacco use and recommend the legislation be strengthened to remove smoking at liquor-licensed premises to protect patrons and staff from second-hand smoke. If smoking areas remain, members seek a clear, enforceable definition of Designated Outdoor Smoking Area (DOSA) in the legislation, as the current definition is not sufficiently clear for prosecution



5) Administrative details

- Format & content: This submission states our position, reasons, and practical recommendations; includes a summary and contact details; and uses clear headings and dot points, consistent with the Committee's guidance.
- Publication: EHA Qld consents to publication of this submission and Appendix A with contact details redacted as per standard practice.
- Confidentiality: Not requested.
- Authorisation: Submitted on behalf of Environmental Health Australia (Queensland) Inc., authorised by the President.

Yours sincerely,

James Williams MPH, FEHA
President
Environmental Health Australia (QLD) INC

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APPENDIX A

Member Consultation Table - Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025

Policy Objective	Comment/Feedback
Closure orders and closure enforcement Closure offence	EHA (QLD) Inc strongly supports the extended time period of proposed interim and long-term closure powers. These changes are necessary as it more effectively enforcement tool and has a significant impact on the supply of illicit tobacco and illicit nicotine illicit products, in which protecting public health by reducing the supply and possession of illicit nicotine products. The current process of 72 hours closure is having limited effect on these illicit tobacco premises and has not caused any premises to stop the illicit practices, therefore there is continue of supply of illicit tobacco and illicit nicotine products to the community, including minors. EHA (QLD) INC advocates for more resources to support current EH workforce including the following: • More staff resources to ensure effective and efficient enforcement of this legislation, there a large number of premises and many are located outside metro areas, enforcement tools (such as closures) need to be monitored to be effective. • EH workforce work across a number of public health fields, with tobacco only being a small portion of the important public health work. Increase in resources ensure that other public health risks are managed effectively, • Resources, such as templates (available in timely manner once Bill is adopted) and training for the workforce is essential.
Statutory lease termination power	EHA (QLD) INC supports the proposed amendments for statutory powers to enable a lessor to cancel a lease when a premises is subject to a closure order, as it assist with advising that illicit tobacco and illicit nicotine product is a offence. Identified that breaches of the legislation and provides support to lessors to remove illicit activities from their premises. It is suggested that training is provided to all relevant lessor (both commercial – real estate agents and private lessor) so aware of the requirements.
Smoking areas at particular liquor licensed premises	CHO Health report outlined that in 2024 in Queensland that tobacco use accounted for 7.6% of the total burden of diseases and use of tobacco contributes significantly to morbidity and mortality for several health conditions and to health care expenditures. EHA (QLD) INC believes the legislation requirements could be strengthened to remove smoking all together, to protect all patrons from second hand smoke. The definition of Designated Outdoor Smoking Area outline in the current legislation is not clear and concise, therefore making it extremely difficult to prosecute. We would like to see the definition of DOSA be included in the legislation changes.

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