



Public Health Association
AUSTRALIA

Tobacco and Other Smoking Products and Other Legislation Amendment Bill 2025

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20 June 2025

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Preamble

The Public Health Association of Australia

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being of all Australians. It is the pre-eminent voice for the public's health in Australia.

The PHAA works to ensure that the public's health is improved through sustained and determined efforts of the Board, the National Office, the State and Territory Branches, the Special Interest Groups and members.

The efforts of the PHAA are enhanced by our vision for a healthy Australia and by engaging with like-minded stakeholders in order to build coalitions of interest that influence public opinion, the media, political parties and governments.

Health is a human right, a vital resource for everyday life, and key factor in sustainability. Health equity and inequity do not exist in isolation from the conditions that underpin people's health. The health status of all people is impacted by the social, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the unfair and unjust effects of conditions of living that cause poor health and disease. These determinants underpin the strategic direction of the Association.

All members of the Association are committed to better health outcomes based on these principles.

Vision for a healthy population

A healthy region, a healthy nation, healthy people: living in an equitable society underpinned by a well-functioning ecosystem and a healthy environment, improving and promoting health for all.

The reduction of social and health inequities should be an over-arching goal of national policy and recognised as a key measure of our progress as a society. All public health activities and related government policy should be directed towards reducing social and health inequity nationally and, where possible, internationally.

Mission for the Public Health Association of Australia

As the leading national peak body for public health representation and advocacy, to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.



Introduction

The Public Health Association of Australia (PHAA) welcomes the opportunity to provide input to the Queensland Government's consultation on the *Tobacco and Other Smoking Products and Other Legislation Amendment Bill 2025*.

In addition to this submission from our National Office, our Queensland Branch will make a joint submission together with Lung Foundation, Heart Foundation, Cancer Council Queensland, and the Australian Council on Smoking and Health, and we endorse their contribution.

Tobacco use remains the leading preventable cause of death in Australia, killing more than 24,000 people annually, including around 66 Queenslanders every day.

PHAA has strongly supported the national policy direction of all state and territory governments, together with the Commonwealth Government, as outlined in the *National Tobacco Strategy 2023-30* (published in 2023). It is very much to be welcomed that all jurisdictions are cooperating in the maintenance of a unified policy direction.

While there is difference in the details and implementation of jurisdictional laws and enforcement effort, we are pleased to see that Queensland's efforts were rated by the 2025 ACOSH Tobacco Control Scorecard as among the nation's best. PHAA welcomes the Queensland Government's broader commitment to removing harmful products from retail settings, school environments, and the broader community. We also specifically acknowledge the enforcement activities undertaken by Queensland Health, and by law enforcement agencies.

The current Bill reinforces that strong performance by Queensland. PHAA strongly supports the direction of policy to strengthen tobacco and vaping control in the state, and we endorse the objectives of the current Bill. This Bill responds to the urgent public health need to address the proliferation of illicit tobacco and vaping products, particularly the targeted impacts on young people and communities subjected to industry harms.⁽¹⁾ The proposed measures, including extended closure periods for non-compliant retailers, landlord liability provisions, and streamlined enforcement powers, represent an appropriate evolution in the state's response to the harms of tobacco and vaping, and support the longer-term goal of eradicating these harms. The Bill will help reduce the profitability of illicit trade and disrupt organised crime activities.

The current proposed amendments on these subjects are timely, and align with PHAA's long-standing advocacy for evidence-based, strategic, and coordinated approaches to reduce nicotine-related harm.

It is essential that these proposed amendments are viewed as part of a broader and integrated public health and wellbeing approach. This includes alignment with:

- Australia's obligations under the WHO *Framework Convention on Tobacco Control* (FCTC), particularly Article 5.3. The tobacco and nicotine industry has consistently sought to undermine public health efforts through lobbying, misinformation, and proxy advocacy. Robust protection of policy spaces, as required by Article 5.3 of the FCTC, is essential to counter this interference. This includes safeguarding policies that protect Aboriginal and Torres Strait Islander peoples, who experience disproportionate tobacco-related harms due to the intersecting impacts of colonisation, systemic racism, and targeted industry marketing.⁽⁸⁾ In addition, Articles 13 and 16 call for comprehensive bans on tobacco advertising, promotion, and the sale of tobacco products to minors.⁽²⁾

- The goals of the *National Tobacco Strategy 2023 - 2030*, which aims to reduce adult daily smoking to below 5% by 2030, eliminate the use of e-cigarettes among people who do not smoke and young people; and strengthen regulation of all nicotine products,⁽³⁾ and
- The *National Preventive Health Strategy 2021-2030*, which sets a target of reducing tobacco use and nicotine addiction as part of its broader goal to increase the proportion of Australians living healthier lives for longer.⁽⁴⁾

Together, these frameworks provide a strong policy foundation for the proposed legislative changes and highlight the importance of a consistent, coordinated, and equity-focused public health approach. They also reaffirm the need to prioritise Aboriginal and Torres Strait Islander leadership and community-led approaches in tobacco control and resistance, in line with Australia's obligations under the *Framework Convention on Tobacco Control* and the *National Tobacco Strategy*. Structural drivers, such as racism and the commercial determinants of health, intersect with gender, geography, and socio-economic status to compound exposures to harmful nicotine products and generate additional barriers to access to health and wellbeing services, particularly in rural and remote communities.

PHAA also recognises and supports the vital role played by public health enforcement teams and encourages continued investment in their capacity. We commend the Queensland Government for its leadership in prioritising public health through decisive action on illicit tobacco and vaping products.

Detailed comments on the Bill

Court-Ordered Cost Recovery from Convicted Offenders

Empowering courts to order convicted persons to pay reasonable enforcement costs is consistent with the 'polluter-pays' principle.⁽⁵⁾ PHAA welcomes this amendment, as the amendment will:

- shift the financial burden of managing illicit products (testing, transport, safe dismantling, destruction) from taxpayers to offenders.
- reduce the profit incentive that drives the illicit trade; and
- free Queensland Health resources for prevention, education, and cessation programs, in line with Priority 2 of the *National Tobacco Strategy 2023-2030* ("Protect the public from second-hand smoke, e-cigarette aerosol, and the tobacco industry").⁽³⁾

To ensure equitable application of the amendment, PHAA encourages the development of sentencing guidelines that allow judicial discretion for cases involving financial hardship or coercion, while still recouping major commercial-scale costs.

Immediate Forfeiture and Destruction of Seized Vaping Goods

PHAA supports the introduction of an immediate-forfeiture power for illicit vaping goods. The current show-cause and appeal process requires a minimum eight-week storage period, creating significant fire, chemical-exposure, and environmental hazards, and diverts public-health resources toward specialised storage. This challenge has been highlighted by Queensland Health's seizure of more than 75,000 illegal vapes over a two-month period, significantly surpassing prior enforcement levels.⁽⁶⁾

Fast-tracking forfeiture and destruction will:

- remove hazardous products from circulation before they can be resold;
- reduce costly storage and disposal burdens on Hospital and Health Services;
- align Queensland practice with precedents in the *Police Powers and Responsibilities Act 2000* where dangerous goods may be destroyed promptly; ⁽⁷⁾ and
- reinforce Article 16 of the WHO FCTC, which calls on Parties to prevent under-age access to tobacco and nicotine products. ⁽²⁾

PHAA recommends clear operational protocols (photographic evidence, representative sampling) to preserve evidentiary integrity while maximising enforcement speed.

Strengthened Retail Closure Powers and Landlord Liability

Extending Interim Closure Orders from 72 Hours to 3 Months

Extending interim closure orders provides a realistic deterrent to retailers repeatedly trading in illicit tobacco and vape products. A three-month closure:

- removes the “long-weekend” penalty that currently fails to discourage re-offending;
- sends a clear message that illicit supply will not be tolerated; and
- mirrors penalties used in other high-risk public-health contexts (e.g., food-safety shutdowns).

New Offence for Lessors Who Permit Illicit Trade

PHAA supports the proposed amendment to introduce fines and potential jail terms for landlords who knowingly lease premises to illicit traders closes a critical enforcement gap by targeting upstream facilitators. The impact of this amendment will:

- disrupt the supply chain by disincentivising property owners from overlooking unlawful activity;
- align with Article 15 of the WHO FCTC, which urges Parties to combat the illicit trade in tobacco products through comprehensive measures; ⁽²⁾ and
- complement existing retailer penalties, creating shared responsibility across the commercial property sector.

PHAA recommends government guidance and targeted communication for landlords to ensure clarity on due-diligence expectations and compliance pathways.

Conclusion

PHAA supports the purposes of the *Tobacco and Other Smoking Products and Other Legislation Amendment Bill 2025* as a significant step in strengthening Queensland's response to illicit tobacco and vaping products, and progressing toward the eradication of commercial tobacco-related disease and death.

We are keen to ensure that the implementation of these amendments maximises their public health impact and aligns with Australia's obligations under the *WHO Framework Convention on Tobacco Control* and the *National Tobacco Strategy 2023–2030*.

In implementing these reforms, particular care should be taken to ensure that Aboriginal and Torres Strait Islander communities are meaningfully engaged in decision-making, and that strategies reflect culturally safe approaches that address structural inequities and inequalities.

PHAA urges that particular attention be given to the following key amendments.

- **The need for timely enforcement measures**, including immediate forfeiture of seized vaping goods to reduce public health risks and resource burden.
- **The importance of shared responsibility**, including appropriate penalties for landlords who knowingly enable illicit trade.
- **The role of cost recovery** as a deterrent and a means to reinvest in prevention, compliance, and cessation efforts.

PHAA appreciates the opportunity to make this submission. Please do not hesitate to contact us should you require additional information or have any queries in relation to this submission.



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20 June 2025

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