




Speech By  
**Corrine McMillan**

**MEMBER FOR MANSFIELD**

---

Record of Proceedings, 11 September 2024

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

 **Ms McMILLAN** (Mansfield—ALP) (6.43 pm): It gives me great delight to follow the shadow minister for education. Whilst the opposition spokesperson has tremendous qualifications undoubtedly in medicine, he certainly does not have the qualifications on how we publicly administer education here in this state. I will make a couple of comments in relation to—

**Dr ROWAN:** Mr Deputy Speaker, I rise to a point of order. I find that personally offensive and I ask the member to withdraw.

**Ms McMILLAN:** I withdraw. I want to make a couple of comments around vaping in schools. Whilst the member alludes to statistics that have demonstrated significant incidents of vaping in our schools, the statistics that he has mentioned do not reflect the increasing number of students in that time. There would certainly be an aspect of those statistics that are directly related to the increased number of students in our schools. We know that from 2020 to 2024 there has been an increase of 700,000 electors in Queensland. If we imagine that many of those electors have children, we are talking in excess of one million more students in our schools across Queensland. That is the first thing.

The second thing relates to administrators of public education in schools. I was acknowledging the member's accolades and qualifications in medicine, not necessarily being derogatory about his lack of ability to administer public education. As a public administrator of education in Queensland over 13 years, I would never, ever want to rely on the LNP government to support me or assist me to administer public education in this state.

Many of us have been through and lived through the impacts of smoking and the tobacco industry on us and our lives as we grew up. We certainly lived through how persuasive the tobacco industry was when we were growing up. The government and the Department of Education have never made excuses for suspending students in relation to illicit drug use. Tobacco use, marijuana use, drinking at school and vaping at school constitute illicit drug use in Queensland, particularly in light of how old our children are. We know that vaping, like tobacco use, requires significant intervention at all levels—local councils, state government and federal government. It requires schools to work closely with parents and it requires schools to be engaged in an educative process as well as a disciplinary process around students vaping, which is very similar to how we have managed smoking in schools over many years.

Vaping is not new for public administrators to manage. I want to congratulate our schools because often our schools and the administrators of our schools have to deal with these societal issues and manage the impact of these broader societal issues. I want to congratulate our teachers and our administrators for how they have managed vaping in our schools. The administrators who I speak to tell me that vaping in our schools is coming down and we are gradually getting on top of the issue, as we did with smoking.

The impacts of vaping, particularly for young people, are well known. Our government is focused on keeping Queenslanders safe and healthy, especially our youngest Queenslanders. Queensland will be the first state to implement the Commonwealth ban through corresponding state legislation. We are taking strong action to protect the health of Queenslanders, and this bill demonstrates a significant step forward in delivering our commitment to addressing the rising availability of these illicit products. In every electorate in Queensland, there are shops popping up everywhere. I have them in my electorate and we know they exist in every electorate. They are impacting on our young people and on our ability to manage this issue, including for our school administrators.

The bill creates new offences relating to illicit nicotine products. This includes vaping goods, devices, substances and accessories defined in the Commonwealth definition as well as any nicotine or harmful substances prescribed by regulation. This definition ensures all vapes are covered regardless of nicotine content or therapeutic claims.

New offences will be inserted into section 161A to prohibit supply and possession of illicit nicotine products. This is intended to capture all commercial operations, including retail and wholesale businesses, which are involved in the supply of nicotine products in some capacity. It is important that the federal government intervene as well to ensure we stop the supply of these substances in this country. Importantly, these offences extend beyond traditional retailers supplying products to encompass any business activity involving the sale of illicit nicotine products. This means that vape stores, convenience stores, online retailers and social media stores are captured, too.

To provide a stronger deterrent for businesses continuing to trade in illegal tobacco products, the bill also increases penalties for supplying and commercially possessing illicit tobacco to align with the higher penalties proposed for illicit nicotine products. Illicit tobacco remains a significant problem for us nationally, with estimates that the illicit tobacco trade could be as high as 25 per cent of the tobacco market. Profit margins for retailers of illicit tobacco and vaping goods are high, and the rate of growth in stores selling these products has sustained since the recent amendments and enforcement. This indicates that the current penalties have limited deterrent effect. This tells us that stronger deterrents are required.

The penalty for commercial supply and possession of illicit tobacco will be aligned with the proposed penalties for the commercial supply and possession of illicit nicotine products—that is, a maximum of two years imprisonment, 2,000 penalty units, or both, for supply, and a maximum of 12 months imprisonment, 1,000 penalty units, or both, for commercial possession.

The emergence of illicit nicotine products in recent years has increased efforts by retailers and manufacturers to find avenues to advertise and promote these products. This promotion is primarily targeted at our children and young adults—it is cunning—through websites, on social media, in print and in retail stores. This is not unlike what many of us grew up with—the influence of tobacco on our lives. They are promoted as less harmful, contained in attractive packaging and supplied in an array of interesting flavours. This bill recognises this very serious issue and acts upon it. It is important to our government that the harmful promotion is carefully monitored and deterred.

This bill provides a new offence, restraining persons who are part of business activity from displaying, advertising and promoting illicit nicotine products. Each offence carries a maximum penalty of 140 penalty units. To further protect our children from the damaging effects of illicit nicotine products, the bill creates another new offence, prohibiting adults from supplying these products to a child. This offence is intended to apply to the supply of illicit nicotine products outside of a commercial or therapeutic setting. It does not apply to a person who is acting as an employee of, or otherwise on behalf of, another person, or to a person who supplies the illicit nicotine product as part of the business activity.

The bill will ensure that Queensland can appropriately enforce the Commonwealth ban. Our government is taking strong and decisive action to regulate this issue. We need to make sure we are working within a national government framework, and we also need our local councils to step up and make some legislation. We are protecting the safety and wellbeing of our young Queenslanders who have 'fallen suit' to the high levels of vaping uptake. These amendments will assist to keep these products away from our children's hands and to reduce addiction. I commend this bill to the House.