




Speech By  
**Barbara O'Shea**

**MEMBER FOR SOUTH BRISBANE**

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**HEALTH LEGISLATION AMENDMENT BILL**

 **Dr O'SHEA** (South Brisbane—ALP) (12.47 pm): I rise today to address the Health Legislation Amendment Bill 2025. I should inform the House that I am registered as a medical practitioner, now non-practising, with the Medical Board under Ahpra, the Australian Health Practitioner Regulation Agency. In addressing this bill, I would like to first acknowledge the work of my colleagues on the Health, Environment and Innovation Committee, all the submitters who provided contributions and the hard work of the secretariat in supporting the committee in its review of this proposed legislation.

The Health Legislation Amendment Bill 2025 amends two acts: the Tobacco and Other Smoking Products Act 1998, or TOSPA, and the Hospital and Health Boards Act 2011. The proposed amendments to TOSPA allow for illegal vaping goods to be forfeited and destroyed upon seizure and for persons convicted of an offence under TOSPA to be ordered to pay for costs incurred due to the offence.

Vaping is a major public health issue, particularly for our young people, who are targeted with sweet flavourings and the aerosol liquids used in these devices. The National Drug Strategy Household Survey 2022 to 2023 that looked at young people's use of vapes found that 28 per cent of young Australians aged 14 to 17 reported having used a vaping product—almost triple the percentage from three years earlier. The nicotine in vapes is highly addictive, with a strong association between vaping and future smoking behaviours. Young people who vape but have never smoked are more likely to take up tobacco smoking compared to young people who have never vaped.

As well as high levels of nicotine, illegal vaping products have been shown to contain formaldehyde, heavy metals and other carcinogens linked to a range of serious health problems. As Queensland Health stated at the public briefing—

The evidence shows that vaping products can cause respiratory conditions, can contribute to cardiovascular illness and can also contribute to mental health concerns such as anxiety.

In 2024 the Commonwealth government banned the importation, manufacture, supply and non-personal possession of vaping products. That same year Queensland amended TOSPA, the Tobacco and Other Smoking Products Act 1998, to allow illicit nicotine products, including vapes, to be seized and forfeited. In Australia the only lawful vaping products now are plain packaged vapes sold through pharmacies. No other store is allowed to sell vaping products, so illegal vapes are easily identified. However, these harmful products are still widely available in our community through a plethora of illegal stores. In my electorate of South Brisbane residents have raised their concerns about the ease with which young people are able to access these illegal and harmful products. This bill supports the work of Queensland Health in removing these illegal vapes from sale and reducing harm to our community, particularly to our young people.

Currently enforcement officers in Queensland Health are required to store seized vapes for a minimum of eight weeks. With over 200,000 vapes seized in the past six months, storage facilities are reaching capacity which will affect the ability of officers to continue to enforce the new laws and protect

our community. Storage of vaping products also presents significant safety and environmental risks. Vaping goods are highly flammable, containing lithium ion batteries that can overheat and explode, as well as toxic chemicals and plastics. Storing these products is complex and expensive, requiring specialised fire resistant facilities. This bill amends the Tobacco and Other Smoking Products Act 1998, or TOSPA, to allow for the prompt destruction of seized vapes which will reduce costs and the safety risks associated with prolonged storage of these illegal products and enable enforcement to be sustainable. This bill also addresses the significant financial gain from the commercial sale of illegal vapes and illicit tobacco, introducing a cost-recovery provision allowing courts to order persons convicted of an offence under TOSPA to pay for the costs of storage and destruction of these illegal products as well as costs incurred through investigation and prosecution of the offence. This would not only defray costs associated with these offences but also serve as a deterrent to the continued sale of these products.

While I strongly support the amendments to TOSPA which facilitate enforcement of laws related to illegal vape sales, this bill fails to address concerns raised by the Waste Management and Resource Recovery Association of Australia regarding the safe disposal of these products, particularly with respect to the risk of fires in collection vehicles and waste facilities. Vaping products are currently classified as pharmaceutical waste and excluded from the existing battery stewardship scheme. Due to the hazardous and flammable materials contained in vaping products, including the presence of lithium batteries, further consultation is required between Queensland Health and the Department of the Environment, Tourism, Science and Innovation to determine the most appropriate classification and methods of disposal of vapes to ensure safe and effective disposal.

As mentioned previously, this bill also proposes to amend the Hospital and Health Boards Act 2011 to ensure that hospital and health boards include at least one clinician who is working for that particular hospital and health service. However, the Hospital and Health Boards Act 2011 already requires that at least one member of a hospital and health board must be a clinician, and out of the 16 hospital and health boards in Queensland 13 currently have a clinician on their board providing input into decision-making for health service delivery. The risk of requiring a clinician from the particular hospital and health service to be represented on the board was addressed by the Queensland Integrity Commissioner during the committee review process. The commissioner stated—

While ... it is necessary for a properly composed Board to include clinical knowledge ... I question from a policy perspective whether this is best or only achieved by appointing a clinician employee of the HHS—

hospital and health service—

to its Board, particularly given the inherent and significant conflicts that come with this type of arrangement.

The Queensland Integrity Commissioner used the appointment of a clinician from outside the hospital and health service as an example of an alternative model. In our statement of reservation the member for Greenslopes and I expressed our concerns about the conflict of interest inherent in the proposed amendments to the Hospital and Health Boards Act 2011 and asked the government to outline how this would be addressed. Notwithstanding these reservations, the important legislative changes contained in this bill support Queensland Health's work in enforcing the current laws related to illegal vape sales as well as providing a financial deterrent to the continued sale of these harmful products in illegal stores. Strengthening the laws around the illegal sale of these dangerous products is of vital importance in protecting our community, and particularly our young people, from the effects of these harmful products. I strongly support the passage of this bill.