




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 25 May 2023

TOBACCO AND OTHER SMOKING PRODUCTS AMENDMENT BILL

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (5.25 pm), in reply: I thank members for their contributions to the debate on the Tobacco and Other Smoking Products Amendment Bill 2023. I was pleased to see support across the House for the bill and to hear these reforms described as common sense and sensible. I would like to briefly discuss some issues raised by members during the debate.

Over the course of the debate we heard members opposite claim that public health units are not appropriately resourced to enforce these reforms. As I said in my previous contribution, the licence fees will provide full cost recovery of delivering the scheme. The licensing fees paid by retailers will mean more frontline resources for public health units. In fact, additional funding will be available to public health units to expand their existing compliance activities, including recruiting new authorised persons if required.

I want to acknowledge the concerns expressed by Dr Donohue of the Townsville Public Health Unit during the parliamentary committee's public hearing which a number of members opposite raised during the debate. The enforcement provisions in the bill were developed in consultation with public health units right across Queensland. During this process Queensland Health worked with authorised persons to identify practical issues with enforcing the scheme. Based on this feedback, authorised persons will have significantly expanded powers to monitor compliance and take swift action to enforce Queensland's tobacco and smoking legislation. For example, authorised persons will be able to make inquiries to uncover the true owner of a business and hold them accountable for breaches. They will also be able to immediately issue improvement notices when they encounter unlawful activities and check compliance against that notice. Where illicit tobacco is seized by an authorised person, the bill enables the chief executive to forfeit the illicit tobacco without first taking prosecution action. This will mean that prosecutors can focus on the most serious breaches while freeing up health officers to continue their monitoring and enforcement work instead of preparing for court.

We also heard from those opposite during the debate that there has previously been no enforcement action in relation to illegal tobacco. I have to question whether any of the members opposite read the bill prior to the debate. If they had, they would know that this bill will make it an offence for the first time to supply illicit tobacco. While those selling illicit tobacco in Queensland may already be committing offences under Commonwealth laws, our public health units have not—until this bill—been able to enforce these laws.

I do want to say that that does not mean we have been idle. Queensland Health and the Queensland Police Service have supported the federal government in taking action on illicit tobacco and vaping in Queensland. Between July last year and February this year, public health units conducted 427 investigations and inspections to monitor compliance with the Tobacco and Other Smoking Products Act 1998 and 220 enforcement actions were taken. In December of last year, for example, the

Sunshine Coast Public Health Unit, in collaboration with the Australian Taxation Office and the Queensland Police Service, took action against three tobacconists. Thanks to this operation, over 270,000 illicit cigarettes, 333 kilos of loose-leaf tobacco and 9,000 illegal vape products were seized.

Just this month, after a two-year joint investigation between the Metro South Public Health Unit, the Queensland Police Service and the Australian Taxation Office, a Brisbane convenience store was ordered to pay an \$88,000 fine for possessing and selling vapes containing nicotine, with over 45,000 vapes seized. The amendments in this bill will strengthen and streamline the work by allowing action to be taken against illicit tobacco under the Tobacco and Other Smoking Products Act. The bill also makes Queensland police officers authorised persons for the purpose of enforcing the new offences of supplying illicit tobacco and unlicensed sale of smoking products. This will provide public health units with additional support for enforcement action. To further strengthen compliance, monitoring and enforcement, Queensland Health will establish a dedicated intelligence capability unit. This will increase our data capability and coordinate with other agencies which share responsibility for illicit tobacco, including the Queensland Police Service, the Australian Border Force, the ATO and the Commonwealth Department of Health.

During debate, a number of members claimed that there were more illegal tobacco shops in Queensland than legitimate retailers. I am advised that industry estimates put the number of chop-chop shops in Queensland between 200 and 300. That is compared to over 500 tobacconists and 7,000 smoking retailers. The licensing framework established by this bill will ensure that we are able to effectively stamp out illegal operators.

We also heard a range of theories from members about how consumers can identify a chop-chop shop. Perhaps the most bizarre theory came from the member for Surfers Paradise who said that shops selling illegal tobacco, or chop-chop, behind the counter can often be identifiable if there is an ATM on the premises. Whilst we are committed to tackling illegal tobacco, I will not be asking the public health unit to raid every shop with an ATM onsite.

We also heard LNP members say that this bill does not deal with the issue of vapes. Of course we have recently seen the federal government announce reforms in relation to vaping and the Health and Environment Committee are currently undertaking an inquiry. This bill will complement the federal reforms and lay the groundwork for future reforms. The new licensing scheme will give Queensland Health improved oversight over the entire smoking product industry, including vape wholesalers and retailers. This additional oversight will be used to develop more focused monitoring and enforcement programs, including targeting businesses that are supplying vapes to people under 18.

I note the member for Hinchinbrook asked why Queensland Health is not providing more warnings to consumers about the risks of smoking. Retailers are already required to display a health warning wherever smoking products are sold. The Queensland government also invests in public education campaigns. We have invested \$1.7 million this financial year to implement campaigns that encourage Queensland smokers to quit and young people to never start vaping. For example, Dr Karl's vape truths first ran in 2022 and has been running again since March 2023 across social media. The Queensland government also provides significant support to assist Queenslanders to stop smoking. We provide Quitline with \$3.9 million every year to provide tailored support to people addicted to nicotine. In addition, Queensland is the only state to offer a free 12-week supply of nicotine replacement therapy to eligible individuals to support their quit journey.

Perhaps one of the most bizarre contributions came from the member for Mirani who claimed that smoking was somehow good for the economy. Smoking remains the leading cause of preventable death and disease in this country. In addition to the impact of smoking on an individual level through lost lives and illness, smoking also presents a significant cost to our economy. In 2015-16 these costs were estimated to be \$27.4 billion. This includes medical and social costs such as hospitalisation, welfare and funeral expenses, along with intangible costs such as pain and suffering and the value of lives lost.

We cannot turn a blind eye to the insidious infiltration of vapes and illicit tobacco in our communities. By passing this bill, we send a clear message that we value the lives and health of our citizens above the profit-driven interests of those who would lead our young people into a lifetime of addiction and preventable illness. Today we have the power to make a profound and lasting impact on the lives of millions of Queenslanders.

I want to again thank members for their contribution to the debate on this important bill. I put on the record my thanks to the previous health minister, her office and the many Queensland Health staff who have worked on these reforms. This bill will safeguard our young people, preserve public health and ensure a brighter, smoke-free future for generations to come. I commend the bill to the House.