

JAMES LISTER MP

MEMBER FOR SOUTHERN DOWNS

SHADOW ASSISTANT MINISTER FOR HIGHER EDUCATION AND RESEARCH

SHADOW ASSISTANT MINISTER FOR DEFENCE INDUSTRY AND VETERANS

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Commissioner Reece Kershaw, APM

Australian Federal Police

GPO Box 401

CANBERRA ACT 2601

Via e-mail: commissioner@afp.gov.au

CC: The Honourable Mark Dreyfuss KC, MP
Attorney-General
PO Box 6022
Parliament House
CANBERRA ACT 2600

Dear Commissioner,

ENFORCEMENT ACTION - UNLAWFUL TOBACCO SALES AND ASSOCIATED ORGANISED CRIME

I have been approached by numerous constituents concerning the growing trade in illicit tobacco in my electorate, and the impacts that this is having on the viability of legitimate retail businesses, and the wider Australian community. I take this matter seriously, and ask that action be taken by the AFP against persons engaged or assisting in the unlawful importation, distribution and sales of tobacco products.

Specifically, I am aware of two shops in my electorate which I allege are openly selling illegally imported and untaxed tobacco:

- "Axen Shop Tobacco" at 7 Rogers Street STANTHORPE, QLD; and
- "AJ Tobacconist" at 111 Palmerin Street, WARWICK, QLD.

I am advised by constituents and legitimate retailers that many complaints to various authorities have not resulted in any enforcement action on these operations, and that they continue to openly trade in unlawful tobacco products with the obvious awareness of the general public. I take the view that there is comparatively little that the Queensland Police can do about these operations, and that any enforcement action that they may take under state law is unlikely to result in meaningful punishment for the offenders involved.

As offences associated with the unlawful importation and sale of untaxed tobacco falls largely within the federal domain, I request that the AFP take action without delay to enforce the law and to support the prosecution of the offenders involved in the above enterprises. Furthermore, no owner (or their representing agents) of the premises involved who have seen the properties in recent times could be unaware of the purposes for which they are being used. It is therefore possible, I suggest, to warn or prosecute landlords for allowing their commercial properties to be used for unlawful purposes.

The diversion of tobacco sales from legitimate retailers to unlawful businesses is having a significant adverse impact upon small and medium sized businesses in my electorate. This in turn impacts the livelihoods of business owners and their staff. The owner of the IGA supermarkets in Stanthorpe and Warwick advises me that since the opening of the above two shops, his sales of legitimate tobacco products has fallen significantly and has resulted in many hundreds of thousands of dollars of lost revenue every year, and approximately \$170,000 in forgone wages for local staff annually. I believe that other small traders such as newsagents, service stations and pubs in my electorate are also suffering significant losses as a result of the unlawful sale of untaxed tobacco products.

Additionally, the diversion of sales from legitimate taxed tobacco products to unlawful untaxed tobacco has a very significant impact on Commonwealth excise returns, with associated disadvantages to the Australian people, who depend on government services funded by the tax on tobacco.

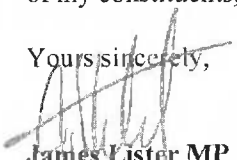
Quite apart from the local and national economic impacts of these unlawful tobacco sales, I object to the obvious involvement of organised crime, with its attendant use (or threat of) violence against whistle-blowers, lawful retailers and the officers of state authorities such as the Queensland Department of Health. The proceeds from the illicit sale of illegally imported tobacco products serve to encourage the criminals involved to continue in and expand their illegal activities, and the profits derived can be used to fund and protect other kinds of organised crime.

It is also significant that the unlawful importation of tobacco products must occur without the enforcement of vital biosecurity measures, and this entails an ongoing threat to our vital primary industries sector.

There are other serious consequences for the unchecked trade in illicit tobacco. My local sources hold the view that there is widespread, and possibly corrupt toleration of the trade in illicit tobacco in Australia. Those who are disadvantaged by what they judge to be official acceptance of tobacco crime could be forgiven for holding this view. Such a perception undermines public confidence in the law and in the federal government institutions responsible for the detection, prevention and prosecution of organised crime.

I would be grateful for your prompt attention to the allegations which I have made on behalf of my constituents, and for your attention to the broader issues which I have raised above.

Yours sincerely,


James Lister MP

Member for Southern Downs

22 Nov 22

Queensland Legislative Assembly

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MP: Mr Lister MP

Clerk's Signature: 

Tabled ☒
By Leave ☐