



Speech By

Hon. Tim Nicholls


MEMBER FOR CLAYFIELD

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

Introduction

Mr DEPUTY SPEAKER (Mr Krause): I call the Minister for Health.

 **Hon. TJ NICHOLLS** (Clayfield—LNP) (Minister for Health and Ambulance Services) (11.40 am): Thank you, Mr Deputy Speaker. At the outset I commend you for the calm and methodical way in which you handled that debate over the last half hour. That would have tried the patience of Job, so well done to you, Mr Deputy Speaker. It certainly would have tried the patience of all of us.

Mr DEPUTY SPEAKER: Thank you, Minister for Health. You have a bill to introduce, Minister for Health?

Mr NICHOLLS: I do, Mr Deputy Speaker, and I fear I may try your patience even more, so there you go. I present a bill for an act to amend the State Penalties Enforcement Regulation 2014 and the Tobacco and Other Smoking Products Act 1998 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Health, Environment and Innovation Committee to consider the bill.

Tabled paper: Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025 [1236](#).

Tabled paper: Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025, explanatory notes [1237](#).

Tabled paper: Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill 2025, statement of compatibility with human rights [1238](#).

Today I am introducing the Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation Amendment Bill. This bill demonstrates the Crisafulli government's unwavering commitment to stamping out illegal vapes and tobacco in Queensland. These products are not just illegal; they are dangerous, addictive and deliberately peddled by organised crime syndicates that care about only one thing, and that is their profit. Let us be clear: this is not just about cheap cigarettes and fruit flavoured vapes; this is about criminals targeting our kids with products that can cause serious, lifelong harm and addiction. Children as young as six years old have been caught with vapes and one-third of children aged 12 to 13 years old have already tried vaping. According to the Cancer Council's Generation Vape research, teenagers who vaped were five times more likely to take up smoking than their peers and 12-year-olds who had vaped were 29 times more likely to go on to smoke cigarettes.

These products are reversing decades of progress in reducing smoking rates among our young people. Cheap illicit tobacco keeps people hooked and tempts those who have quit to relapse. Vapes deliver a toxic mix of chemicals and heavy metals—many of them known carcinogens. The wide

availability of these illicit products means more disease, more cancer, more chronic illness and more pressure on our public health system. They fill our hospitals with preventable illness, adding pressure to our health system, and the ramifications will be felt far into the future.

This is not only a health issue; it is a public safety issue. Organised crime groups are deeply embedded in this illegal industry, using profits to bankroll other dangerous criminal activities. Businesses are now routinely being threatened, with one retailer telling us—

Selling tobacco products has become dangerous for law-abiding retailers and staff, with ongoing fire-bombings and attacks on shop owners rampant.

Just yesterday we saw this play out on our streets once again. A tobacco store in Redbank Plains was rammed and burnt, with a neighbouring business also damaged by fire. Nearby business owners spoke about how frightening this was. Sadly, this incident is becoming far too common in Queensland.

Most disturbing of all is the emergence of dangerous new products including so-called 'supercharged' vapes in Australia. Vapes are being laced with nitazene, a synthetic opioid said to be 10 times more potent than fentanyl and 500 times stronger than heroin. A dose smaller than a grain of salt can result in death. This is nothing short of terrifying. Just across the border in New South Wales we have seen multiple overdoses and at least one death, simply from taking a puff of one of these supercharged vapes. We must act decisively to protect our kids, legitimate businesses and the health and safety of all Queenslanders.

Since coming to office, the Crisafulli government has delivered strong reforms to Queensland's tobacco legislation and the State Penalties Enforcement Regulation. I want to acknowledge the contribution of my good friend the Attorney-General in making some of those changes. We have raised the bar nationally by introducing the country's highest on-the-spot fines, we have empowered our enforcement officers to immediately forfeit and destroy vaping goods, and we have equipped Queensland Health with the tools to recover costs from those who flout the law. We are making the criminals pay, and these reforms are delivering results. Between November 2024 and August 2025, more than 420,000 vapes, 52.4 million cigarettes and 7½ thousand kilograms of loose tobacco have been seized. Over 140 interim closure orders have been issued and more than 3,000 fines have been issued. We are getting on with the job. These are not just numbers; they represent over \$68 million of illegal products stripped from shelves and taken out of the reach of our children and young folk.

I commend our hardworking enforcement officers in our public health units on these outstanding results. To these officers I say that the LNP government has got your back and is backing you, and we are increasing your numbers by 25 per cent due to record funding in this year's health budget. I want to make special mention of the Metro North, Metro South, Central and Wide Bay public health units, which together seized over \$20 million worth of illicit products as part of the incredibly successful Operation Appaloosa—the largest single action and recovery of illicit goods undertaken by a public health unit in the country. I also want to particularly recognise the officers in Wide Bay whose diligence led to the long-term closure of six stores, reducing the scourge of illegal products in that community. I also need to acknowledge the work undertaken by public health officials' colleagues in the Queensland Police Service, which in a recent joint operation with the Australian Border Force seized more than \$70 million worth of illicit tobacco, cigarettes and vapes.

The Crisafulli government is making significant headway, but the illicit market is adaptive, resilient and increasingly sophisticated in exploiting loopholes and evading enforcement action. Illegally imported cigarettes, loose-leaf chop-chop tobacco and flavoured nicotine filled vapes are still, all too regrettably, being sold across the state. This bill delivers nation-leading reforms to give Queensland the toughest laws in the country and to start the fightback against these illegal operators that have been allowed to flourish for too long.

This bill strikes at the significant economic incentives that drive the illegal trade. It targets those who enable this trade behind the scenes such as landlords and company directors who turn a blind eye or quietly profit while illegal activity flourishes. It goes after the crooks who blatantly disregard our current laws. Importantly, this bill backs our enforcement officers by giving them the tools and the authority they need to act quickly and decisively against these dodgy operators. This has effectively been like trying to whack a mole, and we are giving our public health officers the opportunity to get whacking harder!

This government is determined to disrupt the supply chain by reducing the number of commercial properties available to those trading illegally. This is particularly relevant to landlords. The bill delivers several key reforms to achieve this—as I have said, nation-leading reforms that are right now being copied by New South Wales. The first reform is to support landlords who act in good faith by giving them a clear statutory power to terminate a lease where a tenant is using the premises to illegally supply

or possess vapes and illicit tobacco. This statutory power applies when a closure order is issued and it means that landlords will no longer bear the burden of a closure order caused by their tenant's unlawful activity. The landlords will be able to get rid of that tenant.

However, not every landlord acts in good faith. Some are well aware of their tenant's conduct and choose to look the other way. To those landlords I want to be abundantly clear: this behaviour will no longer be tolerated. This bill puts those landlords squarely on notice. It introduces a criminal offence and a civil penalty aimed squarely at any landlord in Queensland who enables the illegal tobacco and vape trade to continue in premises they lease.

The criminal offence applies to the more serious behaviour where a landlord knowingly permits their premises to be used for the supply or possession of illicit tobacco or nicotine products. For an individual the maximum penalty will now be \$166,900, one year's imprisonment or both. For a corporate landlord, the penalty is higher—it will be \$834,500. The civil penalty applies where a landlord deliberately turns a blind eye to the illegal conduct, with landlords facing financial penalties of up to \$834,500.

The introduction of a civil penalty is somewhat novel in Queensland. They are not used extensively throughout our statute book. However, it is designed to fill a critical gap in this particular industry because of the way it operates. It does this by targeting landlords who facilitate illegal activity through wilful blindness or reckless indifference. They cannot use that as an excuse. Importantly, the civil penalty gives landlords a clear commercial choice. If they suspect illegal activity at their premises they can either take action or turn a blind eye in favour of collecting rent, but if they choose to ignore the warning signs they do so at their own risk. Queensland Health will not hesitate to pursue a civil penalty that hits them where it hurts most: the hip pocket.

These changes will ensure landlords who hand criminals the keys to their shops are held to account. They will reduce the number of premises available for illegal supply, making it harder for the dodgy operators to do business. We make no apologies for taking this firm stance and decisive action. We intend to break the business model. We intend to empower honest landlords to ensure the dodgy ones do not get away with it.

I want to turn to closure orders. The bill also strengthens closure order powers to better disrupt repeat offending and deter noncompliant operators. Currently, interim closure orders can only be issued for 72 hours. We have heard that this short closure is no more than a mild inconvenience and just gives the dodgy owners a long weekend off. They open up again with a queue down the road. To ensure short-term closure orders are effective, the bill allows the chief executive of Queensland Health to close noncompliant premises for up to three months—increasing from 72 hours to three months on the directive of the chief executive of Queensland Health. This will significantly disrupt illegal operations and remove the ability of those operators to generate a rapid return to profit.

The bill also expands the power of the Magistrates Court by enabling magistrates to order a closure for up to 12 months, doubling the current maximum period. We expect our courts to be involved in stamping out this illegal operation and illegal operators in this pernicious trade. We will be making the operation of those laws clear and effective. These longer closure periods ensure our enforcement officers will not have to go to all the effort to close a store only to see it reopen days later. We are closing stores with the intention of bankrupting repeat offenders. We make no excuses for doing so.

We are also introducing offences relating to those people who breach closure orders. The bill makes it an offence to contravene a closure order by opening the premises to the public or supplying any products or services while the order is in effect. This means when Queensland Health issues a closure order, closed means closed. There will be penalties of up to \$33,380 for individuals and \$166,900 for corporations who breach closure orders. Enforcement officers will also be able to issue on-the-spot fines.

We are also taking action to deal with what is described as compromised goods. The bill introduces another nation-leading reform. For the first time enforcement officers will have the power to seize what is defined as compromised goods. These are legal smoking products, such as legitimate cigarettes, that have become tainted by being found alongside illicit tobacco or vapes. There are no safe corners for those who try to profit from the illicit market. Anyone thinking of dabbling in the supply of vapes and illicit tobacco should know that even their lawful stock will be affected if it is associated with illegal products. There will be nowhere to hide.

We are also enhancing the current executive liability provisions. One of the matters raised with me in my discussions with our public health units is the extensive use of shell companies and the corporate veil to avoid prosecution. These changes that we are introducing will ensure company

directors can be held personally liable for serious breaches of Queensland's tobacco laws by their companies. This is the case unless the executive officer can show that they did not know about the company's conduct or that they took all reasonable steps to prevent it.

The bill is supported by a suite of additional reforms designed to improve the overall effectiveness of the act and to ensure the act is responsive to current and emerging challenges. These include amendments to enable undercover and covert operations. Public health officers will be able to enter premises they suspect are engaging in unlawful activity and carry out those covert operations. The bill has an expanded scope of forfeiture decisions and enhanced powers relating to seizure, entry and request for information, enabling enforcement officers to carry out their duties more effectively.

In conclusion, this bill represents a bold and targeted response to the ongoing threat of illicit tobacco and vape supply in Queensland. Indeed, some of our proposed legislative amendments are so well regarded that they are being used as the blueprint for reform in other jurisdictions. Several of the reforms canvassed in our consultation paper released in May this year were just recently copied by the New South Wales Labor government. Premier Chris Minns in New South Wales is quoted as saying—

I've got a great concern that illicit behaviour will cross the border into NSW as criminals flee Queensland. We can't be in that situation.

We want to close the criminals down. The adoption by New South Wales of our nation-leading approach includes the three-month and 12-month closure offences, offences for contravening closure orders and a lease termination power. New South Wales is once again copying Queensland. This is a testament to Queensland's position as a nation leader in tobacco and vaping reform.


The amendments in this bill are widely supported. A joint submission from the Cancer Council Queensland, the national Heart Foundation of Australia, the Lung Foundation Australia, the Australian Council on Smoking & Health and the Queensland branch of the Public Health Association of Australia stated they commend the Queensland government for its continued leadership in tobacco control and for proposing a world-leading enforcement regime to combat the illicit trade of tobacco, vaping and other nicotine products—world leading! I want to thank these organisations for their work in the consultation on this bill and for their support of the bill. I recognise their contribution to public health outcomes here in Queensland.

The bill is also strongly backed by small business owners. We are looking after them as well. We know legitimate businesses are doing it tough because of the illegal shops operating with impunity. Licensed family owned businesses have told us that they have been forced to cut staff, reduce trading hours and stop supporting worthwhile community causes. They are losing out financially while watching the illegal tobacco and vape shops multiply and infiltrate the market. I want to ensure all those good, lawful, legitimate small businesses doing the right thing we have heard your frustrations, we are acting on your frustrations and we are delivering for you. The amendments in this bill directly target illegal operators. In fact, one small business told us the only 'tobacconists' that would be against these proposed amendments are stores selling illicit products. If you are a law-abiding business then these amendments will only provide further regulation, which is much needed in the industry.

This is true. Law-abiding businesses are paying their taxes and following the law while crooks are cheating the system, ripping off taxpayers and destroying the livelihoods of our honest retailers. To all illegal operators and dodgy landlords, my message is clear: we are cracking down. This bill will forcibly shut down the illicit supply chain and it will protect legitimate businesses and, importantly, the health and wellbeing of our children and young people. It will restore the progress Queensland has worked so hard to achieve in tobacco control.

Finally, I look forward to hearing the contributions from stakeholders during the committee process and to reading the committee's report on my return from three weeks leave. This is an important bill that will help take these dangerous products off the streets and out of the hands of our children. I commend the bill to the House.

First Reading

 **Hon. TJ NICHOLLS** (Clayfield—LNP) (Minister for Health and Ambulance Services) (12.00 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Health, Environment and Innovation Committee

Mr DEPUTY SPEAKER (Mr Krause): In accordance with standing order 131, the bill is now referred to the Health, Environment and Innovation Committee.

Before we move to the next order of the day, I remind the House that the members for Algester, Gladstone, Inala, Logan, Pine Rivers, Greenslopes, Buderim and McConnel remain on warnings.