




Speech By
Dr Christian Rowan

MEMBER FOR MOGGILL

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TOBACCO AND OTHER SMOKING PRODUCTS (VAPING) AND OTHER LEGISLATION AMENDMENT BILL

 **Dr ROWAN** (Moggill—LNP) (6.33 pm): I rise to address the debate on the Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Bill 2024, introduced by the Minister for Health, Mental Health and Ambulance Services and Minister for Women on 12 June 2024. The primary objective of this legislation is to enable Queensland to enforce the Commonwealth of Australia's ban on the supply and possession of vaping products and to give effect to the Queensland state government's response to the former Queensland parliament's Health and Environment Committee's recommendations arising from its report, tabled on 31 August 2023, titled *Vaping: an inquiry into reducing rates of e-cigarette use in Queensland*.

Accordingly, this legislation will make a number of amendments to the Tobacco and Other Smoking Products Act 1998 including, but not limited to, inserting a definition of 'illicit nicotine products' to capture within that term vaping goods, including vaping devices, substances and accessories, as well as products containing nicotine or another substance detrimental to health that have been prescribed by regulation. This legislation will also remove the definition of 'personal vaporiser' and incorporate relevant aspects of it within the definition of 'vaping device' as well as insert new offences relating to the supply and possession of illicit nicotine products.

There is a specific amendment that a person must not, as part of a business activity, supply or possess illicit tobacco so as to align it with the new provision regulating the supply and possession of illicit nicotine products. There are also amendments to increase the current penalties for persons who supply and possess illicit tobacco as part of a business activity.

Amendments will also clarify that the prohibition on commercial possession extends to offsite premises, such as a storage shed or vehicle, if the premises is used for the purpose of storing or possessing illicit tobacco or illicit nicotine products. There will also be the creation of a new power to order the interim closure of a premises from which illicit tobacco or illicit nicotine products are being supplied as part of a business activity, or from which a business is being carried on without a licence, and for the Magistrates Court to order closure for a longer stated period of up to six months. There are also ancillary offences relating to violating closure orders. This legislation will also create new offences relating to displaying, advertising and promoting illicit nicotine products.

Vaping, e-cigarettes and traditional tobacco products have become a widespread public health concern, especially amongst young people. Specifically in relation to tobacco, we know that it is the leading preventable cause of morbidity and mortality in Australia. The former chief health officer here in Queensland and now Governor, Dr Jeannette Young, did a lot with respect to reducing tobacco consumption rates here in Queensland, and that certainly has to be acknowledged.

In relation to vaping and e-cigarettes, it has been widely recorded that, although initially marketed as a safer alternative to traditional smoking, vaping has quickly revealed its own set of dangers, with e-cigarettes having the capability to deliver nicotine through vapour rather than smoke, thus exposing users to toxic substances like formaldehyde, heavy metals and carcinogens.

As a part of this debate, it is important to also look specifically at the Queensland context. To that end, I want to acknowledge the work of the former Health and Environment Committee and its findings reported through its inquiry into reducing rates of e-cigarette use in Queensland. As the committee stated in its report No. 38—

From the data available, the committee found that e-cigarette use is increasing at an alarming rate in Queensland, particularly among young adults. The data indicates that e-cigarette use is increasing among school-aged children, Aboriginal and Torres Strait Islander peoples, and is more likely among people experiencing mental illness ... The committee heard that e-cigarettes are already having a negative impact on the community and the health system.

The committee found that the increase in vaping by young people has become a challenging situation in schools. The committee noted that approaches taken in Queensland schools have varied and have been limited by a variety of factors and circumstances. Schools, students and parents highlighted the need for an organised, whole of community approach to increasing awareness about e-cigarettes, as well as more vaping specific teaching resources, and specific approaches for students in schools to manage addiction and support quitting.

As the Liberal National Party shadow minister for education, I particularly want to address that last observation of the committee in relation to the increase in vaping amongst young people and the challenging situation we are seeing in Queensland schools.

Over successive years it has become obvious that the state Labor government has failed on drug use, and misuse, in Queensland schools. On the state government's own data, since 2020 total student suspensions and exclusions for substance misconduct involving illegal drugs, tobacco or substances have skyrocketed by over 163 per cent. Even more concerning, suspensions and exclusions for substance misconduct, including illegal tobacco and other drugs, specifically of primary school students, have seen an alarming increase of over 450 per cent.

These are the figures that every Queensland parent has the right to be concerned about. Parents are concerned that the risk of their children being exposed to drugs and other substances in our schools is rising exponentially each and every year. Above all else, it must be noted that these significant increases have occurred under successive terms of the Labor state government and various Labor ministers for education, and it has occurred despite repeated warnings and evidence that substance use, particularly vaping, in our schools has been growing.

The Labor state government has failed to do what matters when it comes to combating smoking and vaping in Queensland schools. The state Labor government has been slow to act on this vital student safety and serious public health issue. It cannot be forgotten that, as the Liberal National Party and media continued to raise the alarm on the growing scourge of vaping in Queensland schools, it was the former Labor minister for education who sensationally claimed that vaping was no worse a problem than smoking cigarettes was when she was at school. These were comments that the former Labor minister for education had to walk back, later conceding that the issue of vaping 'seems to be taking off' in schools. Incredibly, as reported in January 2022 when asked why the Queensland government could not take the lead, rather than waiting for a national approach, on combating this scourge, the same former Labor minister for education claimed that tobacco, vaping and alcohol education programs that were being delivered in schools were already sufficient.

The former minister for education could not have been more wrong. In the report tabled by the Health, Environment and Agriculture Committee on the Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Bill 2024, the committee highlighted previous findings on the status of vaping in Queensland, including the need for 'more vaping specific teaching resources'. The report stated that—

... vaping by young people has become a challenging situation in schools, and schools, students and parents highlighted the need for an organised approach to increasing awareness about e-cigarettes, as well as more vaping specific teaching resources, and specific approaches for students in schools to manage addiction and support quitting

Despite this, and given the fact that the Labor state government is now able to specifically track and identify the level of vaping in Queensland primary schools, it was confirmed in the education portfolio budget estimates hearings this year, after repeated questioning by the Liberal National Party, that the state government and Department of Education do not have a single dollar invested in specific programs and resources to explicitly combat vaping in primary schools. Remember again that student disciplinary absences for substance misconduct by primary students has risen by 450 per cent in just the last three years under the Labor government.

After years of sustained pressure by the Liberal National Party, the Labor government were forced into finally tracking and recording the level of vaping amongst primary school students. The Labor government have the data, yet they have done nothing with it. The Labor state government are not focused on what matters. There must be a zero tolerance to drugs, vaping, smoking and substance use in our schools.

The Liberal National Party will not be opposing this legislation. The health and wellbeing of Queenslanders in our communities must be paramount. Similarly, Queenslanders, especially parents, are rightly demanding action on vaping and illicit tobacco. However, as is often the case, the Labor state government has simply failed to deliver anything comprehensive to date. Queensland students, parents, teachers and staff deserve a government that is focused on the right priorities, and that includes acting to protect the safety of Queensland students and meaningfully addressing this serious public health issue.

In concluding my contribution, I wish to thank all members of both the former Health and Environment Committee and the current Health, Environment and Agriculture Committee for their careful consideration, examination and inquiries into the prevalence of vaping and tobacco use in Queensland and associated findings in consultation with all submitters and stakeholders. I certainly want to acknowledge the contribution of the parliamentary committee secretariat for all of their hard work. They put in a significant amount of time when it comes to preparing these reports that we bring to the Queensland parliament.

Finally, as a doctor, as a specialist physician, I say to Queenslanders that smoking or vaping does significant harms not only to the individual. A range of cardiovascular problems can emerge, as well as cancers, significant risks of neurological disorders, other health problems and associated public health concerns. The last thing that we need here in Queensland is another generation of young people who can develop serious physical, mental and other harms associated with this. It is very important that people in Queensland understand the serious harms and associated risks of not only tobacco consumption but also vaping.