




Speech By
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MEMBER FOR SOUTH BRISBANE

Record of Proceedings, 19 November 2025

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

Second Reading

 **Dr O'SHEA** (South Brisbane—ALP) (4.32 pm): I rise to contribute to the debate on the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025. In addressing this bill, I would like to first acknowledge the work of my colleagues on the Health, Environment and Innovation Committee, the many community members and stakeholder organisations who provided contributions and the hard work of the secretariat in supporting the committee in its review of this proposed legislation.

This bill is about protecting the health of Queenslanders, particularly young Queenslanders. I grew up in an era when cigarette smoking was part of everyday life. The pubs were filled with smoke and overflowing ashtrays and when you went to the cinema, or even on a plane, there would be smoking and non-smoking seats, which seems ridiculous now as wherever you sat you would be surrounded by clouds of smoke. As a result, everyone knew someone whose life was cut short by lung cancer.

Since then, decades of hard work in the public health field have led to a dramatic reduction in smoking rates in this country; however, the proliferation of illicit tobacco and vaping products in our society threatens to undo all of that work. Despite all of those efforts, Queensland's smoking rate still sits above the national average at over 11 per cent and tobacco continues to be the leading cause of preventable death in Australia, claiming more than 24,000 lives each year.

There is compelling evidence that vaping acts as a gateway to tobacco use, with research showing young people aged 12 to 17 years who have vaped are five times more likely to take up smoking than their peers. With two in three smokers dying of a smoking related disease, we cannot allow a new generation of Queenslanders to join these statistics.

A number of members have spoken about the difficulties people encounter in trying to stop smoking and I would reiterate how difficult it is. When I worked with heroin users, they would tell me it was easier to give up heroin than cigarettes. That is why, as lawmakers, we have a responsibility to do everything in our power to prevent our young people becoming addicted to nicotine in the first place. As the Cancer Council Queensland stated in their submission—

Without urgent and coordinated action, the unchecked growth of illicit tobacco and vaping products threatens to reverse smoking reduction gains, normalise nicotine use, and entrench a new generation of Queenslanders in addiction.

The previous Labor government responded to the growth of sales of illicit nicotine products by introducing strong penalties against commercial supply and closure powers for stores selling illegal tobacco and vapes. However, with the involvement of organised crime in the lucrative illegal nicotine market and the increased number of businesses selling vapes and illegal tobacco, stronger penalties and controls are required to tackle this illegal trade and protect the health of Queenslanders.

This issue is a matter of great concern to my community of South Brisbane. In recent years we have seen an explosion of businesses selling vapes and illegal tobacco in our community, including shops setting up in close proximity to schools. Queensland Health data reveals that between July last year and April this year businesses in West End in my electorate received among the highest number of fines in the state for supplying illicit nicotine products. My constituents have raised with me their frustration that, despite the hard work of Queensland Health public health officers in trying to stop these offenders, the illegal industry continues largely unaffected.

The evidence presented to our committee of the escalation of criminal activity in this illegal trade was stark. During the inquiry, many retailers reported harassment, intimidation, extortion and even firebombing for refusing to participate in the illegal nicotine market. Queensland police noted that the growing role of organised crime in the illegal tobacco trade has resulted in an increase in violent crime, stating—

The prevalence of violence associated with the illicit tobacco trade unfortunately represents a considerable threat to the community's safety.

Queensland Health described the challenges the department currently faces in curbing this illegal industry, stating—

... this is not a traditional regulatory problem. We have organised crime involved—deeply involved. We have enormous financial incentives for these illegal operators to continue to do what they are doing. They are showing outright contempt for the law.

Such disregard for the law cannot be ignored. Queenslanders need and deserve tangible action from government to disrupt and end this blatant criminal behaviour. I believe this bill goes to the heart of the community's frustration and will provide the necessary powers to enforcement agencies to close down these rogue operators for good. Currently, Queensland Health officers can close the premises of illegal traders for 72 hours; however, during the inquiry our committee heard that many illegal operators simply use this time to restock the seized illicit products and open again immediately after the closure period. The Australian Council on Smoking & Health told the committee—

... longer closure periods are among the most effective deterrents available to enforcement agencies.

This bill proposes expanding the short-term, three-day closure orders to three months and the long-term, six-month closure orders to 12 months. I believe this will make a real difference.

The bill also proposes to allow landlords to terminate leases where a premises has been subject to a closure order. This will give lessors the confidence to act when their properties are being used for illegal purposes. This measure is complemented by the introduction of a criminal offence and civil penalties for landlords who knowingly allow this criminal behaviour to continue. These provisions demand accountability from all parties in the supply chain.

The bill also allows for authorised staff to undertake covert operations to gather evidence against those suspected of participating in the illegal tobacco and nicotine trade. The Crime and Corruption Commission and Queensland Council for Civil Liberties both raised concerns about the risk of corruption or the misuse of these powers and suggested that the approval process required for police conducting covert operations under the Police Powers and Responsibilities Act 2000, PPRA, be incorporated into this bill. They also recommended that the bill be amended to require a statutory review after two years to consider whether the provisions were working as intended.

In response, Queensland Health stressed that authorised persons would not be engaging in covert police activity and that the powers contained in this bill are very narrow. On balance, the committee concluded that the approval process for controlled operations in the PPRA was unnecessary in this legislation but suggested that Queensland Health report on controlled operations in its annual report to provide additional accountability. I believe that ongoing transparency in the use of controlled operations will be essential in maintaining community trust in this process.

I would like to thank Queensland Health and the Queensland Police Service for their continued work in keeping our communities safe by tackling this illegal activity. The illegal nicotine market undermines public health and fuels organised crime. This bill will help dismantle that market, protect Queenslanders, particularly our young people, and safeguard the progress our state has made in reducing smoking rates. This bill is another step in the right direction on this issue and it has my support.