

**Submission  
No 32**

## **INQUIRY INTO ILLEGAL TOBACCO TRADE**

**Organisation:** Liverpool Plains Shire Council

**Date Received:** 31 July 2025

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The Hon. Robert Borsak MLC  
Chair – Portfolio Committee No. 5  
Justice and Communities  
NSW Legislative Council  
Parliament House  
SYDNEY NSW 2000

31 July 2025

Dear Mr Borsak,

### **Submission to the Inquiry into the Illegal Tobacco Trade in New South Wales**

Liverpool Plains Shire Council (Council) appreciates your efforts to investigate the scale and consequences of the illegal tobacco trade across New South Wales (NSW) and welcomes the opportunity to make a submission to the Legislative Council’s inquiry into the illegal tobacco trade in New South Wales.

You will note that our submission is consistent with those provided by other local councils within the New England-North West, including Glen Innes Severn Council, Inverell Shire Council, Narrabri Shire Council and Uralla Shire Council. It reflects the shared concerns of our communities regarding the proliferation of unlawful tobacconist premises and the associated public health, planning and enforcement challenges.

#### **1. Regional and local context**

1.1. In recent years, the New England-North West has observed a growth in the number of tobacconist-style retailers, often operating under minimal signage and stocking products suspected to be non-duty paid cigarettes, non-prescription vapes, and flavoured tobacco products potentially targeting minors. These outlets frequently emerge in highly visible, high-traffic locations, undermining public health efforts and distorting legitimate retail competition.

#### **2. Community and public health impacts**

2.1. Council is concerned about the public health and social harm caused by unregulated tobacco retail, particularly:

- (a) Increased youth access to vaping and tobacco products,
- (b) Exposure to potentially harmful or counterfeit substances,
- (c) Reputational damage to Glen Innes’s retail precincts,
- (d) Erosion of trust in public health and safety standards, and
- (e) Financial insecurity for compliant small businesses.

- 2.2. There is also increasing concern about links between illegal tobacco operations and broader criminal activity, including money laundering and organised crime.

### **3. Legislative and planning reform**

- 3.1. Current planning instruments offer insufficient controls to distinguish or regulate tobacconist uses. The lack of a specific land use definition enables these premises to gain approval under general categories such as “retail premises” or “shop”. This limits Council’s ability to:
- (a) Apply tailored development consent conditions,
  - (b) Assess health, safety, or proximity risks (e.g., to schools or youth services),
  - (c) Refuse applications in sensitive areas
- 3.2. Council calls on the NSW Department of Planning, Housing and Infrastructure to urgently amend the Standard Instrument – Principal Local Environmental Plan to:
- (a) Introduce a standalone land use definition for “Tobacconist”, and
  - (b) Exclude tobacconists from “shop,” “retail premises,” and “specialised retail premises” definitions.
- 3.3. Transitional provisions are also required for existing tobacconists to achieve compliance with:
- (a) *Public Health (Tobacco) Act 2008 (NSW)*,
  - (b) *Tobacco Advertising Prohibition Act 1992*,
  - (c) *Therapeutic Goods Act 1989*,
  - (d) *Customs Act 1901*,
  - (e) *Excise Act 1901* and *Excise Tariff Act 1921*, and
  - (f) General prohibitions on illicit product sales.

### **4. Resourcing for Enforcement**

- 4.1. Council calls upon the NSW Government and Commonwealth Government to ensure that any new responsibilities stemming from legislative changes are accompanied by:
- (a) Appropriate funding for staffing, compliance, and legal resources, and
  - (b) Support for proactive monitoring and endorsement against unlawful tobacconist activities.

### **5. Recommendations to the Committee**

- 5.1. Council respectfully recommends that the Committee:
- (a) Recognises the unique challenges facing regional communities affected by the rise of illegal tobacco retailers,
  - (b) Support urgent planning reforms to establish a specific “Tobacconist” land use definition in the NSW planning system via an amendment to the Standard Instrument - Local Environmental Plan,
  - (c) Fund enforcement and education initiatives tailored to regional councils and vulnerable communities, and

- (d) Facilitate inter-agency coordination, enabling local councils, Police, NSW Health, and Federal Government agencies to share data, intelligence, and compliance functions.

Once again, Council appreciates your efforts in to investigate the scale and consequences of the illegal trade across NSW. We thank you for the opportunity to provide this submission and stand ready to work cooperatively with all levels of government – including State Government, Federal Government and fellow local councils – to support reform and protect the health, safety and vibrancy of our local communities.

Yours sincerely,



Cian Middleton  
**General Manager**