




Speech By
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MEMBER FOR WARREGO

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TOBACCO AND OTHER SMOKING PRODUCTS AMENDMENT BILL

 **Ms LEAHY** (Warrego—LNP) (12.21 pm): I rise to make a contribution to the debate on the Tobacco and Other Smoking Products Amendment Bill 2023. As indicated earlier by the shadow minister, the LNP will not be opposing this legislation. These amendments will establish a licensing scheme for the wholesale and retail sale of smoking products, the introduction of new penalties for the failure to comply with the licensing scheme and new offences, including prohibiting the supply of smoking products by children and prohibiting the supply of smoking products to children by parents and guardians. I think that is particularly important because a lot of these habits form in the home.

The illicit tobacco trade sells many products and it takes rightful income away from legitimate family and small businesses throughout the country. This happens because the Labor government has been soft on enforcing existing laws. I call on the government to strengthen its enforcement activities on illicit tobacco sales. I am advised that illegal products come in the form of: domestic illicit whites, that is, packs of cigarettes sold in plain packaging and recognisable by printing errors or by being sold at well below the price of legal tobacco products; counterfeit tobacco products that have been manufactured without the permission or trademark rights of the holder; chop-chop, and we have heard a fair bit about that, which is loose roughly cut tobacco in plastic bags or prefilled tobacco tubes sold in boxes of 50 to 200 cigarettes; contraband, which is a genuine product produced for another country and smuggled to its destination, recognised by being sold in branded packaging; and nicotine e-cigarettes, which are smuggled electronic vaporisers containing nicotine liquid.

As the Attorney-General said when she introduced the bill, these are smoking products that do not comply with the Commonwealth requirements for plain packaging and health warnings and that circumvent excises and duties. She also said that these products are often illegally imported or manufactured in unsafe and uncontrolled conditions. They are also unlikely to meet Australian safety standards in relation to their ingredients and concentrations and may contain dangerous toxins.

Illicit tobacco trade happens in regional areas; it is not just a problem in metropolitan areas. We have heard that from the member for Nanango and the member for Buderim yesterday. It is happening in my electorate and this government is not doing enough to enforce the existing laws. It is a problem for both the state and the federal governments. I am advised that an estimated \$3.5 billion per annum is forgone as illicit tobacco traders evade taxes and duties. That \$3.5 billion would easily seal a two-lane road from Brisbane to Cairns. That shows how much revenue both state and federal governments are missing out on because enforcement is not happening. To put it in perspective, a huge amount of funding is being foregone by governments due to the illicit tobacco trade's avoidance of taxes and duties.

The amendments in this bill will enable Queensland Health to monitor compliance with the Commonwealth requirements for smoking products and improve intelligence sharing with other state, territory and Commonwealth law enforcement agencies. I come from an area that shares borders with both New South Wales and South Australia so I know how important it is that cooperation exists across those borders and also with the Commonwealth when dealing with illicit traders. I hope that the

legislation and the amendments it contains improve that cooperation because enforcement is very difficult without it. I hope that that cooperation leads to the prosecution of those involved in the illicit tobacco trade. I call on the state Labor government to enforce the laws to their fullest extent and pursue those who are conducting illegal activities.

Illicit tobacco sales are hurting legitimate family and small businesses in towns in my electorate. Those people have come to me but are very fearful about doing that because they feel they will be persecuted. Legitimate family and small business owners tell me that they are sick to death of the lack of action. They have been complaining and complaining to authorities and they are very disappointed that the Labor government is always very slow to act. It seems that the illegal businesses pop up overnight but they are not shut down immediately. I have to wonder about the priorities of this Labor government when a person can get a \$1,000 fine for using a mobile phone whilst driving but the government cannot shut down illegal tobacco traders who operate in broad daylight. In many cases, those traders are located in the main streets of regional communities. You can walk across the road from my electorate office and find those illegal sales happening. If we can find it, why cannot the government do something about the illicit tobacco trade? The government needs to get serious about listening to the concerns of stakeholder groups and it needs to get serious about shutting down illegal chop-chop shops and illicit tobacco sellers in Queensland.

The bill amends a number of other areas to modernise and clarify the requirements for the advertising, display and promotion of smoking products, including their application to online trading. It also expands smoke-free public places to include community spaces for children, including car parks adjacent to schools. It enhances offences to protect children from the dangers of smoking, including prohibiting children from being in a designated outdoor smoking area. I am not sure how that will work because I know people often smoke in the Woolworths car park across from my office. It will be interesting to see how they manage that. The bill will improve protections at liquor licensed premises by including tighter requirements for smoking areas and moving tobacco product vending machines into areas that cannot be accessed by patrons. Smoking in national parks will also be prohibited. I wonder how the government will do that because there are many thousands of acres of national parks and some of them are quite remote. I wonder how the compliance on that will be done.

I call on the state Labor government to enforce the laws on illicit tobacco sales and provide the resources to the department to follow through with prosecutions because that trade is seriously hurting family and small businesses in regional areas. Many of those business owners feel that they cannot speak out. Many complain bitterly to the authorities but do not see anything happening. I really want these amendments, once implemented, to actually have an impact and achieve an outcome. We do not want to see grandstanding about changed laws and election promises; we want to see outcomes. We want to stop those people who are doing the wrong thing and who are hurting our family and small businesses across the regions. We want the illicit tobacco trade dealt with and dealt with quickly by this government.