

## Question on Notice

No. 263

Asked on 19 March 2024

**MR M BOOTHMAN** ASKED MINISTER FOR HEALTH, MENTAL HEALTH AND AMBULANCE SERVICES AND MINISTER FOR WOMEN (HON S FENTIMAN)—

### QUESTION

With reference to the new Vape legislation commencing January 2024—  
Will the Minister explain how vapes stores are being allowed to operate within close proximity to our local Primary and High Schools?

### ANSWER

Queensland's *Tobacco and Other Smoking Products Act 1998* includes strong controls on the advertising, display and promotion and sale to minors of all smoking products including vapes. Like all other Australian states and territories, Queensland, does not limit where stores selling vapes can operate and it is currently legal for retail stores to supply non-nicotine vapes. Unfortunately, many products have concealed nicotine.

National vaping reforms are commencing in phases. The first phase of the reforms commenced in January this year with a ban on the importation of disposable vapes, and this was extended in March to prohibit importation of any vape or vape related product.

Health and law enforcement agencies across the country are working together on the next phase of the national reforms which proposes a domestic ban on the retail supply of all vapes.

The *Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Bill 2024* is currently being considered by federal Parliament. If these important measures are passed it will become illegal for any vape product to be supplied at retail stores, except from a pharmacy on prescription. This will mean retail stores selling vapes will not be permitted anywhere, including near our primary or high schools.

While a complete domestic ban on vape supply will be invaluable, we are moving ahead with strong action to address non-compliance under current laws. Most businesses operate within the bounds of the laws for supply of tobacco and vapes however some stores continue to do the wrong thing.

For this reason, the tobacco laws were strengthened last year to introduce measures to improve compliance monitoring and strengthen enforcement action. This includes commencement of a licensing scheme for smoking product suppliers. Queensland is the first state on the east coast to do so and the licensing scheme is on track to commence on 1 September this year.

Legitimate business willing to do the right thing have welcomed licensing and applications are flowing in. The scheme includes a fit and proper person test designed to prevent business known to do the wrong thing from being issued a licence. It provides our enforcement teams with quality information and penalties to take enforcement action on illegal or unlicensed supply.

To further strengthen our response the Queensland Government is providing an additional \$28.4 million over five years to enforce the smoking and vaping laws and support Queenslanders to quit vaping and tobacco smoking. The funding includes an additional \$2 million in 2023-24, and then \$5 million annually for enhanced enforcement of the *Tobacco and Other Smoking Products Act 1998* and *Medicines and Poisons Act 2019* in smoking product supply settings.

Queensland's improved monitoring and compliance measures, alongside commencement of import and proposed domestic bans on supply of vape products will, over time, ensure that vape products never reach Queensland stores.