




Speech By
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MEMBER FOR JORDAN

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TOBACCO AND OTHER SMOKING PRODUCTS AMENDMENT BILL

 **Mrs MULLEN** (Jordan—ALP) (4.18 pm): I rise to support the Tobacco and Other Smoking Products Amendment Bill 2023. I would like to begin by acknowledging the work of the former health minister, Yvette D'Ath, who has guided this legislation in a comprehensive manner, and that has included providing a regulatory impact statement and listening to the concerns of stakeholders regarding further ways we can decrease the smoking rate in Queensland and also the need to stamp out the illicit tobacco trade.

Smoking in the mid-20th century was ubiquitous in Australia, as in other Western countries. A report in the *Australian and New Zealand Journal of Medicine* titled 'Trends in cigarette consumption in Australia' showed that in 1945 more than three out of every four men and one in every four women were regular smokers. We have certainly come a long way since then, and we should feel very proud that the adult smoking rate has halved in Queensland over the past 25 years.

The Queensland Preventive Health Survey reported that daily smoking halved in Queensland from 2002 to 2022 and is now at 10.4 per cent. This has not been a fluke: it is the result of hard work by successive federal and state governments through anti-smoking campaigns, support programs and via clear and strong legislative changes. The bill before us seeks to continue this work to reduce the smoking rate in Queensland and better protect the community from second-hand smoke.

The bill expands smoke-free public spaces to include outdoor markets and improves protections from second-hand smoke at other outdoor eating and drinking places where families and children gather, including through new smoke-free buffer zones both inside and immediately outside the place. The bill also prohibits smoking near organised children's activities and at car parks adjacent to schools. There are also improvements to the protections for patrons at liquor licensed premises. This includes extending the buffer zone between a designated outdoor smoking area and the enclosed area of the premise and restricting the sale of smoking products to service areas.

The bill also seeks to modernise and clarify existing restrictions on the display, advertising and promotion of smoking products, particularly in relation to online sales. Current provisions in the act regulating the advertising, display and promotion of smoking products were clearly designed primarily for the sale of tobacco products at bricks-and-mortar outlets and have not kept pace with what is happening in the online world where many—but particularly young—people are active. The legislation includes prohibiting practices designed to circumvent current requirements such as supplying smoking products for a nominal fee or displaying more than one mandatory or permitted sign at a premise to indirectly draw attention to the fact that smoking products are available for sale. The bill also clarifies that the advertising provisions prohibit the display of multiple different business names that each reference a smoking product and using colloquial names for smoking products.

The other key area of concern that is being addressed through the legislation is the increasing illegal tobacco trade. My husband's family were tobacco farmers in Far North Queensland and always had a very good idea about which of their fellow farmers were involved in the illegal chop-chop trade.

What we are seeing now goes beyond these small-time provincial operators. There are a number of illegal tobacco and vape shops trading with impunity, selling untaxed illegal cigarettes as well as dangerous vapes. They are in every community.

I was approached a couple of years ago in my electorate by a number of legitimate retailers who sell cigarettes who wanted to talk about some concerns they were having with a number of vape shops which had opened nearby. They first noticed something was awry when their cigarette sales dropped quite dramatically. One of the retailers also noticed, through reports of the ATM in his store, that there had been a really significant uplift in cash withdrawals over a number of months. Then finally there was photographic evidence of illegal tobacco products being sold in some of these stores. I worked really closely with our local police when this was discovered. I did note there was a real constitutional division between federal and state government laws along with the challenges of coordinating the responsibilities of Border Force, state police, health inspectors, the Australian Taxation Office and our local council. I strongly welcome this legislation, which really would have helped in that situation. Certainly our local Queensland public health unit at West Morton and my local police station worked together on addressing the concerns despite issues around roles and responsibilities. What we are doing now via this legislation will go a long way in dealing with the very situation I encountered in my own community.

A new licensing scheme for the wholesale and retail sale of smoking products will enable Queensland Health to more effectively identify and monitor the number, type and location of businesses supplying smoking products in Queensland. It is expected that that application portal will go live on 1 September 2023. Suppliers will then have 12 months to become licensed. I think we are also sending the clear message that selling smoking products must only be entrusted to legitimate businesses. To deter the unlawful supply of smoking products we are introducing significant maximum penalties for noncompliance, including: 1,000 penalty points for the unlicensed wholesale or retail sale of smoking products or where a wholesaler sells smoking products to an unlicensed retailer; 300 penalty points for supplying illicit tobacco, being smoking products that do not comply with Commonwealth packaging and warning requirements; and 140 penalties points—that is around \$20,000—for being in possession of illicit tobacco at a retail premise.

When you think about the financial penalties we are seeking to impose, it is important to remember the significant cost to taxpayers. According to Australian Border Force, the rampant black market cash trade leads to the leakage of an estimated \$2.6 billion in import excise alone, plus missing income tax revenue and GST. As we have heard, the annual cost of smoking to Queensland, including hospital and other medical expenses, has been estimated at \$27.4 billion. The illegal tobacco trade also sabotages efforts designed to encourage smokers to quit. As we now know, worst of all it acts as a gateway for young Australians to take up vaping.

I am particularly pleased to see that the bill provides authorised persons with expanded enforcement powers to make inquiries, remain on premises and issue improvement notices to immediately prohibit an activity. I know that my local police are really very excited about these laws and being able to enforce some of these measures. To prevent seized illicit tobacco from being used to commit further offences, I note that the chief executive will be empowered to forfeit those products without first taking prosecution action. It will also allow and facilitate the sharing of intelligence with other state and Commonwealth enforcement agencies. As I said, it is really important for our local police to assist Queensland Health to combat that illicit trade in illegal tobacco, and these police officers will be made authorised persons for the purpose of enforcing the new offences.

This is an important and very relevant bill. It recognises that we need greater oversight of what is happening in the tobacco trade. It ensures that those who are doing the right thing when it comes to the sale of cigarettes are not being penalised financially by those who flout the law. The bill also modernises elements of the act, particularly around the advertising, display and promotion provisions, especially in light of online sales, and also introduces new protections from exposure to second-hand smoke at places where families and the community gather. I commend the bill to the House.