




Speech By
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TOBACCO AND OTHER SMOKING PRODUCTS AMENDMENT BILL

 **Dr ROWAN** (Moggill—LNP) (4.31 pm): I rise to contribute to the debate on the Tobacco and Other Smoking Products Amendment Bill 2023. It is widely acknowledged that smoking is the leading preventable cause of disease and death in Australia—in order words, morbidity and mortality. Despite adult smoking rates having halved in Queensland over the last 20 years, as our Chief Health Officer reported in 2022 the statistics remain alarming. In Queensland in 2022, there were 420,000 adults who smoked daily, while 23,000 schoolchildren aged 12 to 17 years reported having smoked at least one cigarette in the previous seven days in 2017. Daily smoking prevalence is more than three times higher in the most disadvantaged areas compared to the most advantaged areas in Queensland, with daily smoking prevalence 80 per cent higher in remote areas compared to major cities. It is against this background, as the legislation's explanatory notes indicate, that this legislation seeks to—

... strengthen, modernise and future-proof the requirements, restrictions and safeguards in the Tobacco and Other Smoking Products Act 1998 ... to continue reducing the smoking rate in Queensland and provide the Queensland community with further protections from second-hand smoke and the illicit tobacco trade.

To achieve this objective, this legislation seeks to: prohibit the supply and possession of illicit tobacco; strengthen the enforcement capabilities and powers under the act, including by facilitating intelligence sharing with other jurisdictions; modernise and clarify restrictions relating to the advertising, display and promotion of smoking products, including their application to online trading; prohibit the supply and handling of smoking products by children; extend the prohibition on supplying smoking products to children to include supply by parents or guardians; expand smoke-free places, including community spaces used by children; and improve restrictions and protections that apply to liquor licensed premises.

After this legislation was first introduced by the former minister for health and ambulance services and now current Attorney-General, it was referred to the Queensland parliament's Health and Environment Committee for further consideration and stakeholder consultation. Having listened to a variety of stakeholders during its inquiry—including members of the public, academic experts, health professionals and other directly impacted organisations, including 31 submissions and four public briefings and hearings—the Health and Environment Committee tabled its report No. 32 to the Queensland parliament on 5 May 2023.

The committee made three recommendations including: firstly, that the legislation be passed; secondly, that there is improved alignment of the Medicines and Poisons Act 2019 and the Tobacco and Other Smoking Products Act 1998 to remove barriers to executing warrants, searching premises and seizing contraband items; and, thirdly, that the state government fully consider resourcing enhanced enforcement efforts coordinated between Queensland Health and the Queensland Police Service, and between the relevant state and federal agencies, targeting illicit tobacco and vaping markets. These recommendations are entirely fair and justified and align with concerns the Liberal National Party has previously expressed. I note these important recommendations were also largely backed and supported by a number of key stakeholders and experts.

I would like to take this opportunity to formally acknowledge and thank Professor Coral Gartner, director of the National Health and Medical Research Council Centre of Research Excellence on Achieving the Tobacco Endgame, in particular for the detailed submission provided to the committee along with her appearance as an expert witness at the committee's hearing on 17 April 2023. Professor Gartner is an international expert in tobacco control policy, an Australian Research Council future fellow and chair of the Interdisciplinary Tobacco Endgame Research Network. She leads a multidisciplinary international team of researchers developing the evidence base to identify the most promising policies to end the tobacco epidemic in Australia and to reduce the global toll of tobacco related disease.

Professor Gartner raised many significant and important issues and observations that are worthy of further exploration and consideration by the Queensland state government. In particular, I note Professor Gartner's evidence in relation to the strong correlation between mental health symptoms and smoking, matters around enforcement and not only the online sale but also delivery of tobacco products.

I also wish to highlight the submission provided by Dr Brett Dale, chief executive officer of the Australian Medical Association of Queensland. In relation to prohibiting the supply of smoking products to children by parents and guardians, I wish to note Dr Brett Dale's comments that—

AMA Queensland welcomes the statement in the Bill's Explanatory Notes that 'the intended enforcement approach will focus on monitoring, prevention and education, rather than prosecution of the parent or guardian'.

The data shows smoking rates are highest amongst First Nations people and lower socio-economic and regional or remote communities who are likewise overrepresented in our criminal justice system. It is imperative that these groups are supported to treat their addiction and other health problems (including mental health issues) and not further targeted by law enforcement agencies.

Further, I am also drawn to Dr Brett Dale's comments in relation to the prohibition on smoking at children's organised activities or car parks adjacent to schools, wherein it was submitted—

Whilst not part of the previous consultation on the Bill, AMA Queensland welcomes these proposed amendments. Given the increasing rates of smoking, particularly e-cigarettes, amongst children and young people it is essential that reforms are introduced urgently to reverse this trend.

Schools and adjacent areas are reported as key settings in which children are purchasing and using e-cigarettes. Prohibiting smoking at children's organised activities and around schools will assist in addressing this development and reduce children's exposure to smoking.

As the Liberal National Party shadow minister for education, I remain extremely concerned about the prevalence and use of tobacco and other substances in Queensland schools. There is no doubt that the Palaszczuk state Labor government is failing to comprehensively control and eliminate substance use in our state schools. In fact, figures I obtained this year in a question on notice revealed that total student suspensions and exclusions due to illegal tobacco and other illegal substances have skyrocketed 190 per cent since the Palaszczuk state Labor government came to power. Last year alone, total student suspensions and exclusions rose by over 15 per cent to more than 8,600 instances.

Government members interjected.

Dr ROWAN: Members opposite may interject about that, but these figures are deeply alarming and Queensland parents are rightly concerned, as are staff and principals within our schools. Parents have a right to expect that their children will be safe when they attend school and not be exposed to harmful substances, yet such exposure and harmful behaviours have only grown exponentially under the Labor minister for education. You cannot fix what you do not measure, which is why it is unacceptable that the Labor minister for education has admitted that this data does not accurately capture the types of drugs and substances, including tobacco, that students are caught using.

There must be zero tolerance when it comes to tobacco and drug use in Queensland schools because of both the physical and psychological harms that can result from using those substances. Queensland parents, students, teachers and staff deserve answers from the Palaszczuk state Labor government as to how they will fix this growing issue in our schools.

On a related matter, I wish to join with my Liberal National Party colleagues and make it clear that this legislation will not deal with the regulation of e-cigarettes or vapes. Queenslanders, especially Queensland families, are seeking leadership from the state Labor government to proactively deal with this growing and largely unregulated market. We know that the Labor government has an inquiry in relation to this, but again they have been slow to act when it comes to this. This has been a growing issue over a long period of time and certainly action needs to be taken.

In concluding today, I thank and acknowledge all stakeholders and experts who contributed to the examination of this legislation. I also again implore the state Labor government, before the passage of this legislation, to comprehensively outline how it will ensure that relevant authorities are

comprehensively resourced to ensure that these laws can be properly enforced. Whilst it is important to have laws, it is the practical action that follows from those laws, the implementation and the resourcing that goes behind that to make it a reality, that will ensure that the public health benefit is achieved here in Queensland.