




Speech By
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MEMBER FOR MULGRAVE

Record of Proceedings, 18 November 2025

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

Second Reading

 **Mr JAMES** (Mulgrave—LNP) (4.38 pm): I rise today to offer my full support for the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025. This bill represents a decisive and necessary step to tackle the challenges posed by the illicit tobacco and vaping market in Queensland as well as to address the growing and deeply concerning misuse of nitrous oxide in our communities.

Queensland has long recognised the dangers posed by illegal tobacco and nicotine products. Our state has implemented some of the toughest penalties and enforcement powers in Australia. Despite these efforts, the black market for illicit tobacco, loose-leaf chop-chop and nicotine filled vapes remains entrenched. These products are still widely available in retail outlets, undermining legitimate businesses, eroding public trust and threatening the health and wellbeing of Queenslanders.

The current enforcement regime is hindered by lengthy processes, resource-heavy investigations and insufficient powers to quickly shut down rogue retailers. Queensland Health, despite its commitment, is limited in its ability to respond swiftly and decisively. As a result, illegal traders continue to profit, damaging our economy and placing our communities at risk. This amendment bill seeks to disrupt the economic incentives driving the illicit tobacco trade and strengthen our ability to respond. By amending the Tobacco and Other Smoking Products Act 1998, the bill aims to capture a wider range of those involved in the illegal supply of tobacco and nicotine products. It introduces new offences, expands enforcement powers and ensures clear consequences for those who choose to flout the law.

The bill extends the interim closure period for premises found with illicit tobacco or nicotine products from 72 hours to three months. This gives authorities greater flexibility and time to investigate and disrupt illegal operations. Importantly, these orders now apply to both supply and commercial possession of illicit products. The maximum period for court ordered closures increases from six months to 12 months. These orders can now be issued for both supply and possession offences, ensuring that premises involved in illegal trade remain closed for a meaningful duration. Opening premises subject to a closure will be an offence, with a maximum penalty of 200 penalty points, or \$33,380. This is a robust deterrent for those tempted to ignore the law.

Landlords will now have the right to terminate commercial leases if their premises are subject to a closure order due to illegal conduct by tenants. This provision will reduce the availability of retail sites for illegal operators. The bill introduces penalties for landlords who knowingly allow their properties to be used for illegal tobacco and nicotine sales. Maximum penalties include up to 1,000 penalty units, or \$166,900, a year's imprisonment or both. Civil penalties for reckless indifference may reach 1,000 units for individuals and 5,000 for corporations—up to \$834,500. Legal smoking products found alongside illicit goods can now be seized, ensuring immediate financial consequences for those attempting to hide illegal products among lawful stock.

Company directors will be held accountable if their businesses commit offences unless they can demonstrate they were unaware or took reasonable steps to prevent wrongdoing. The bill enables covert operations to test compliance, allowing authorities to catch illegal suppliers and gather evidence for prosecution. Licensing processes are improved and on-the-spot fines can now be issued for contravening closure orders or failing to keep proper invoices, making penalties faster and more effective.

The bill also addresses the alarming rise of the misuse of nitrous oxide, commonly known as nangs. While nitrous oxide serves legitimate purposes in medicine, dentistry and hospitality, its widespread availability in retail outlets, including tobacconists and convenience stores, has made it dangerously accessible for recreational use, especially among young Queenslanders. Let us be clear: recreational use of nangs is far from harmless. It can cause severe neurological, cardiovascular and psychiatric harm and in extreme cases lead to paralysis or death. Recent findings show that around 78 per cent of illicit tobacconists were stocking nitrous oxide products—an unacceptable situation that demands urgent attention.

The amendments empower authorised officers to seize and forfeit nitrous oxide bulbs and canisters as ‘compromised goods’ when found alongside illicit tobacco and nicotine products. This practical measure targets illegal retailers and makes it harder for them to profit from these dangerous substances. The bill also includes a regulation-making power, ensuring we can respond rapidly as illicit operators shift to new harmful products.

These reforms have not been developed in isolation. Queensland Health undertook comprehensive public consultation between 22 May and 20 June 2025, engaging retailers, industry groups, government agencies, statutory bodies and the broader public. The response was overwhelmingly supportive, reflecting the community’s urgent desire for action to curb the illicit tobacco trade and protect Queenslanders from the risks of nitrous oxide misuse.

It is important to note that the costs of implementing these measures will be managed within existing resources. The government is committed to ensuring these reforms deliver maximum impact without placing undue strain on the public purse.

In closing, the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025 is a targeted, practical and forward-looking response to a complex issue. By strengthening enforcement, broadening accountability and introducing new penalties and investigative tools, we send a clear message: Queensland will not tolerate the illegal tobacco trade or the reckless sale of dangerous substances like nitrous oxide. I commend the bill to the House.