



Speech By  
**Joseph Kelly**


**MEMBER FOR GREENSLOPES**

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

**Second Reading**

 **Mr JKELLY** (Greenslopes—ALP) (4.29 pm): I support the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill. Let me start by saying that Labor will always support evidence-based and expert endorsed reforms to improve the health of Queenslanders.

Since starting work nearly four decades ago as a nurse, I have seen firsthand the damage that tobacco does in our community: people die in respiratory distress; people have strokes; the exacerbated circulatory impacts of diabetes mean people lose legs, kidneys and eyesight; people get so many different types of cancers; people finish work early due to macular degeneration; and children are damaged for life by the smoking habits of their parents, who are sadly addicted to these terrible drugs. Like most Australians, my own family has been hurt by tobacco. This Friday will mark one year since my mother-in-law, Nola Adams, died of COPD—chronic obstructive pulmonary disease—a disease directly related to smoking.

I give a big shout-out to all of the nurses, doctors and health workers who care for people impacted by smoking. I also want to talk about those people who work in research, prevention and public health trying to minimise the impacts of smoking. I particularly want to thank all of the groups who made submissions such as the Queensland Cancer Council, the Lung Foundation and the Australian Council on Smoking & Health, to name a few. As a young nurse, building an understanding of legislation designed to tackle smoking rates fuelled my interest in how we can use legislation to really change people's health for the long term, and I continue to be excited to be involved in these types of legislative exercises.

There has been a long history of legislative changes to respond to tobacco and other tobacco products, supported by all parties at all levels of government. Vaping and illegal tobacco are the latest challenges that governments and our public health teams have had to respond to. Lung Foundation CEO Mark Brooke and other witnesses confirmed that vaping and illegal tobacco have been a growing problem over the last five years. Mark advised that this is a national problem. Governments of all persuasions at all levels have been improving their responses to this insidious product over that period, which is why it is very disappointing that two other committee members have chosen to ignore that evidence given to the committee in an attempt to politicise this.

Queensland has been leading the nation in taking action on tobacco and vaping. The Australian Council on Smoking & Health—ACOSH—released their annual report card on progress to eliminate tobacco and vaping. Queensland was at the top of the list with South Australia. I will table that report card and media release for the benefit of the House.

*Tabled paper:* Document, undated, titled 'Australian Council on Smoking & Health: National Scorecard 2025—State and Territory Progress on Tobacco and Vaping'; and Media release, dated 30 May 2025, titled 'Failing the Smoke Test – National Scorecard Exposes States and Territories Falling Behind on Tobacco and Vape Reform' [1806](#).

Why was this? Why were we at the top of this list? Perhaps it was because of the many reforms that were implemented about smoking and vaping by the former Labor government during the decade of creating jobs, rebuilding our schools, creating new industries, securing the Olympics and getting through COVID-19. That is in contrast to the 12 months of broken promises, slick slogans, slippery spin and, as we learned today in the MPI, dodgy deals by the Premier.

**A government member** interjected.

**Mr J KELLY:** Labor has done an enormous amount of reform in this area. The Tobacco and Other Smoking Products Amendment Act 2023, which included a licensing scheme, strong penalties against the supply of illicit smoking products and other enforcement measures, was commended by several submitters to this inquiry, if those opposite bothered to read any of the submissions.

**Government members** interjected.

**Mr J KELLY:** All of the recommendations in the health and environment committee's report *Vaping: an inquiry into reducing rates of e-cigarette use in Queensland* were supported and a significant body of work was commenced. There were school-based programs and social media campaigns to target young people and provide education around the harms of vaping along with increased investment of over \$22 million over five years to enhance enforcement, including more authorised officers to monitor compliance and allow for increased enforcement activities.

The Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Act 2024 took strong action on the uptake in vaping, worked with the Commonwealth government and enforced the ban on recreational vapes. It also created closure powers, which have now been extended; strengthened regulations on advertising tobacco; and increased penalties for the commercial supply and possession of illicit tobacco.

Unlike those who are interjecting over there, this is not something I have thought about for the last five minutes; I have followed this issue for the entirety of my career. The reforms in this bill are good reforms, and that is why we are supporting them. They are the latest in a long line of reforms that have been implemented in Queensland by governments of both persuasions.

The changes made in 2023 and 2024 were nation-leading and laid the platform for these reforms. I table a list of the legislative changes since 2012 for the benefit of the House, and I would encourage those who are interjecting to educate themselves just a little bit.

*Tabled paper:* Document, undated, titled 'Tobacco and Other Smoking Products Act 1998 – Legislative Amendments' [1807](#).

I had to get the research director to provide me with that information because Queensland Health gave what I considered to be a contemptuous answer when I asked for that very information on notice. These provisions will do a number of things. They will effectively interrupt the capacity of retail shopfronts to sell illegal vapes and tobacco. They will do this: by giving authorities the power to shut these businesses down for months and longer; by allowing authorities to confiscate both legal and illegal products, making it difficult for businesses to open again quickly and hide illegal products amongst legal products; by giving landlords the capacity to terminate leases if an illegal business is being operated; and by holding landlords criminally responsible for knowingly leasing premises to businesses that are engaged in the illegal sale of tobacco.

The reality is that the majority of this trade is being driven by organised crime, and the real work to combat this and all other forms of organised crime will be conducted by law enforcement agencies at the national and state level. I commend Tony Burke and the federal Albanese government for setting up the Illicit Tobacco National Disruption Group. These laws will mean that the easy access to vapes and illegal tobacco in our community will come to an end.

I would like to respond to the submission by Mr Theo Foukkare of the Australian Association of Convenience Stores. Mr Foukkare rightly supports measures to get rid of illegal tobacco and vapes. Unfortunately, he has also made many statements about the tobacco excise being a driver of illegal tobacco and vape sales. Sadly, these statements have been reported by reputable media outlets without any effort to seek a response from organisations like the Queensland Cancer Council, ACOSH or the Lung Foundation. The reality is that the tobacco excise has been effective in driving down smoking rates. When combined with plain packaging, restrictions on where people can smoke, education and all of the other measures, it is a very effective measure. The statements that Mr Foukkare made about the impacts of the tobacco excise on illegal tobacco and vape sales have been debunked by many credible researchers and were covered in submissions by several of the organisations I have mentioned.

Finally, I turn to the amendments which were circulated very late today. There would have been plenty of opportunities to brief me on these, as I had written to the health minister about this very issue. Putting aside the health minister's attempt to divide and conquer, I do want to thank him for the action

on nitrous oxide addiction. These products have become another income stream for people who sell illegal vapes and tobacco—people whose business model is built on not giving a damn about the damage they do to people's health. The provisions in these amendments are an important step. There is probably more work to do to tackle home delivery businesses and online sales, but this is a good start. I have been working on this issue for well over 12 months.

A family shared their story with me about their experiences with N<sub>2</sub>O addiction in their family. The impacts were significant and, like a lot of addiction issues, there have been many ups and downs for the young man who has this addiction. While the ups and downs come and go, what does not change is the fact that he has a family who cares deeply about him and are doing everything in their power to help him live a healthy life. They are also advocating to shut down this evil trade so other young people can avoid this terrible addiction.

An incredible amount of work has been undertaken since the first anti-smoking measures were rolled out in the early 1970s. This is another good step in that work. For any side of politics to try to politicise this and claim this is really quite disgraceful. There will inevitably need to be more reforms. We support these measures as being effective. I am personally extremely pleased to see the action on N<sub>2</sub>O addiction. I commend this bill to the House.