

Queensland court orders illegal tobacco stores to close for six months under tough new laws

By James C Taylor and Lucy Loram

ABC Wide Bay Courts

Fri 25 Jul 2025 at 3:24pm



Officers seize illegal tobacco and vape products in Hervey Bay. (Supplied: Queensland Health)

In short:

A Queensland court has ordered the closure of six illicit tobacco stores. The six-month closure order is the first legal test of Queensland's strict new laws targeting the sale of illegal tobacco and vapes.

What's next?

The closure orders are effective immediately and also prohibit the landlords from selling the products.

A Queensland court has ordered six stores involved in the sale of illicit tobacco to shut down for up to six months as part of a crackdown on the illegal trade.

The judgement handed down in the Hervey Bay Magistrates Court on Friday was the first of its kind in the state after laws aimed at eliminating the unlawful supply of smoking products came into effect in September 2024.

The legal action was launched by Queensland Health in June following raids by officers from Wide Bay Hospital and Health Service (WBHHS) in partnership with the Queensland Police Service on the stores in Hervey Bay, 300 kilometres north of Brisbane.

WBHHS said more than 480,000 illicit cigarettes, 70 kilograms of loose tobacco, and 176 vaping devices were retrieved in the raid on one of the stores, Main Street Tobacconist.



Main Street Tobacconist in the Hervey Bay suburb of Pialba was one of the stores targeted in the Queensland Health raids. (ABC Wide Bay: James C Taylor)

The owner of five of the businesses, Mohammed Alfalahi was excused from appearing in court.

Adam Ayser, who owns one store, was also not present in court for the decision.

Earlier this month, a higher court heard that Mr Alfalahi currently lives in Dubai.

Magistrate Trinity McGarvie ordered five stores owned by Mr Alfalahi to close for six months, effective immediately. The closure order will expire on January 25, 2026.

The court heard the closure orders applied to Mr Alfalahi's businesses in the Hervey Bay suburbs of Pialba, Urraween, Torquay, and Urangan.

Ms McGarvie said the order was made "on the basis that there have been multiple seizures over time of illicit tobacco from the premises, and it has been established that that trade was likely to continue absent of making an order".

The stores owned by Mr Ayser were ordered to close for five months, expiring on December 25, 2025.

The court heard the landlord had retaken possession of the premises at Shop G, 15 Central Avenue, Urraween, where Mr Ayser's business was located.



Businesses were raided for illegal tobacco and nicotine products. *(Supplied: Queensland Health)*

Ms McGarvie said the orders also prohibited the landlord from using the premises for selling illicit tobacco during the closure period.

The court heard the orders were made with the consent of all parties, including Mr Alfalahi and Mr Ayser.

Queensland Health Minister Tim Nicholls said the judgement was a testament to the efforts of his department's public health units to "stamp out this criminal activity and weed out the criminal gangs".

"This is the first time that the courts have ordered a closure of this magnitude, and it really is a clear signal that if you are selling these illicit products, we will come after you and we will put you out of business," he said.

"So thank you to our public health unit, and a warning to everyone who thinks they can get away with it — we're not done yet."



The first application of Queensland's tougher illicit tobacco laws was heard in Hervey Bay Magistrates Court on Friday. (ABC Wide Bay: Jake Kearnan)

In a statement, WBHHS chief executive Debbie Carroll said the enforcement of the new laws marked a significant escalation in efforts to eliminate the illegal supply of smoking products.

"The court's decision is a landmark moment that reflects the seriousness of these offences and supports our zero-tolerance approach," she said.

"These strengthened laws give us the tools we need, and we are using them.

"This is about protecting the public from dangerous, unregulated smoking products."

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Owner of alleged illegal tobacconists ordered to close businesses as Queensland Health seeks permanent injunction

By Talissa Siganto Courts

Tue 15 Jul 2025 at 7:41pm



Over 480,000 illicit cigarettes, 70kg of loose tobacco and 176 vaping devices were allegedly seized. *(Supplied: Wide Bay Hospital and Health Service)*

In short:

Queensland Health has won an interim injunction against Mohammed Alfalahi, who owns five stores authorities allege have been selling illegal cigarettes and tobacco in Wide Bay.

Mr Alfalahi must close the stores and not run any associated businesses until the court rules on a permanent injunction.

What's next?

Queensland Health is seeking a permanent injunction under new, stronger tobacco laws.

A Queensland judge has ordered a business owner to close five of his Wide Bay stores which health officials allege have been selling unlawful smoking products.

In June, a significant quantity of illicit cigarettes, loose tobacco and vapes were allegedly seized during raids on multiple retail premises in Hervey Bay.

Earlier this month, Queensland Health launched court action against the owner of some of the stores, Mohammed Alfalahi, seeking a permanent injunction under strengthened tobacco laws.

While that matter is pending, on Wednesday, Queensland Health sought an interim injunction of the same effect.

Lawyer Peter O'Connor told the court the order would restrict Mr Alfalahi from engaging in the alleged illegal conduct and receiving income from it unlawfully.

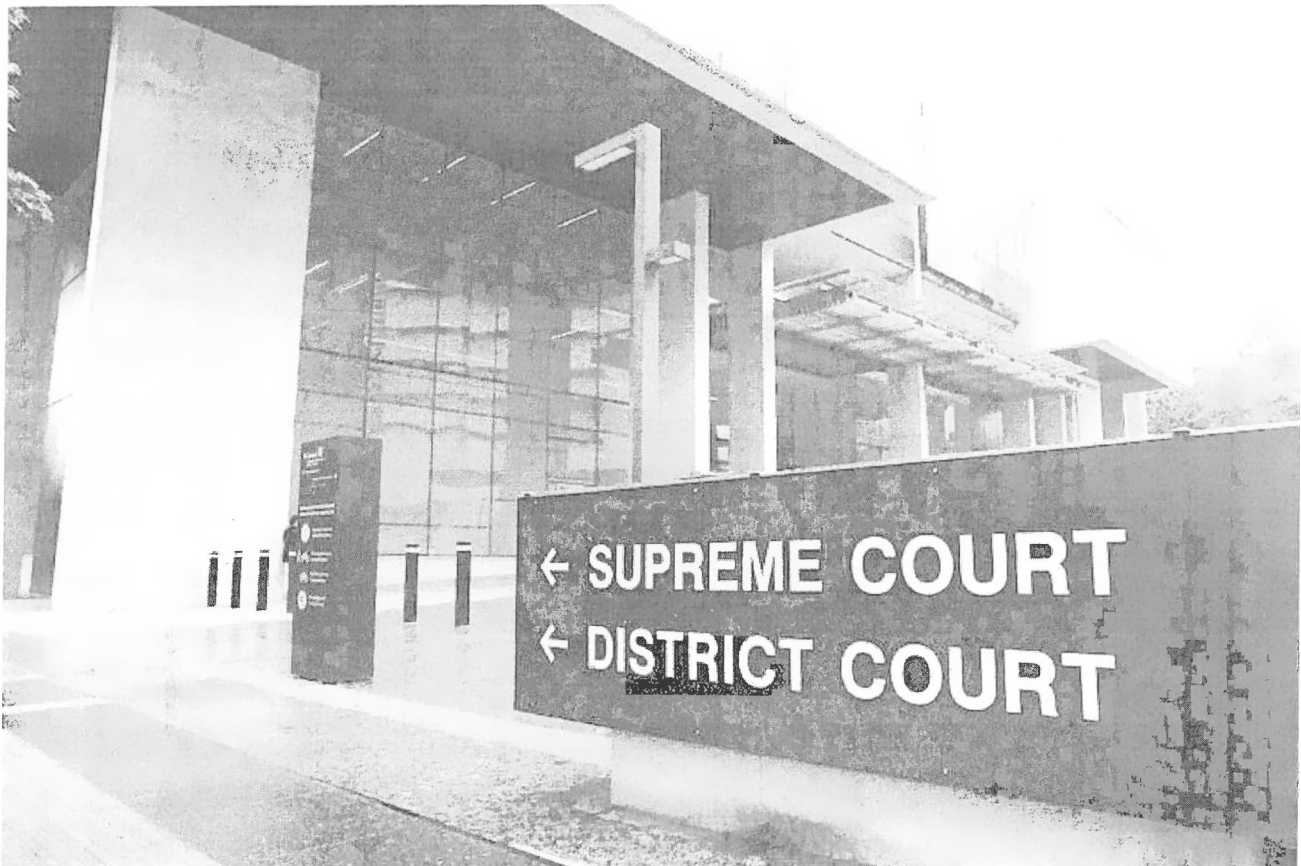
"Until such time that the substantive proceedings can be finalised," he said.

Mr O'Connor told the court the "fundamental question" was whether any of Mr Alfalahi's businesses held a licence to supply smoking products.

"There's no assertion by [Mr Alfalahi] that in fact he has or did in fact at any stage," he said.

"The evidence, in fact, establishes that he has not ever held such a license."

Mr O'Connor told the court, Mr Alfalahi is the tenant of the business premise, and the permitted use according to his lease is a tobacconist or tobacco



Mr Alfalahi has been ordered to close his businesses until a permanent injunction application is heard. (ABC News: Liz Pickering)

Mr Wallace argued the balance of convenience should be in favour of his client, as there were separate yet related proceedings due to be heard in the magistrates court later this month.

"In theory, in 10 days' time a magistrate will determine whether those five stores should be shut down for six months," he said.

"Leaving the status quo would allow the matters to proceed as they are in the magistrates court without pre-emptively finalising the matter."

The court heard the magistrate court action and the district court action "complement each other" but they served independent purposes.

In the lower court proceedings, Queensland Health is seeking not only closure of the stores for six months, but also enforcement against the landlord to ensure no-one else takes over the lease.

shop.

"He can't claim ignorance of the nature of business operating out of the premises that he is leasing," he said

"He similarly cannot claim ignorance of the regulatory scheme given the number of interactions that he has had with the authorities over a substantial period of time."

The court heard he had previously paid infringement notices for past contraventions under the legislation.

Mr Alfalahi's lawyer James Wallace told the court it had been difficult to get in contact with his client as he lived overseas, and had not been adequately instructed on any possible defence to the allegations.

However, Mr Wallace said his client "can't possibly be criticised" for not responding in detail, in what he asserts were inadequate time frames for submitting material, and that this was "not a full hearing on the merits" of the allegations.

"I'm not conceding the prima facie case," he said.

"I have no evidence to rely on to submit sensibly."

It was argued that several employees would lose their jobs if the order was granted and Mr Alfalahi could be at risk of breaching the order due to his limited communication and the impracticality of shutting the stores effective immediately.

Judge Ken Barlow KC granted the interim injunction, accepting there was "no real evidence of substance of any defence".

"It seems to me there is no doubt a prima facie case," he said.

Judge Barlow KC also rejected the submission Mr Alfalahi could not properly instruct his lawyers.

"The communication abilities of the modern world, particularly between Australia and Dubai where [Mr Alfalahi] currently lives, are such that I do not accept that the respondent would not have had the opportunity to be sent the material read and discuss it at length with his solicitors," he said.

"While I do not go so far as to infer that there is no possible defence... the absence of any skeleton of any defence does not assist [Mr Alfalahi]."

Mr Alfalahi will have until Friday to cease operating the five businesses.

He will also be prohibited from running any other companies which involve the sale of tobacco.

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