




Speech By  
**Corrine McMillan**

**MEMBER FOR MANSFIELD**

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### **TOBACCO AND OTHER SMOKING PRODUCTS AMENDMENT BILL**

 **Ms McMILLAN** (Mansfield—ALP) (4.59 pm): I rise to make a contribution to the Tobacco and Other Smoking Products Amendment Bill 2023 on behalf of my Mansfield electorate. At the outset, I acknowledge the great leadership of the former chief health officer, now Governor of Queensland, Dr Jeannette Young, who is passionate about addressing smoking across our community and worked tirelessly to establish Queensland as a smoke-free state, banning smoking on footpaths, outside public buildings, including hospitals, schools and workplaces. This bill extends on much of Dr Young's foundation work over her many years as chief health officer.

Tobacco smoking remains one of the largest causes of preventable death and disease in Australia. Smoking is estimated to kill almost 20,500 Australians a year, which is 13 per cent of all deaths. One in 10 adults were current daily smokers in 2021-22. People in areas of most disadvantage were more likely to be current daily smokers, 16.1 per cent, than those in areas of least disadvantage, 5.3 per cent.

The Tobacco and Other Smoking Products Amendment Bill 2023 aims to strengthen, modernise and futureproof the requirements, restrictions and protections in the Tobacco and Other Smoking Products Act 1998. This will improve monitoring of the smoking products industry and enable more effective enforcement of the act. It will also assist smokers to quit, discourage youth uptake of smoking and further protect the community from exposure to second-hand smoke. The bill gives effect to the 2020 government election commitments to strengthen Queensland's tobacco legislation and increase smoke-free public places.

The issues of the monitoring of the smoking product industry—particularly the number of tobacco shops popping up, the uptake of smoking by youth, protecting the community from exposure to second-hand smoke and increasing smoke-free public places—are very important to my community. Further, the issue of vaping, the contents of vapes and the persuasive campaigns by the tobacco industry that target our young people are of immense concern for families and educators in my electorate. In fact, my 2023 Youth Advisory Council, made up of 20 students, identified vaping as their No. 1 concern. I thank the Premier, health minister and health committee for their diligence in initiating a parliamentary inquiry into this important issue.

The bill establishes a licensing scheme for the wholesale and retail sale of smoking products. This 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 the application portal will go live on 1 September 2023 and suppliers will then have 12 months to become licensed. To assist Queensland Health to combat the increasing trade in illicit tobacco, police officers will be made authorised persons for the purpose of enforcing the new offences of supplying illicit tobacco and the unlicensed supply of smoking products. These changes to the law are most welcomed by my community.

The bill expands smoke-free public spaces to include outdoor markets. The bill also improves protections from second-hand smoke at other outdoor drinking and eating places where families and children gather. To capture these places, the bill prohibits smoking at or near outdoor organised schoolchildren's activities such as Scouts or Girl Guides and car parks adjacent to a school. We all carry the responsibility of protecting children from the influential and persuasive tobacco industry. The member for Maroochydore spoke about just how pervasive and persuasive the tobacco industry has been and continues to be.

The bill protects children from exposure to smoking, second-hand smoke and smoking products. This includes measures to close the gaps in the existing legislative coverage and better align Queensland with the law in other states and territories. The act prohibits the supply of a smoking product to a child. However, there is no restriction on the age at which a person may supply a smoking product. Under-18 employees who sell smoking products may grow to view smoking as normal behaviour and be exposed to the variety of smoking products available, including multiple e-cigarette flavours. Of immense concern to me and to members of my community is the way in which the vapes and vaping products are marketed to our young people. The colours of the vapes and the flavours of the vapes are certainly attractive and perceived to be cool by our young people.

To prevent this, the bill prohibits the supply and handling of smoking products by children in the course of their employment. Despite the prohibition on supplying a smoking product to a child, no offence is committed where the supply is by a responsible adult for the child such as a parent or guardian. No other jurisdiction in Australia provides such an exemption. The bill will remove this exemption. This is another change welcomed by my community.

The bill regulates e-cigarette—vaping—as e-cigarettes are considered smoking products under the act. All smoking product amendments in the bill will also apply to e-cigarettes. The bill introduces a licensing scheme for wholesalers and retailers of smoking products which will give Queensland Health improved oversight of the entire smoking product industry. This will overcome the limitations in the existing monitoring provisions in the act, which rely on seeking information from wholesalers in an industry with no reliable list of e-cigarette wholesalers. This expanded information will then be used to develop more focused monitoring and enforcement programs, including in relation to e-cigarette sales.

The bill will also modernise the existing restrictions on advertising, display and promotion of smoking products. This will ensure the restriction captures the use of colloquial names for smoking products such as smokeless products or vapes and promoting e-cigarettes to children by supplying them for a nominal fee.

Finally, the bill makes it an offence under Queensland law to supply illicit tobacco. This includes tobacco products not complying with Commonwealth requirements for plain packaging and health warnings. The Commonwealth government has recently announced new packaging and ingredient requirements for e-cigarettes. This is another change that is incredibly welcomed by my community and something that parents care deeply about. To include these new requirements within the definition of illicit tobacco, all that is needed is an amendment to the Tobacco and Other Smoking Products Regulation 2021. This would mean that any contravention of these new e-cigarette requirements would be relevant to whether the person is a fit and proper person to hold a wholesale or retail licence under the new licensing scheme.

On behalf of my community, I thank the Minister for Health for these most welcome changes. I commend this bill to the House.