




Speech By  
**Rob Molhoek**

**MEMBER FOR SOUTHPORT**

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

 **Mr MOLHOEK** (Southport—LNP) (3.01 pm): I rise to my feet today as the member for Southport and the deputy chair of the Health and Environment Committee to speak on the Tobacco and Other Smoking Products Amendment Bill 2023. The LNP will not be opposing this bill. The bill sets up a regulated framework for both wholesale and retail selling of smoking products with the addition of fresh penalties for noncompliance with this system and new offences. This includes a ban on the distribution of smoking products by minors and forbidding parents and guardians from providing such products to children. The legislation authorises Queensland Health to track adherence with Commonwealth prerequisites for smoking products and enhance the exchange of information with law enforcement agencies across states, territories and the Commonwealth. It modernises and clarifies the requirements for advertising, display and promotion of smoking products, including their application to online trading.

The bill broadens the scope of public spaces free from smoking, particularly those frequented by children. For example, it prohibits smoking in car parks adjacent to schools. The legislation also amplifies the crimes related to safeguarding children from the perils of smoking. This includes a ban on children's presence in designated outdoor smoking areas. The bill boosts safety measures at venues with liquor licences. This encompasses stricter rules for designated smoking areas and the relocation of tobacco product vending machines to places outside of a patron's reach. Additionally, the legislation imposes a prohibition on smoking in national parks.

The proposed amendments are comprehensive. They strive to create a robust licensing scheme for wholesale and retail sale of smoking products. Moreover, they usher in penalties for noncompliance with these licensing regulations and introduce fresh offences, including the prohibition of supplying smoking products by minors, and the supply of these products to minors by their parents or guardians. These are significant steps towards safeguarding our younger generations from the health risks associated with smoking. These proposed changes empower Queensland Health to vigilantly monitor the alignment of smoking products with Commonwealth requirements. In an era where information is king, these changes promise to enhance intelligence-sharing amongst state and Commonwealth law enforcement agencies. This could be instrumental in curbing the black market for these products.

The bill also makes strides in updating and clarifying requirements for advertising, display and promotion of smoking products while taking into account their digital presence through online trading. It significantly expands smoke-free public spaces, especially those frequented by children. Think about car parks adjacent to schools. The bill prohibits smoking in these areas, shielding children from the harmful effects of passive smoking. Liquor licenced premises will see tighter regulations concerning smoking areas, and tobacco product vending machines will be moved to areas outside of a patron's reach. It even addresses environmental health, prohibiting smoking in national parks, a significant step towards preserving our unique biodiversity. Unlike some of the government's election promises that remain unfulfilled or have crumbled, this legislation is a step in the right direction: strengthening the retail supply, advertising and promotional provisions in the act and addressing the illicit tobacco issue head-on and amplifying the number of smoke-free public spaces.

The Health and Environment Committee on which I serve made three critical recommendations after considering the bill: firstly, that the bill should be passed; secondly, that the alignment of Medicines and Poisons Act 2019 and the Tobacco and Other Smoking Products Act 1998 need to be improved to remove obstacles to executing warrants, searching premises and seizing contraband items; and lastly, that the government should consider committing additional resources to enhance enforcement efforts, a task coordinated between Queensland Health, the Queensland Police and relevant state and federal agencies targeting illicit tobacco and vaping markets. While the LNP acknowledges broad support for this bill amongst stakeholder groups, we share valid concerns about the execution and enforcement of these laws.

I asked questions about the amount of enforcement activity across the state, and in particular the South East, because I wanted to understand—and I think the House deserves to understand—the extent of the problem of the illicit sale of tobacco products, as we heard from the member for Mudgeeraba and other members in the House, and these so-called chop-chop shops that are springing up pretty much everywhere from Far North Queensland all the way to the border at Coolangatta.

In the South-East Queensland region, we heard from Queensland Health that there had been 362 complaints in the last eight months—July to February—and of that, there were 343 inspections that were undertaken by public health units. The majority were proactive inspections of retailers located close to schools or transport routes and students, and as a result of that, there were 220 enforcement actions recorded, 62 written warnings, 32 improvement notices and, more importantly, 125 PINS issued, and also one legal case that is currently in progress.

As at July 2021, the penalty for these PINS was the small amount of \$143.75. One of the questions raised and discussed in the public briefing with Queensland Health was: did they believe that the increased penalties and penalty units proposed in this legislation were adequate? I would suggest that it was the view of the committee that it was certainly a significant step forward to increase potentially what would have been fines from as little as \$143 in the past to a more realistic level of \$500 or \$600 per breach.

Queenslanders need more than just laws on paper; we need these laws to be enforced. It is so important that we provide resources and support to our health units to enforce these laws. Alongside that, as we have heard with the illicit trade of tobacco products being brought in across our borders, there needs to be greater enforcement and a strengthening of our borders to ensure that the supply of these illicit products are not streaming into the country in contravention with these proposed laws.

It was also our privilege as a committee to travel to a number of places around Queensland. We spent a day on the Gold Coast and chose to combine the public hearing for the vaping inquiry and this particular bill, and I have to say that it is a little bit difficult to separate the two issues because the sale of illicit tobacco and illegal vapes are significantly interlinked. At the Gold Coast hearing, we heard from the Gold Coast Public Health Unit. Dr Anne Cowdry, the Associate Director of Public and Environmental Health, and Dr Candice Colbran, the Public Health Physician, talked about some of these investigations. The statistics that they shared with us were that of the vapes that were seized which had undergone chemical testing, over 80 per cent failed the nicotine test, and all of the vapes that were seized contained significant amounts of toxic substances and presented a real threat to our young people.

In fact, just in the last few years they have seized almost 800 kilograms of vapes comprising more than 10,000 individual items. Of the 150 smoking product retailer inspections conducted just on the Gold Coast since the beginning of 2022, 72 were shown to be noncompliant. These issues are interlinked. I understand it is probably not appropriate to spend too much time talking about vaping in the context of this particular legislation. However, I do have to say that the two are significantly intertwined and represent some significant risks and concerns for the health system and for our young people.

It would be remiss of me not make special mention of Joanne Sheehy, the Principal of AB Paterson College on the Gold Coast, one of the few principals who was keen to appear. She talked a little bit about the strategy they have employed at that school. Of the three points she made in the public hearing, she said the foremost issue was education. The challenge before this House, government and all of us as members of parliament is to make sure our children, our young people, are well educated about the risks of not only illicit tobacco products but also vapes.