




Speech By
James Lister

MEMBER FOR SOUTHERN DOWNS

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

Second Reading

 **Mr LISTER** (Southern Downs—LNP) (8.11 pm): I rise to make a contribution on the Tobacco and Other Smoking Products (Dismantling Illegal Trade) Legislation Amendment Bill. I want to first thank the health minister, the Hon. Tim Nicholls, for this bill because it incorporates some things which I think have long been necessary but which the previous government failed to implement. I would agree with what members on all sides of the House have said about the scourge of the illegal tobacco trade. Like every other member in this House, in my electorate I have examples of unlawful tobacco sales going on and a great growth in the number of outlets in recent years. We know that this has a negative impact on legitimate businesses—businesses that fund the compliance regime they are subjected to, pay licensing and so forth and are subjected to inspections—while organised crime was able to undercut them, and it seemed that very little has been done up until this point.

I wrote to the Federal Police commissioner in 2022 and pointed out to him that it seemed the local police at the time were unable to do much and urged him to take action on the illegal tobacco sales that were occurring in my electorate. At that time I pointed out there were two tobacco outlets that I alleged to be illegal, and in the intervening time I think we are up to nine. Given the two bills that the Labor Party passed in 2023 and 2024, the problem has grown and grown and grown. We get the usual tawdry talk from Labor about how it has done this and that and spent this much and listened to these experts but nothing about outcomes. Given the member opposite was talking about people being affected by politicians and not listening to experts, I do not know what experts those opposite were listening to when they formulated their policy because this bill describes what is needed to combat the scourge of unlawful tobacco sales and the organised crime that happens around it.

We have a crisis of impact on young people. They are acquiring vapes at these places, they are acquiring tobacco and Lord knows what else—other drugs as well that have been talked about here—in these places. I am quite certain that the consumption of tobacco has grown enormously as a result of the cheap tobacco that is available at these shops and it is clear, at least to me, that the cost of tobacco was a major restraint on its consumption by people—the very people we want to stop smoking, such as people of lower socio-economic status who ruin their health and shorten their lives by doing so.

The organised crime which thrives on and runs these businesses is not just bad because of what we see at the shop; they are vicious, lawless organisations. The astonishing profits that can be reaped from these businesses are available to organised crime to continue in and extend their wrongdoing and to invest in and protect other illegal enterprises, and I am talking about sex slavery, illegal prostitution, extortion, loan sharking, illegal drugs and lots of other things associated with criminal organisations and motorcycle gangs and so forth. These are all issues that I put to the previous Labor government and to the federal government initially and found that no-one was listening.

The legislation that came through was deficient in the very thing which this bill provides—that is, it provides for landlords who are culpably involved in this business by renting their premises no doubt for cash or for superior terms and allowing businesses to flourish which do wrong by the community and disadvantage other small business operators who are engaged in the lawful sale of tobacco. I am talking about mum-and-dad service station operators and I am talking about tobacconists in the main street.

One tobacconist complained bitterly to me—and I understand why—that they were given the third degree by health inspectors who came in in around 2023, I think it was, because there had been an anonymous allegation that they were selling vapes. The proprietress walked outside and said, ‘No, no, you mean that illegal tobacco shop 20 metres across the street?’ and the haughty, dusty reply she got was, ‘No, no, don’t tell us our job. They’re not in the system. We don’t regulate them. We’re here to regulate you.’ That would be such a cartoonish, absurd thing if it were not so serious, and I am very sad to say that that particular business no longer exists because they were unable to continue with their market being undercut by crime across the street.

I wrote to former health minister Shannon Fentiman and pointed out to her that it is necessary to prosecute landlords to discourage the trade, because those involved in organised crime are unable to own the title to property. It is too exposed and they must rent, and they are prepared to pay a great deal to do so. I should imagine that once vigorous prosecution has occurred with a systematic campaign of prosecution to culpably involved landlords they will very quickly get the idea that you do not rent to these guys. That will be the most severe impact on the trade. That is a practical action.

That is not talking about \$20 million here and this and that and what we are going to be doing while we see the trade double or quadruple or more in the intervening period. This is a change that is going to have a real effect and it is going to hurt the trade. I have heard a number of members talk about landlords turning a blind eye to this. I would suggest to the House that any landlord or renter’s agent who has seen the property in recent times could possibly be unaware of the purposes for which it is being used.

Mr Dalton interjected.

Mr LISTER: Yes, I take that interjection from my honourable friend the member for Mackay. It would be funny, wouldn’t it, if we did not have to say this? I have said this so many times to the former government that I might as well have been talking to the wind. With regard to this idea that you cannot prosecute landlords who are in a different area, that must have been their reasoning because they were not prepared to go with it before. For the benefit of the House, I table correspondence I sent to former health minister Shannon Fentiman on 13 June 2023, in which I said—

In my opinion, these shops must be operating with the complicity of their premises’ landlords. I consider it unlikely that landlords who have seen the properties in question could be unaware of their use as unlawful tobacco outlets. I suggest that the systematic prosecution of culpably involved landlords may, in future, assist in frustrating the establishment and re-opening of ‘chop chop shops’.

Tabled paper: Letter, dated 13 June 2023, from the member for Southern Downs, Mr James Lister MP, to the former Minister for Health, Mental Health and Ambulance Services and Minister for Women, Hon. Shannon Fentiman MP, regarding unlawful sale of tobacco products [1808](#).

Tabled paper: Letter, dated 22 November 2022, from the member for Southern Downs, Mr James Lister MP, to the former Commissioner of the Australian Federal Police, Mr Reece Kershaw APM, regarding unlawful sale of tobacco products [1809](#).

Of course it would, and I remember saying to her in the House face to face, ‘You have to go after the landlords,’ but absolutely nothing happened. That tabling also has a copy of the letter I wrote to the Federal Police commissioner at the time.

This is the message I want to give to landlords: you are in business and you have other small business operators who are suffering because of what you are doing, so do not rent to these guys. Quite apart from the possibility of criminal or civil action being taken against you if this bill passes—and I am sure it will—there is also the coercion and the extortion by those involved in organised crime where they go in and say, ‘Hello, I’m Chopper. You’re not paying tax so you can pay me tax and if you don’t I’ll firebomb your shop,’ and in Stanthorpe we have had a place which was twice firebombed and devastated the neighbour’s property. That is another example of the sort of thing that is happening.

I commend the health minister for introducing that particular thing, quite apart from all of the other meritorious aspects of this bill. This is getting serious and it is attacking the centre of gravity for organised crime which—

Mrs Poole: Community safety.

Mr LISTER: I take that interjection from the honourable member for Mundingburra, who knows about these things as a former commissioned police officer. I commend the bill to the House and I say to those in my electorate that we are alert to the corrosive effect that these outlets have had on our society and on our kids. We, rather than just talk, are doing something about it.