

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

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From: [REDACTED]
To: [Health, Environment and Innovation Committee](#)
Subject: Fwd: Submitting to the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025
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Dear Committee Secretary,

Please accept this submission in respect of the above on behalf of the Qld Council for Civil Liberties of which I am one of two vice presidents.

Also, I apologise for the formatting of this submission. I am currently on holiday in WA, and I do not have access to secretarial facilities.

The submission will deal with the Controlled Purchase Operations component of the Bill.

While the Explanatory Notes to the Bill refers to the QPS and CCC controlled operations regime very few of the protective aspects of that scheme as outlined in the Police Powers and Responsibilities Act [PPRA] are included in the Bill.

It is submitted that the entire scheme of Controlled Operations in the PPRA should be incorporated into the Bill for the same reasons that the Controlled Operations regime was originally incorporated into the PPRA.

The history of Police undercover operations in Qld, other Australian States and Territories as well as the UK is replete with examples of egregious misuse of covert powers by police and resulting miscarriages of justice.

Since the Controlled Operations regime was inserted into the PPRA there has been very little controversy in relation to police misusing their covert powers. The PPRA regime appears to have worked well.

Allowing public servants in Qld Health to exercise police powers without the training that police receive is a recipe for serious problems. That will be particularly so if the PPRA Controlled Operations regime is not implemented in this Bill.

It is acknowledged that the Bill provides that covert powers cannot be used to induce a person to commit an offence.

However, with no proper oversight mechanism controversy about misuse of covert powers will be inevitable. Anyone with even a passing knowledge of the many controversies of undercover operations in Australia and the UK over the last 60 years would readily acknowledge that inadequately supervised undercover operations have caused significant problems with fabricated evidence.

As a minimum the proposed transplantation of the PPRA Controlled Operations regime should be accompanied by a requirement that at each stage of a covert operative's contact with a

target such contact must be mandatorily electronically recorded.

Further there needs to be a Qld Health equivalent of the QPS Operations Manual and allied internal manuals created as part of the controlled purchase regime proposed by the Bill.

In conclusion, I observe as a lawyer with nearly fifty years in dealing with police misconduct a failure to replicate the PPRA Controlled Operations regime in the Bill will lead to very serious problems.

Thank you for the opportunity to make this submission. Could the submission please be formally accepted even though it is some hours after today's 10 am deadline.

Kind Regards,
Terry O'Gorman

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