




Speech By
Hon. Amanda Stoker

MEMBER FOR OODGEROO

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**TOBACCO AND OTHER SMOKING PRODUCTS (DISMANTLING ILLEGAL
TRADE) AND OTHER LEGISLATION AMENDMENT BILL**

Second Reading

 **Hon. AJ STOKER** (Oodgeroo—LNP) (4.54 pm): I rise to make a contribution on the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill. The government has already taken important steps to tackle the illegal supply of tobacco and vapes, yet despite our strong laws the black market continues to thrive, fuelled both by the addictive qualities of the product and the heavy-handed taxes that are applied by the federal government. It is really disturbing to see the way these high taxes are driving people into the arms of the criminal gangs that run the illegal tobacco trade.

This is a really serious issue for three reasons. It is an economic issue first. It is the struggle of addicted people to afford the expense of legal cigarettes that drives people into the arms of the illegal trade. When a legal pack costs over \$50 and an illegal one is \$15 to \$25, it is no surprise that otherwise law-abiding people become tempted. It is a really serious crime issue because that is empowering a criminal industry that makes its mark on our communities with fires, violence and more.

When incidents involving illegal tobacco operators have occurred in the Redlands it has been devastating. The firebombings, extortion and organised crime turf wars that arise as a result are not something we should be prepared to accept. It is dangerous and good citizens can get caught in the crossfire. Law-abiding local businesses face the evaporation of their traditional trade and the ever-present risk that their businesses will also become burnt up as part of the collateral damage. These good businesses have no mechanism at present to stop such a shop from moving into their proximity. One shop in recent memory was firebombed three times in a six-month period.


Local businesses that are already under pressure from rising costs should not be forced to look over their shoulders as criminal gangs move in and fight for control of the illegal tobacco trade. These are serious criminals. One example from the Redlands involved raids on homes, storage facilities and two tobacco shops in Cleveland and Capalaba. In that case, Queensland Health, the police, the CCC and the ATO seized \$836,000 in cash, 3.69 tonnes of loose tobacco and 7.9 million cigarettes. The charges that were laid as a result involved more than 500 kilograms of tobacco and sales of \$6.649 million.

The person accused of those offences was stopped while driving a Lamborghini, had bought six properties with what were believed to be illegal profits, yet had neither filed tax returns nor been honest about the disability support pension he had been claiming. That is just one example but it is a snapshot of what we are dealing with. The dangers for innocent bystanders and other legitimate businesses that come when organised crime is invited into our suburbs are not something that I or this government will accept. In fact, in our first year of government the LNP has seized more than 57 million illicit cigarettes, 7.7 tonnes of loose tobacco, 475,000 illicit vapes and 405,000 illicit nicotine pouches with a total value of over \$75 million.

We are prepared to take the action our community needs, and this bill represents the very next step. It is a crucial step in our ongoing fight against illegal tobacco. It aims to dismantle the networks that profit from selling these substances. The bill will empower Queensland Health with enhanced enforcement tools. It allows for short-term closure orders of up to three months for those who are caught with these illicit products. At the moment, an interim closure order is limited to 72 hours. This means that, under this new bill, if illegal activity is detected we will be able to act swiftly to shut it down.

The bill also increases the maximum duration of court ordered long-term closure orders from six months to 12 months, and they can be ordered for both supply and possession offences. That is a considerable expansion of the scope that is available for enforcement. If there is a closure order in place, it ensures there is a clear offence available for situations where a person opens those premises for any reason, with increased fines of 200 penalty units, which at the moment amounts to over \$33,000.

The bill expands the liability of company directors for crimes of this kind so that corporate structures are not able to be used to avoid accountability for this kind of conduct, and it provides powers for enforcement officers to do covert and undercover operations to detect and investigate illegal conduct. The Redlands is a community that really cares for one another, so I hear from across the community—and from Cleveland and Wellington Point residents in particular—about sites that are engaging in illegal activity, including in locations that are far too accessible to school students. They are just not appropriate, and enforcement officers need these tools to be able to shut down those who are doing the wrong thing for good.

 **Hon. AJ STOKER** (Oodgeroo—LNP) (5.51 pm), continuing: I often hear from small business owners who are concerned about illegal tobacco shops that have opened up in close proximity to them. Under this bill, for the first time landlords will be held accountable if they knowingly allow their property to be used for illegal activities. This sends a really clear message that you cannot turn a blind eye to these crimes. We need to clean up our community and it is time for landlords to play their part. To help them do the right thing, the bill gives landlords a statutory power to terminate leases where a closure order is made because of the illegal sale of tobacco products. This is designed to reduce the availability of premises for illegal retailers.

I said that this bill is about three things and the third of those is public health. This is a public health issue because it is keeping people who are addicted to smoking away from the support they need to be able to give up the habit. If you are listening and you are a person who smokes, I cannot encourage you enough to reach out to your GP or call the Quitline on 137848 and get the support that you need to stop. There is no good that comes from it and you will have so much more money if you can kick the habit.

The misuse of nitrous oxide is serious and harmful. While nitrous oxide has legitimate medicinal and hospitality uses, its abuse is growing in our community. Misusing nitrous oxide can lead to really serious neurological, cardiovascular and psychiatric harm and in severe cases it can cause paralysis and death. The amendments before the House enable the seizure and forfeiture of nitrous oxide bulbs and canisters, which I am told are commonly called nangs, when found alongside illicit tobacco or nicotine products. These products are often sold in the same illegal networks that traffic in illicit tobacco so it makes sense to deal with them as one. A recent inspection revealed that about 78 per cent of illicit tobaccoists were also stocking nitrous oxide bulbs. This is clear evidence that action needs to be taken to protect our community from these dangerous substances and that is exactly what we are doing in this bill.

The amendments also introduce a regulation-making power so that additional products, called 'compromised goods', can be prescribed in the future if they pose a risk to public health when found with illicit tobacco or nicotine products. This will make sure that our laws are able to adapt to new challenges if and when illicit retailers shift to selling other harmful products.

In the past year, over 11 million illicit cigarettes have been seized from the Metro South region alone. That is the region in which our Redlands is located. That is an absolutely huge number that has been allowed to balloon through insufficient enforcement under the previous government, fuelled by high federal taxes. We are taking action now to combat the crime that it fuels and to provide support to smokers to quit for the benefit of their health and their pockets and for the safety of our community from crime. More than any other government before it, the Crisafulli LNP government has shown a commitment to combatting this issue. I fully support this bill as a vital step towards making our community in the Redlands safer.