




Speech By
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MEMBER FOR MACALISTER

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

Second Reading

 **Mrs McMAHON** (Macalister—ALP) (5.56 pm): I rise to make my contribution to the debate. I support the proposed amendments to the Tobacco and Other Smoking Products Act 1998. I do so with reference to several contributions that I have made over the past eight years that I have been in this place in similar debates on various other forms of legislation that we have passed, going back as far as the vaping inquiry that a number of members here contributed to.

As a state and a country, we have not been static or stagnant on this issue. We all acknowledge the health impacts of smoking. Smoking kills. That is not hyperbole. Those are medical facts. The committee heard that 66 Australians die every day from smoking related illnesses—66 Australians a day—and that is not even necessarily from a lifetime of smoking. We acknowledge what happened in times gone by. I remember back to the 1980s and the TV commercials featuring the Marlboro Man, the Winfield Cup and the role that smoking played in everyday aspects of Australian life. Those 66 Australian deaths are the consequence of a country that turned a blind eye to the evidence that was around back then. However, at some point we drew a line in the sand and we said, ‘No more.’

For decades Australia has been leading the world in harm minimisation when it comes to smoking. We remember the education campaigns. I remember the television ad where a girl mixed all the chemicals that could be found in a cigarette, took a drink and then the smoke came out. Those were groundbreaking and world-leading campaigns. Those education campaigns combined with what was then world-leading plain-packaging legislation. Our federal governments fought the concerted weight of the tobacco companies and were able to uphold our plain-packaging laws. There have been financial impacts as a series of levies were introduced to make sure that smoking is not a cheap and easy habit. I have worked in countries where you can buy a packet of smokes for \$1 or less and smoking is an everyday thing. It is seen as a hobby. In some countries, it is cheaper to go out and have a cigarette than it is to drink.

Another issue we have worked on, and on which Queensland is considered nation leading, relates to the limitations regarding areas where people can smoke and people can congregate to smoke. Smoking is now seen as antisocial. I remember from my time in the Army getting time for smoko, which is what it was called because smoking was endemic in the military. It was the ability to have a break. I never took up smoking in the Army but I certainly took up having coffee, so now we have our brew breaks instead.

All these measures had the desired effect. Australia was recording some of the lowest rates of smoking or the biggest decline in smoking rates. What we cannot escape now is that the number of people smoking, particularly young people, is rising. We have to look at that. We cannot be silent on

this anymore. Part of this is around the new markets that have been created. There is vaping. We have done an inquiry on that. Work is ongoing into how we can deal with vaping at the state and national levels. Vapes are being imported and that is a trade that we need to disrupt.

Shopfronts for vapes are popping up everywhere. I remember in my early days of policing that illegal tobacco was a niche part of the market and made up only a very small percentage of the market. As the committee heard, illegal tobacco, or chop-chop as it was once called, now makes up 50 per cent of smoking products purchased by consumers.

Where there is money there is organised crime. It is as simple as that. Wherever money goes, that is where organised crime goes. Organised crime is nimble, flexible and quick to respond. Unfortunately, we as governments are not so nimble and flexible. We have to look at all of the consequences of what we do.

The reforms that we introduce might seem piecemeal, but bit by bit they are making a difference and they need to be considered. We need to consider second- and third-order effects when we introduce legislation. Various pieces of legislation have been introduced over the last couple of years. We are happy to support this legislation. I have absolutely no doubt that in the next 18 months, two years or three years we will be back to introduce more legislation because we will need to. With the way organised crime works and finds loopholes, it is incumbent upon us to respond and address those issues.

That is not necessarily seen as a failure, and I certainly do not see it as that. When we look at the way organised crime is operating, we try our best to react. It would be naive to think we can get ahead of organised crime in spaces like this, but where our law enforcement agencies require laws and powers to be able to enforce the intent of bills like this we should respond. As I have said, I have no doubt that we will be back soon to add to the provisions in this bill because that will be what is needed to disrupt organised crime.

Illegal tobacco has an impact not only on health—as I have said, we are seeing smoking rates rise—but also on the revenue that is collected by the state and federal governments which could contribute to funding the cost of health care. There is also the impact on our legal businesses—the ones that are doing the right thing—our small businesses. They are being impacted because they are losing customers to the illegal set-ups down the road from them. They are prevalent. I think we have all seen this in our electorates. They are popping up everywhere.

I am not sure whether people are aware, but on Instagram and TikTok there is a trend where people can watch undercover agents, particularly from overseas agencies, go in and try to detect illegal tobacco. These are probably the least covert looking public servants I have seen. I note that the ability to have controlled operations is covered in this bill. My only concern with that is that these people are not necessarily law enforcement officers and are not necessarily trained in controlled operations. It is a very significant skill set to work undercover. In policing there is work done to make sure officers are not only trained in the law but also prepared mentally for being involved in controlled operations.

I note some submitters had concerns about the oversight of controlled operations. I know that the operations they are going to be involved in are not as significant as those which police might be involved in, but the reality is that we are asking our public health officials to go into places that they know are controlled and influenced by organised crime. That is no small risk. We need to ensure our public health officers involved in controlled operations have support and training but are also backed by our wonderful police like those involved in Taskforce Masher. That taskforce was established in July last year. All day I have been hearing of the amazing work that Taskforce Masher has been involved in. We continue to support that. We certainly need to make sure that organisations like Taskforce Masher have the funding and powers to be able to disrupt organised crime in this impactful area of not only public health but also community safety. I commend the bill to the House.