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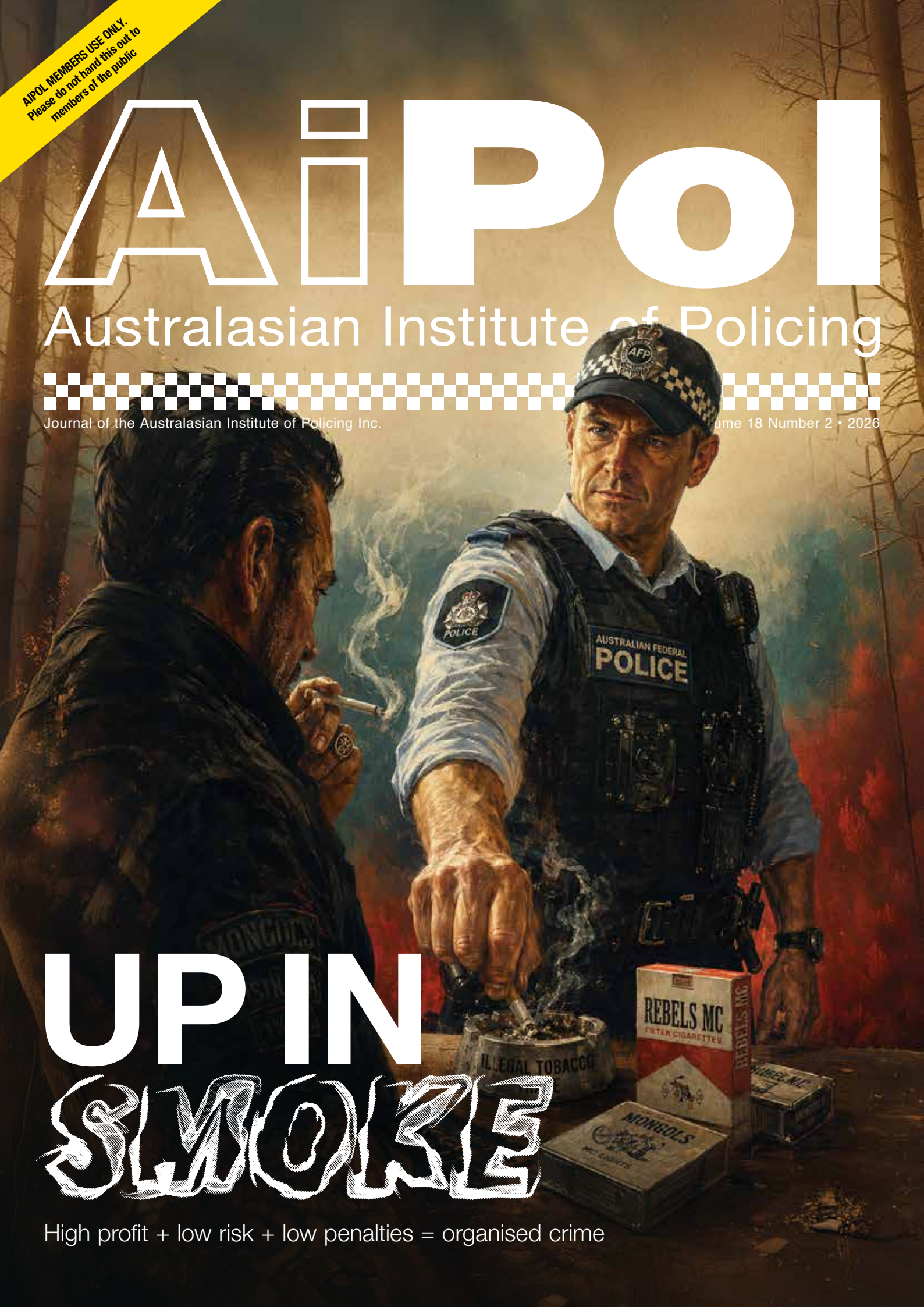


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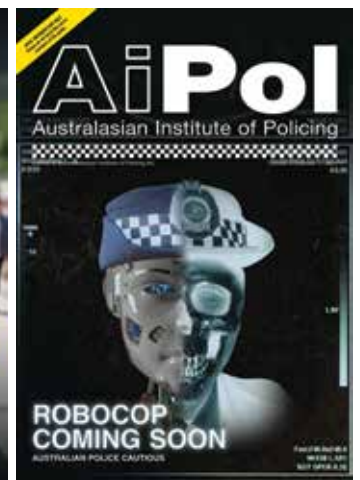


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Editorial

DR AMANDA DAVIES

Editor, Senior Researcher at the Charles Sturt University



“Recent evidence suggests the expansion of Australia’s illicit tobacco market now generates billions of dollars annually while reducing government revenue through tax evasion.”

Welcome to this issue dedicated to presenting a summary of the current ‘state of play’ in policing the Australian illicit tobacco market. The evidence is clear - illicit tobacco trade in Australia has evolved from a taxation and public health issue into a significant organised crime and policing challenge. For the readership less familiar with the policing domain, - Illicit tobacco refers to the production, importation, distribution, and sale of tobacco products that evade government regulations and excise taxes including smuggled cigarettes, counterfeit products, illegal vapes, and “chop-chop” tobacco (unregulated loose tobacco). Rising tobacco excise costs and high retail prices have contributed to the growth of a profitable black market, creating opportunities for organised criminal groups to exploit consumer demand for cheaper products.

Recent evidence suggests the expansion of Australia’s illicit tobacco market now generates billions of dollars annually while reducing government revenue through tax evasion. The market has become increasingly associated with organised crime syndicates that use illicit tobacco as a relatively low-risk, high-profit commodity.

For police agencies, the implications are substantial. Traditionally viewed as a regulatory offence, illicit tobacco trafficking now demands intelligence-led policing approaches commonly associated with organised crime and drug enforcement. Criminal groups involved in tobacco trafficking increasingly employ violence, intimidation, money laundering,

and corruption to protect market share and maintain distribution channels. As illustrated across Australia, police have recently investigated numerous arson attacks, fire bombings, extortion offences, and shootings linked to competition between criminal groups involved in the illicit tobacco market. Such incidents require significant policing resources and create additional pressure on specialised organised crime taskforces.

The consequences also extend to communities. Community safety can be undermined by increased violence associated with criminal turf disputes, particularly where illicit tobacco outlets become targets of organised crime activity. Legitimate businesses may suffer economic harm when competing against cheaper illegal products, while community confidence in law enforcement can be affected if visible criminal activity appears unchecked. Additionally, illicit tobacco products bypass regulatory oversight and age restrictions, increasing accessibility for young people and creating broader public health concerns.

The articles in this issue illustrate how a seemingly low-level market can develop into a complex criminal and public safety issue. It is evident police agencies across the country and beyond the Australian shores are affecting collaborative policing strategies involving intelligence sharing, border protection agencies, public health sectors, and community partnerships to disrupt criminal networks and it is an ongoing challenge which calls for high levels of legislative preparedness to support the officers on the frontline.



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President's Foreword

Smokes are a gift to Organised Crime - “low risk, high reward”

The Australasian Institute of Policing (AiPOL) welcomes the establishment in late 2025 of the Illicit Tobacco National Disruption Group (ITNDG), a first-of-its-kind whole-of-Government capability to target and disrupt criminals and enablers operating in the illicit tobacco market.

However, as many AiPOL members are aware, along with our readers, organised crime have been given a ‘free ticket’ for some time due to the operational gaps between federal agencies, state police and regulatory bodies. Organised crime has once again identified the weaknesses in our capacity to detect and investigate their criminality.

Any casual observer would be aware of the large number of tobacco shops opening across Australia, particularly in country towns. In one small town on the NSW south coast I have observed three (3) new tobacco shops open within the last 12 months. Local residents all mentioning that they purchase ‘cheap’ cigarettes from these new premises. At the same time, we have seen in the last 12 months increasing firebombing of tobacco establishments as the ‘tobacco wars’ become more public.



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The average person walking down the street recognise that the country has a massive problem with illicit tobacco. 'Cheap smokes' are everywhere with a ridiculously obvious illicit retail distribution network.

The latest official estimates in the ITEC Commissioner's 2024/25 annual report are breathtaking:

- Between 50% and 60% of all tobacco products sold in Australia are now illicit;
- Organised criminal groups earned an estimated \$4.1 to \$6.9 billion dollar profit from this trade, which can be reinvested into other nefarious businesses including trafficking, scams and money laundering; and
- Almost every vape purchased in Australia was illegal (about 95.7% of all e-cigarette products sold) with a market value of about \$1.6 billion dollars.

What use to be seen as a health and revenue issue has now morphed into a serious and organised crime crisis due to lack of appropriate action by authorities. Once again, governments, policy makers, regulatory bodies and police are 'on the back foot' in their response to organised crime.

Since 2023, SOC efforts to dominate the illicit tobacco and e-cigarette market have escalated, contributing to more than 200 fire bombings, at least three homicides (including an innocent civilian), and multiple other non-fatal violent attacks. These acts endanger the community, place pressure on emergency services, and highlight the low-risk, high-reward nature of the market for criminal actors.¹

Most illicit tobacco imported to Australia is coordinated by a small number of highly sophisticated transnational criminal networks, which have entrenched criminal associates and violent enforcers in Australia.

These organised crime groups have identified that illicit tobacco can make them high profits at low risk and with low penalties if caught by authorities. Transnational criminal groups are using established crime structures and methodologies to import illicit tobacco with lower penalties than other illicit commodities such as narcotic importations.

As demonstrated with the 'tobacco wars' in Australia, they have no hesitation in using violence, including against those who speak to police.

In just one Victorian Operation, named Tiger-Gemaris, the AFP in July 2025 executed nine search warrants on three residential premises and six storage units. About 57 pallets of illicit tobacco products were seized, including 5.8 million cigarettes and 84,000 vapes. It is estimated the value of the illicit goods was more than \$10 million.

Since June 2025, the AFP-led Criminal Assets Confiscation Taskforce has restrained more than \$33 million in proceeds of crime linked to illicit tobacco. Millions of dollars in bank accounts, gold bullion, cryptocurrency, luxury vehicles and multiple residential and commercial properties have been restrained.

Whilst high tobacco taxes continue to reduce smoking in Australia the purchasing of illicit tobacco is on the rise and the high tax is creating a strong black market. The Australian Criminal Intelligence Commission (ACIC) has identified that illicit tobacco is "low risk, high reward" for organised crime and that there are crime groups across domestic cultivation, importation, distribution and within retail networks.

The Australian Border Force (ABF) is leading the coordination of the new Illicit Tobacco National Disruption Group (ITNDG). Led by the ABF, the ITNDG brings together traditional and non-traditional federal, state and territory agencies such as police, tax, health, financial and other regulatory organisations to share intelligence and coordinate joint action against those importing, selling or distributing illicit tobacco. It is focusing on the mid-level criminals and enablers operating within small business, the retailer sector, intermediaries (such as couriers, property owners etc.) and sole traders – while the ABF-led Illicit Tobacco Taskforce (ITTF) continues to target serious criminal syndicates importing or producing tobacco on a large scale.

Expanding enforcement beyond traditional policing agencies has connected regulatory compliance to a coordinated national disruption response while removing the burden on police so they can focus on the serious organised elements of illicit tobacco crime.

The innovative and intelligence-led operating model is designed to disrupt and dismantle illicit tobacco operators swiftly by exploiting avenues not previously utilised in a joined-up capacity.

A key feature of the ITNDG operating model include novel agency partnerships working collaboratively using each agency's respective powers and capabilities. Specifically, this involves intelligence sharing to support investigative and other regulatory activities that result in impactful outcomes to break the business model of the illicit tobacco trade.

Current federal partner agencies in the National Disruption Group are Home Affairs, The Australian Federal Police, AUSTRAC, Australian Criminal Intelligence Commission, Australian Taxation Office, Department of Health Disability and Ageing (including the Therapeutic Goods Administration), Department of Agriculture, Fisheries and Forestry, Illicit Tobacco and E-Cigarette Commission and Services Australia.

The first official operation of the Australian Border Force (ABF)-led Illicit Tobacco National Disruption Group (ITNDG) across Queensland and South Australia has resulted in:

- Arrest of a United Kingdom national charged with possession of illicit tobacco
- Seizure of approximately 3 million illicit cigarettes, over 327kg loose-leaf tobacco and over 22,040 vaping devices.
- Seizure of over AUD \$2.127million cash
- Seizure of illicit property including several vehicles totalling over AUD \$700,000 street value
- Issued temporary closure of 25 non-compliant retail outlets
- Identified 70 persons of interest
- Total of approximately AUD \$5 million estimated duty evaded

NDG Operation TEMPEST26 was a three-phased joint agency operation to detect, deter and disrupt illicit tobacco networks that threaten Australia's borders and the community.

Phase one saw partner agencies collaborate and share critical information and intelligence with the NDG, identifying potential threats, persons of

¹ ACIC Facebook announcement 20 November 2025

interest and criminal activity within the illicit tobacco networks in Queensland and South Australia.

Information and intelligence supplied in phase one was assessed and triaged through the NDG, identifying a range of opportunities for disruption in the supply chain of illicit tobacco including import, storage, distribution and retail by mid-level criminals and enablers.

This information fed into phase two - the coordinated high visibility week of action, which took place between Monday 23 and Saturday 28 February 2026.

Over 75 locations were targeted, including shopfronts, warehouses and residential properties, with results from the nationally coordinated week of action highlighting the successful approach of NDG coordinating information and intelligence sharing, enforcement, and disruption activities.

Agencies involved included the ABF, the Australian Federal Police (AFP), Therapeutic Goods Administration (TGA), the Australian Taxation Office (ATO), the Australian Criminal Intelligence Commission (ACIC), Services Australia, Queensland Police Service (QPS), Queensland Health (Qld Health), Queensland State Penalties Enforcement Registry (SPER), AUSTRAC, South Australia's Consumer and Business Services, and South Australian Police (SAPOL).

Queensland week of action results

Officers from ABF, QPS, Qld Health, TGA, SPER, AFP and ATO attended approximately 60 retail outlets, residential properties and commercial properties located in Queensland, and seized:

- Over 2,432,500 illicit cigarettes, 266 kg loose-leaf tobacco, over 20,800 vaping devices and accessories,
- Approximately AUD \$2,121,000 million cash,
- Two safes and three vehicles, and
- Several thousand drug utensils and counterfeit drugs.

Officers issued the temporary closure of 10 stores and identified 51 persons of interest with known links to the illicit tobacco trade.

While searching a residential property in the Brisbane suburbs, AFP, QPS and SPER located approximately AUD \$1.5 million cash, while SPER seized over AUD \$600 thousand in cash and collected over AUD \$ 180,000 in outstanding debt.

South Australia week of action results

Across 15 retail outlets and residential properties located in South Australia, officers from ABF and Consumer and Business Services SA seized:

- Over 368,600 illicit cigarettes, 61.6 kg loose leaf tobacco, 1,168 vaping devices and approximately AUD \$ 5,600 cash,
- Identified 19 persons of interest with known links to the illicit tobacco trade, and
- Shut down 15 outlets selling illicit tobacco and vapes for 28 days.

While searching a shopfront property in the northern suburbs of Adelaide, officers located an underground room. A search of the hidden room located several boxes of illicit tobacco as well as further information to assist with ongoing enquiries.

During the week of action, a UK national was also arrested by ABF officers for selling illicit tobacco and was charged with offending pursuant to Customs Act 1901 section 233BABAD possessing imported tobacco with an intention to defraud revenue. Further charges are being considered, the female will appear in the Elizabeth magistrates court on 8 April 2026.

The second official operation of the Australian Border Force (ABF)-led Illicit Tobacco National Disruption Group (NDG) across New South Wales (NSW) and the Australian Capital Territory (ACT) has resulted in:

- Seizure of approximately 2,969,000 illicit cigarettes, over 184kg loose-leaf tobacco and over 98,500 vaping devices.
- Seizure of over AUD \$27,000 cash
- Issued short term closure orders at 23 non-compliant retailers and the re-closure under an existing order of one retail store
- Identified 15 persons of interest
- Total of approximately AUD \$4.23 million in estimated duty evaded

This coordinated high visibility week of action took place between Monday 20 and Friday 24 April 2026.

Over 34 locations were targeted, including 30 retailers and 4 air cargo depots, with results from the nationally coordinated week of action highlighting the successful approach of NDG coordinating information and intelligence sharing, enforcement, and disruption activities.

Agencies involved in the second official operation included the ABF, NSW Health, NSW Police, NSW Crime Commission, ACT City and Environment Directorate, ACT Police, Australian Criminal Intelligence Commission (ACIC), the Australian Federal Police (AFP), the Therapeutic Goods Administration (TGA), AUSTRAC and Services Australia.

NSW week of action results

NSW Health inspectors supported by NSW Police, ABF and TGA conducted inspections at 24 retail outlets located across the Central coast; concurrently, ABF officers attended 4 air cargo depots located in Sydney, these activities resulted in the seizure of:

- Over 2,514,000 illicit cigarettes, 158 kg loose-leaf tobacco and over 96,900 vaping devices, and
- 260 cigars, and
- 800 nicotine pouches.

NSW Health inspectors issued 23 short term closure orders to retail outlets, and reclosed 1 retail outlet under its existing closure order, with ABF identifying 9 persons of interest with known links to the illicit tobacco trade.

ACT week of action results

Across 6 retail outlets located in Canberra, officers from Access Canberra, ACT Police and TGA, working with the ABF seized:

- Over 455,100 illicit cigarettes, approximately 26kg loose leaf tobacco, and over 1,640 vaping devices
- Identified 6 persons of interest with known links to the illicit tobacco trade, and
- Approximately AUD \$27,400 cash, and over 6,290 cigars

The NDG currently has 29 external partnerships across Federal, State and Territory agencies, and industry sectors committed to supporting coordinated action led by the NDG.

As can be seen from the two official operations by the ITNDG, intelligence led policing by the ACIC, coupled with the establishment of the ITNDG, has led to greater detection, prosecution and criminal sentencing. Legislators need to ensure the penalties are appropriate when involving organised crime and the Judiciary needs to enforce those maximum penalties if we are to stem this criminality. Whilst it remains that there is a high profit margin and relatively low

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penalties, it is the ideal criminal market for organised crime.

Although some argue that the high tax policy on cigarettes is feeding the black market, a coordinated effort to tackle organised crime involved in illicit tobacco is somewhat in its infancy. Before tax changes are implemented, law enforcement should be given the opportunity to 'crack down' on this somewhat obvious crime. Coordinated targeting, along with appropriate criminal penalties, including asset seizures will have an impact.

There needs to be stronger offences for large-scale illicit tobacco activity linked to organised crime. Current criminal penalties are inadequate. There needs to be increases in the criminal penalties across importing, possessing, buying, selling, producing and manufacturing illicit tobacco. Unexplained wealth legislation and proceeds of crime tools should apply to illicit tobacco. Telecommunication and listening device legislation needs to be amended so that it can include serious tobacco offences. There needs to be not just increases

in monetary penalties but there needs to be substantial increases in terms of imprisonment to more effectively combat transnational and organised crime groups engaged in the illicit tobacco market.

Other considerations could be closure of tobacco stores found to be selling illicit tobacco. There needs to be a national approach in regards to legislation. Some innovative ideas should be considered such as:

- Law enforcement having 'open warrants' in relation to tobacco stores;
- The ability for authorities to close retailing businesses that are operating illegally for up to 6 months without a court order or 24 months with a court order;
- Legislation to enable landlords to quickly evict tenants who sell illegal tobacco and nicotine products from their properties;
- Legislation to compel landlords to evict tenants once they become aware of illegal tobacco and nicotine product sales at their rented properties;
- Legislation to allow law enforcement to confiscate all tobacco products on a premises where illegal products are found rather than having to determine the status of each product that is seized, which can be a time-consuming process;
- All state and territories should tighten licensing and compliance requirements, including introducing 'fit and proper person tests' for Directors involved in wholesale and retail supply chains (similar to Liquor & Gaming requirements);
- All states and territories should implement a minimum retail sales price for tobacco products to better catch those retailers who sell untaxed products. This could be a condition placed on all retailer licences; and
- Federal, states and territories unexplained wealth legislations needs to be amended so that it can be used against tobacco store owners found to be selling illicit tobacco.

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National Wastewater Surveillance of Illicit Tobacco and Vaping Use Trends in Australia

KEY POINTS

Question

Following recent tobacco control policies, what are the trends in smoking and vaping in Australia?

Findings

In this cross-sectional study, with wastewater samples representing up to 50% of the Australian population, a continued decline in tobacco use was observed, particularly in regional areas. However, the results also suggested a recent increase in nicotine consumption primarily sourced from vaping products as well as an expansion of the illicit tobacco market in Australia.

Meaning

This study found that tobacco use has decreased in Australia; however, the rise in illicit tobacco and vaping underscores the need for additional measures to maintain progress in tobacco control.

Read the
Full Article



Author information found online*

Abstract

Importance

Australia is leading the world in efforts to reduce tobacco use by implementing high cigarette taxes and restrictive regulations on nicotine vaping products. However, concerns have emerged that these policies may unintentionally drive the expansion of illicit tobacco and vaping markets, potentially undermining public health gains.

Objectives

To assess spatial and temporal changes in total nicotine, tobacco-derived nicotine, and illicit tobacco use across Australian regions of different remoteness from 2017 to 2023.

Design, Setting, and Participants

This longitudinal, cross-sectional wastewater study was performed from April 2017 to April 2023. Wastewater samples were collected from as many as 55 wastewater treatment plants (WWTPs) in Australia, including 3 remoteness levels: major cities, inner regional, and outer regional to remote areas. The selected WWTPs serve more than 50% of the Australian population.

Main Outcomes and Measures

Nicotine metabolites (cotinine and hydroxycotinine) and the tobacco-specific alkaloid (anabasine) were analyzed in wastewater samples using a validated liquid-chromatography tandem mass spectrometry method. Total nicotine and tobacco-derived nicotine consumption were back-estimated. Illicit tobacco use was identified in combination with the tobacco sales data.

Results

Wastewater samples collected across Australia, representing 14 million people, were analyzed for back-estimation. Total nicotine consumption declined fastest in outer regional to remote areas (-2.2% annually; 95% CI, -3.2% to -1.1%), followed by inner regional areas (-1.4% annually; 95% CI, -2.1% to -0.8%), and remained stable in major cities. By comparison, tobacco-derived nicotine consumption decreased faster in major cities (-5.0% annually; 95% CI, -8.3% to -1.9%) and inner regional areas (-9.8% annually; 95% CI, -12.5% to -7.3%) than in the outer regional to remote areas (-2.3% annually; 95% CI, -6.0% to 1.8%). Illicit tobacco use was estimated to have increased from 1350 to 3400 tons from 2017 to 2023.

Conclusions and Relevance

In this cross-sectional study of wastewater surveillance in Australia, different trends of tobacco use were observed across regions, accompanied by increasing use of illicit tobacco and vaping products. These findings provide evidence for future tobacco and vaping control policies. Ongoing wastewater monitoring is essential for evaluating new tobacco and vaping product control measures implemented in 2024.



**“ILLICIT TOBACCO USE
WAS ESTIMATED TO
HAVE INCREASED FROM
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FROM 2017 TO 2023.”**

Introduction

Smoking remains a leading risk factor for premature mortality and morbidity in Australia, accounting for 7.6% of the total disease burden and 11.6% of all deaths in 2024. This persists despite significant government efforts to reduce tobacco smoking, notably through high tobacco taxes that have increased annually, one of the most effective policies in reducing smoking prevalence. Australia has no domestic tobacco manufacturing, so all tobacco sold in Australia is imported. This means consumption trends are particularly sensitive to the balance between taxation policies driving down consumption or causing diversion to illicit markets. In 2010, a 25% one-off tax increase was implemented, followed by annual 12.5% increases from 2013 to 2020, and 3 additional 5.0% annual increases from 2023 to 2025.

As a result of these changes, the daily smoking rate in Australia declined markedly from 15.0% in 2010 to 8.3% in 2022 to 2023. This progress surpassed the goal of reducing daily smoking to 10.0% by 2025, bringing Australia closer to the goal of a 5.0% daily smoking prevalence by 2030. However, high rates of taxation appear to have led to the growth of substantial illicit markets in tobacco and e-cigarettes, or vaping products.

The growing use of vaping products has raised public health concerns, prompting governments to implement policies to limit their availability. Nicotine-containing vaping products have never been legally available for general consumer use in Australia, yet their use has surged. From 2016 to 2023, daily vaping prevalence increased from 0.5% to 3.5%. The highest rates have been observed among young adults, largely driven by easy availability and an abundance of appealing flavors. In response, regulations have been introduced to limit youth access while permitting adults to access vaping products via prescription for smoking cessation purposes.

To effectively monitor the impact of tobacco control policies on tobacco smoking and nicotine vaping, it is essential to understand their use among different sociodemographic groups. Wastewater analysis has proven to be an effective tool for obtaining this information when used appropriately. It is possible to use it to monitor trends in

Equation: 1-3

Equation 1

$$\text{Total nicotine consumption (mg/1000 people/d)} = \frac{(C_{\text{cotinine}} + C_{\text{hydroxycotinine}}) \times F}{P \times EF_{\text{cotinine + hydroxycotinine}}}$$

Equation 2

$$\text{Tobacco use (cigarettes/1000 people/day, CPD)} = \frac{C_{\text{anabasine}} \times F}{P \times EF_{\text{anabasine}}}$$

Equation 3

$$\text{Tobacco-derived nicotine consumption (mg/1000 people/d)} = \text{tobacco use (CPD)} \times N$$

both total nicotine and tobacco-derived nicotine consumption. This approach also enables comparison of consumption across geographic regions. By integrating wastewater and sales data, it is possible to estimate the proportion of tobacco use that originates from illicit sources.

This study aimed to investigate the temporal trends of total nicotine and tobacco-derived nicotine consumption across different remoteness regions of Australia by monitoring nicotine metabolites (cotinine and hydroxycotinine) and anabasine in wastewater. More importantly, by combining the wastewater-based estimate with annual tobacco sales data, the study sought to assess the trajectory of illicit tobacco use.

Methods

Data Source

This longitudinal, cross-sectional study adhered to the Strengthening the Reporting of Observational Studies in Epidemiology (STROBE) reporting guideline for cross-section studies. This project has been reviewed by UQ Research Ethics and Integrity and was

deemed to be exempt from ethics review under the National Statement on Ethical Conduct in Human Research and relevant University of Queensland policy.

Sample Collection

The wastewater samples analyzed in this study were collected by the Australian National Wastewater Drug Monitoring Program (NWDMP) from April 2017 to April 2023, which were collected from areas covering more than 50% of the Australian population. Details of sampling, catchment population, and flow data collection are provided in eTables 1 and 2 in Supplement 1.

Data Analysis

Two nicotine biomarkers (cotinine and hydroxycotinine) and a tobacco-specific alkaloid (anabasine) were analyzed in wastewater samples using validated liquid-chromatography tandem mass spectrometry methods. Back-estimations were performed, with a flowchart (eFigure 1 in Supplement 1) illustrating the interrelationships among equations. Definitions of all terms in the equations are provided in eFigure 2 in Supplement 1. First, total nicotine

consumption was calculated from nicotine metabolites (Equation 1):

Then, tobacco use was estimated from anabasine to units of cigarettes (Equation 2):

To convert the anabasine tobacco-specific measurements to the equivalent consumption estimate of tobacco-derived nicotine, tobacco use and the milligrams of nicotine per cigarette are multiplied (Equation 3).

C represents the concentration of biomarkers (in micrograms per liter), F represents the flow of the wastewater during the sampling period (in megaliters per day), and P represents the population covered by the wastewater catchment (x1000). $EF_{\text{cotinine} + \text{hydroxycotinine}}$ represents the excretion rate of nicotine biomarkers after nicotine consumption (74%) $\$EF_{\text{anabasine}}$ is 1.13 µg/cigarette, and N is nicotine dose of each cigarette (0.9 mg/cigarette).

The sampling sites were classified into 3 remoteness levels. The Australian Bureau of Statistics categorizes areas based on relative access to services as very remote, remote, outer regional, inner regional, and major cities. Since there were only 2 sites in the remote category and none in the very remote category, these were combined with the outer regional category and labeled as outer regional to remote. As a result, the sites were ultimately categorized into 3 remoteness levels: major cities, inner regional, and outer regional to remote.

Both the national weighted average total nicotine consumption and tobacco-derived nicotine consumption from each month were calculated by combining mean values of nicotine consumption in different remoteness areas, with the proportion of Australians living in different areas. That is, 72% of all Australian residents live in major cities, 18% in inner regional areas, and the other 10% in outer regional to remote areas. The weighted average tobacco use of each month was calculated (Equation 4):

Then, wastewater-based estimates (WBE) of annual tobacco use were calculated (Equation 5), where tobacco content is assumed to be 0.7 g/cigarette on average.

The tobacco industry-funded report by FTI Consulting on illicit tobacco in Australia 2024 included (1) national legal tobacco use data (FTI legal estimates): legal sales data in Australia and estimates of products brought in by international arrivals based

Equation: 4-6

Equation 4

$$\text{Weighted-average estimation} = \text{mean}_{\text{major cities}} \times 0.72 + \text{mean}_{\text{inner regional}} \times 0.18 + \text{mean}_{\text{outer regional to remote}} \times 0.1$$

Equation 5

$$\text{WBE annual tobacco use (tons)} = \text{weighted-average}_{\text{tobacco use}} \times \text{population} \times 365 \text{ d} \times \text{tobacco content}$$

Equation 6

$$\text{WBE illicit tobacco use (tons)} = \text{WBE annual tobacco use} - \text{FTI legal estimates}$$

on source country; and (2) national estimates of illicit tobacco use (FTI illicit estimates) in Australia over the period from 2013 to 2023. Furthermore, the FTI report also presents police seizures data, which includes seizure data from both Australian Border Force and the Australian Taxation Office.

The WBE illicit tobacco use was calculated in Equation 6:

The legal tobacco use estimates (sourced from the report, FTI legal estimates) were subtracted from the annual tobacco use in wastewater estimates (WBE annual tobacco use).

Statistical Analysis

Data were plotted by grouping each site by remoteness categories by time. Temporal trends were plotted using linear regression and annual rates of decline determined based on the linear regression slope. Differences among groups were assessed using 1-way analysis of variance. Two-tailed tests were performed, and a $P < .05$ was regarded as statistically significant. To evaluate the practical significance of the findings, Cohen d was calculated as an effect size measure to quantify

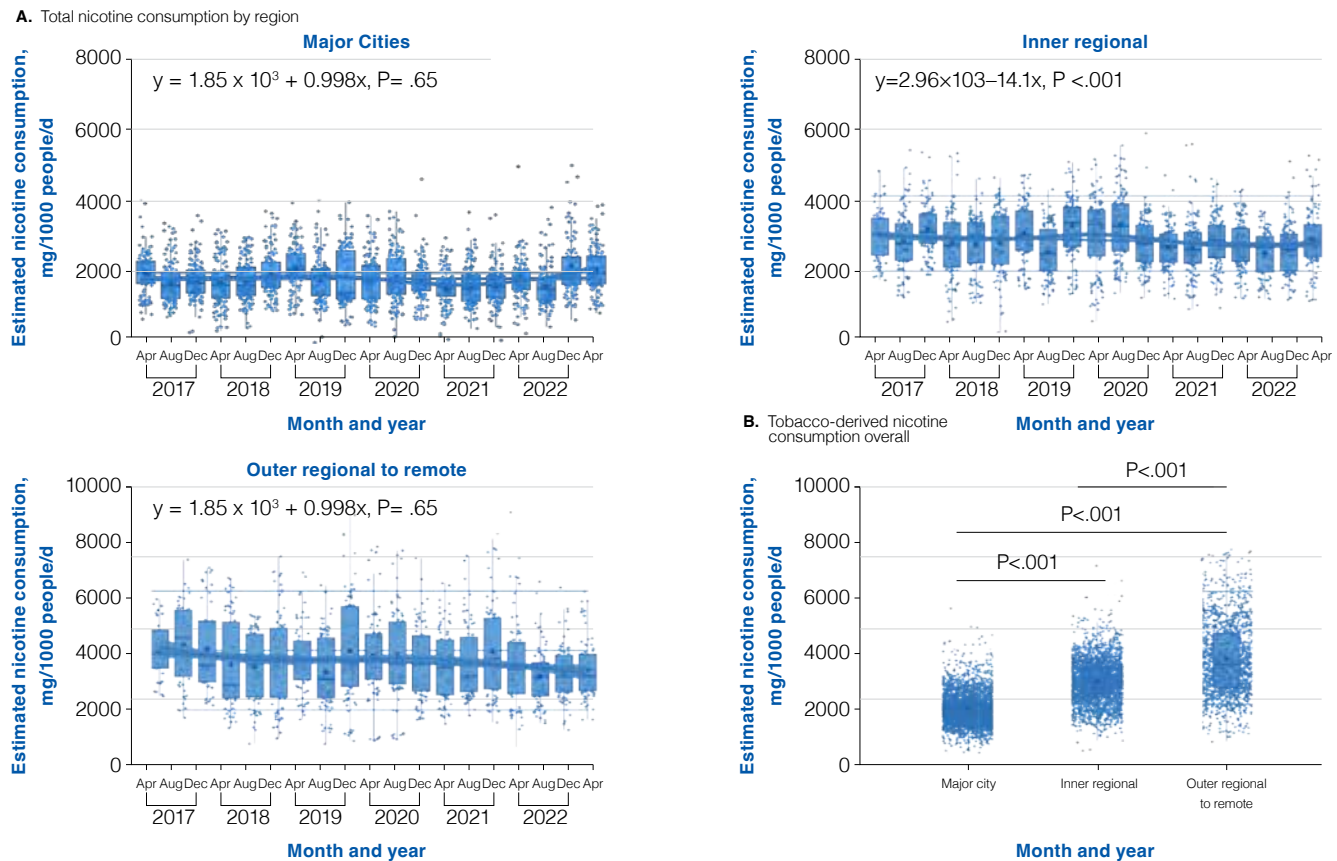
the magnitude and practical relevance of the observed group differences. Effect sizes of 0.2 to 0.3 were considered small; 0.5, medium; and ≥ 0.8 large. Data analysis and visualization were performed using R version 4.5.1 (R Project for Statistical Computing) and Prism version 10.5.0 (GraphPad).

Results

Total Nicotine Consumption at Different Levels of Remoteness

In the period of 2017 to 2023, wastewater samples from as many as 55 wastewater treatment plants, covering 14 million people, were collected from 3 remoteness levels in Australia, resulting in a total of 5987 measurements. Total nicotine consumption data were retrieved from the National Wastewater Drug Monitoring Program. Temporal trends in total nicotine consumption varied over time in different remoteness categories (**Figure 1A**). Daily total nicotine consumption in major cities remained stable (annual change: 0.2%; 95% CI, -0.5% to 0.9%; $P = .65$) but declined significantly in inner regional (annual change: -1.4%; 95% CI, -2.1% to -0.8%; $P < .001$) and outer regional to

Figure 1. Consumption of Total Nicotine by Level of Remoteness, 2017 to 2023



The box plots display the 25th and 75th percentiles (box edges), median (center line), and 5th and 95th percentiles (whiskers). The black dots represent the mean consumption estimate in the period, and the gray diamonds represent individual measurements. The red line represents the LOESS localized polynomial smoothing, and the blue line represents the simple linear regression (with text at the top of the plot indicating the linear equation), with shaded areas presenting the 95% CIs.

remote (annual change: -2.2%; 95% CI, -3.2% to -1.1%; $P < .001$) areas.

Mean total nicotine consumption differed significantly by the level of remoteness across Australia (**Figure 1B**). Total mean (SD) nicotine consumption in major cities (1860 [602] mg/1000 people/d; 95% CI, 1840-1890 mg/1000 people/d) was significantly lower than in inner regional areas (2820 [811] mg/1000 people/d; 95% CI, 2780-2850 mg/1000 people/d) ($P < .001$; Cohen $d = 1.36$) and outer regional to remote areas (3630 [1350] mg/1000 people/d; 95% CI, 3560-3700 mg/1000 people/d) ($P < .001$; Cohen $d = 1.88$) (Figure 1B). Lastly, total nicotine consumption in inner regional areas was significantly lower than that in outer regional to remote areas ($P < .001$; Cohen $d = 0.76$).

The box plots display the 25th and 75th percentiles (box edges), median (center line), and 5th and 95th percentiles (whiskers). The black dots represent the mean consumption estimate in the period, and the gray diamonds represent individual measurements. The red line represents the LOESS localized

polynomial smoothing, and the blue line represents the simple linear regression (with text at the top of the plot indicating the linear equation), with shaded areas presenting the 95% CIs.

Tobacco-Derived Nicotine Consumption at Different Levels of Remoteness

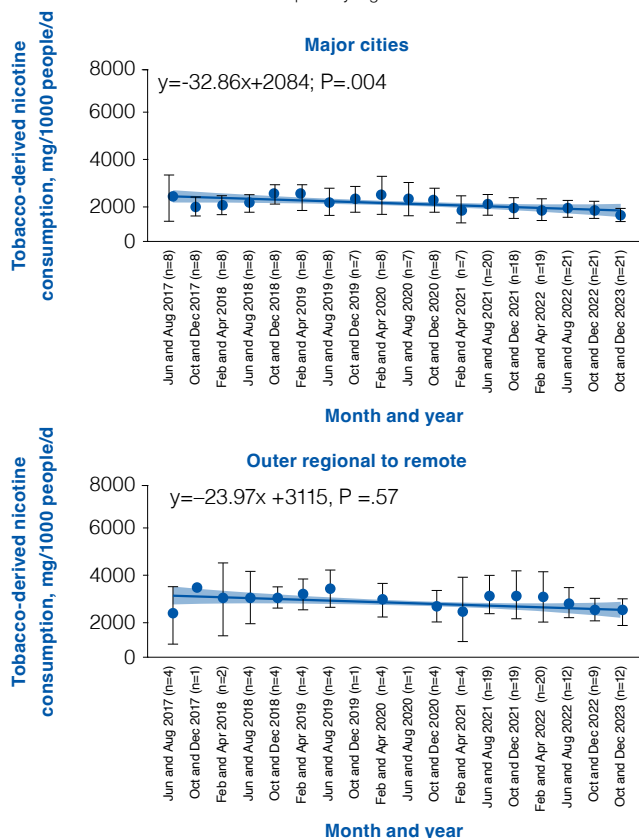
Anabasine was used to track tobacco-derived nicotine consumption trends. Temporal trends in tobacco-derived nicotine consumption varied in different categories of remoteness from 2017 to 2023 (Figure 2A). Daily tobacco-derived nicotine consumption decreased significantly in both major cities (annual change: -5.0%; 95% CI, -8.3% to -1.9%; $P = .004$) and inner regional areas (annual change: -9.8%; 95% CI, -12.5% to -7.3%; $P < .001$). These decreasing rates were faster than the decline in total nicotine consumption. However, there was not a statistically significant decrease in outer regional to remote areas (annual change: -2.3%; 95% CI, -6.0% to 1.8%; $P = .57$), which showed a similar decreasing rate to the decline of total nicotine consumption.

Mean (SD) tobacco-derived nicotine consumption in major cities (1690 [580] mg/1000 people/d; 95% CI, 1610-1770 mg/1000 people/d) was significantly lower than in inner regional areas (2600 [1070] mg/1000 people/d; 95% CI, 2430-2760 mg/1000 people/d) and outer regional to remote areas (2660 [1010] mg/1000 people/d; 95% CI, 2480-2840 mg/1000 people/d) ($P < .001$) (Figure 2B). The observed Cohen d values are 1.03 and 1.16, suggesting substantial differences in tobacco-derived nicotine consumption between major cities and the other 2 regions. There was no difference between inner regional and outer regional to remote areas ($P = .55$, Cohen $d = 0.06$).

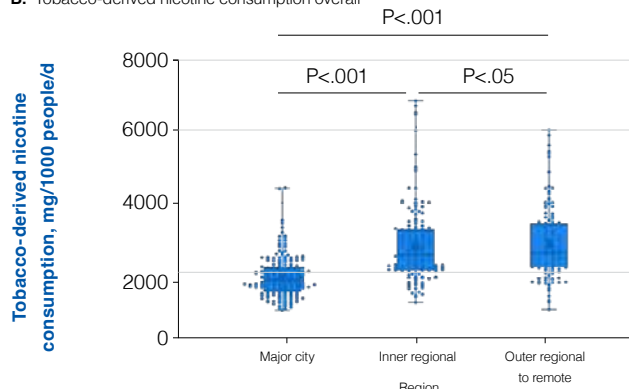
A, The dots and whiskers indicate the medians and IQRs, respectively. The lines represent simple linear regression, with the corresponding regression equation displayed at the top of the plot, and the shaded areas presenting the 95% CI. B, The box plots display the 25th and 75th percentiles (box edges), median (center line), and 5th and 95th percentiles (whiskers). The black dots represent the mean consumption estimate in the period.

Figure 2. Consumption of Tobacco-Derived Nicotine by Level of Remoteness

A. Tobacco-derived nicotine consumption by region



B. Tobacco-derived nicotine consumption overall



The dots and whiskers indicate the medians and IQRs, respectively. The lines represent simple linear regression, with the corresponding regression equation displayed at the top of the plot, and the shaded areas presenting the 95%CI. B, The box plots display the 25th and 75th percentiles (box edges), median (center line), and 5th and 95th percentiles (whiskers). The black dots represent the mean consumption estimate in the period.

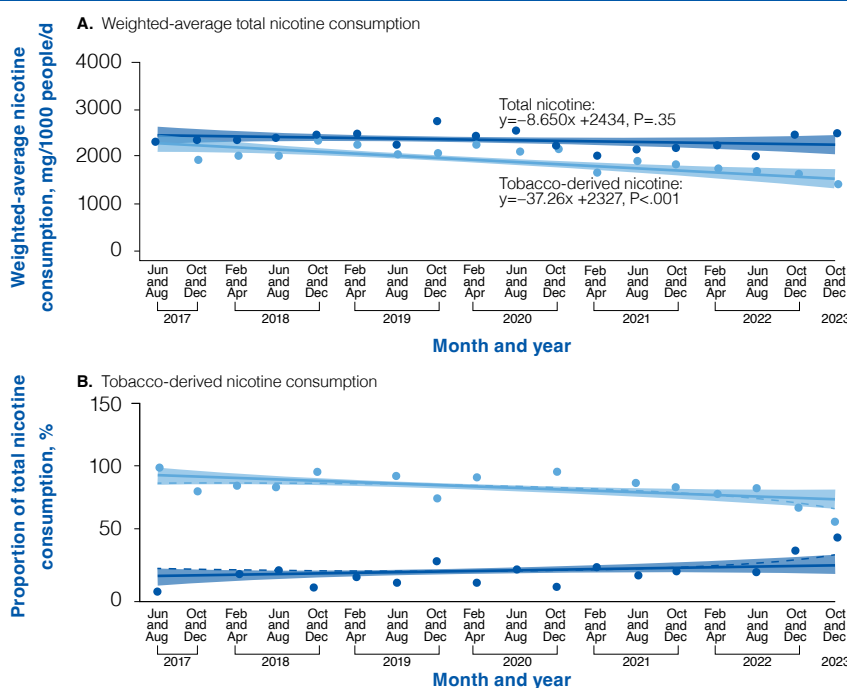
National Trends for Total Nicotine and Tobacco-Derived Nicotine Consumption

To compare the total nicotine and tobacco-derived nicotine consumption at the national level, the national weighted-average estimates were calculated using Equation 4, and the temporal trends are presented in Figure 3A. Total nicotine consumption was stable over the studied period ($\$P = .35$), but tobacco-derived nicotine consumption had a significant decline of 28% (95% CI, 13%-40%; $\$P < .001$).

The percentage of tobacco-derived nicotine relative to total nicotine consumption was calculated (Figure 3B), with an overall decline from 94.6% (95% CI, 85.9% to 103.3%) in 2017 to 74.0% (95% CI, 65.0% to 82.4%) in 2023. Correspondingly, the proportion of nicotine consumption sourced from both vaping and nicotine replacement therapy (NRT) products increased from 5.4% (95% CI, -3.3% to 14.0%) to 26.3% (95% CI, 17.6% to 35.0%) over the same period (Figure 3B).

The colored lines represent the simple linear regression, with the equation of the lines displayed at the top of the plot.

Figure 3. Comparison Between Weighted-Average Total Nicotine and Tobacco-Derived Nicotine Consumption, 2017 to 2023



The colored lines represent the simple linear regression, with the equation of the lines displayed at the top of the plot. The shaded areas present the 95%CI. Anabasine was not analyzed in Western Australia and South Australia samples due to limited resources, so in this figure, data were not included for total nicotine consumption.

the lines displayed at the top of the plot. The shaded areas present the 95% CI. Anabasine was not analyzed in Western Australia and South Australia samples due to limited resources, so in this figure, data were not included for total nicotine consumption.

Estimates of Illicit Tobacco Trends

The wastewater estimates of annual tobacco use were calculated following Equation 5, which witnessed a considerable decline from 14,650 to 10,300 tons in 2017 to 2023 (Figure 4A). When comparing with the total sales of legal tobacco (FTI legal estimates), WBE illicit estimates was estimated and is presented in Figure 4B. An increase from 1350 tons to 3400 tons was observed over the period. Wastewater estimates of illicit tobacco use were consistently higher than FTI estimates of illicit tobacco since 2019. Police seizures of illicit tobacco products over the period have also been increasing (Figure 4B).

A, Trends of wastewater-based estimates (WBE) of total tobacco use and FTI estimates of legal tobacco use. B, shows trends of WBE estimates and FTI estimates of illicit tobacco use. WBE estimates annual tobacco use, indicates annual tobacco use based on wastewater estimates; WBE estimates illicit, illicit tobacco estimation calculated by comparing WBE estimates annual tobacco use and FTI estimates legal. FTI estimates legal, FTI estimates illicit, and police seizures data come from the reports of Illicit tobacco in Australia, published by FTI Consulting. FTI estimates legal presents the legal sales tobacco data; FTI estimates illicit, the estimation of illicit tobacco data in Australia market; police seizures, the annual seizure data of illicit tobacco, covering the financial years 2017-2018 through 2022-2023.

Discussion

In this study, we found that tobacco-derived nicotine showed an overall downward trend in all regions, with the fastest decline observed in inner regional areas. The decrease in tobacco use coincides with progressive increases in tobacco excise (from \$0.70 to \$1.24 per cigarette in 2017 and 2023, a 77.1% increase), a policy measure strongly associated with reduced smoking rates. This decline also coincides with survey results, which found the proportion

of the smoking population who were motivated to attempt to quit or cut down due to the cost of tobacco significantly increased from 38.1% in 2007 to 56.8% in 2019. During the same time frame several other tobacco control measures, such as smoke-free laws, public health media campaigns, and cessation support services, were introduced. Overall, our data showed that tobacco use has continued to decline, which aligns with Australia's strengthened tobacco control policies.

The geographic pattern of higher total nicotine and tobacco-derived nicotine consumption estimates in more remote (less urban) areas aligns with survey data on smoking prevalence in representative population-based surveys, which, in 2022 to 2023, showed daily smoking prevalence increases with remoteness, from 7% in major cities to 20% in remote and very remote areas.

The share of total nicotine consumption derived from vaping and NRT products continued to increase over the study period (Figure 3B). The number of prescriptions for NRT products from the Pharmaceutical Benefits Scheme (PBS) peaked in 2020 and has since declined (eFigures 3 and 4 in Supplement 1). Concurrently, national survey data report a notable rise in vaping prevalence from 0.5% in 2016 to 3.5% in 2022 to 2023. Moreover, the increasing availability of vaping products from retail vape shops that specifically sell vaping products has been observed. Taken together, the increase in nicotine consumption sourced from both vaping and NRT products, coinciding with decrease in NRT prescribing, may suggest an increased uptake of vaping products.

Based on smoking and vaping prevalence from survey data and assuming the same daily nicotine intake, nicotine from vaping was estimated to account for approximately 25% of total nicotine consumption. This estimate aligns with our 2023 WBE, which attributed approximately 26.3% (95% CI, 17.6%-35.0%) of total nicotine to vaping sources. While the estimation considers only vaping prevalence, it excludes over-the-counter NRT products (eg, nicotine patches and gums). Nicotine-containing vaping solutions are illegal in Australia, yet many vaping products sold as "nicotine-free" in fact contained nicotine. The rapid growth in the illicit vaping product market and use by teens and

young adults may be driven by appealing flavors, lower cost relative to cigarettes, promotion on social media and by peers, and the increased convenience of disposable high nicotine vaping devices. This has been reflected in increasing prevalence of vaping in surveys with the highest prevalence in the 18 to 24 years (20%) and 25 to 34 years (17%) age groups by early 2023. Additionally, increases in vaping uptake have been observed during the period of rising tobacco taxes, with some adults reporting use of nicotine vaping products in place of cigarettes.

The Australian government has introduced a series of policies to reduce the use of nonprescribed vaping products. The most recent reforms in 2024 further restricted legal access to nontherapeutic vaping products, removed some barriers to enforcement against illicit nontherapeutic vaping product sales, and increased the quality standards for therapeutic vaping products that can be supplied for smoking cessation via pharmacies, along with introducing flavor restrictions and stricter packaging and labeling requirements.

Additionally, our study findings confirm that the amount of illicit tobacco smoked increased gradually before 2020, but declined from 2020 to 2022 and 2023, despite police seizure data increasing consistently from 2019. National survey data suggest a substantial increase in the proportion of the smoking population who purchased illicit tobacco between 2016 and 2022 to 2023. When calculating the percentage of the market that is illicit based on the wastewater estimates, the proportion increased from approximately 9% in 2017 to 33% in 2023. This coincides with the increasing proportion of the smoking population using illicit tobacco in the survey data and an increase in media reporting of police seizures of illicit tobacco during this period. It is notable that the overall amount of illicit tobacco that was smoked declined between 2020 and 2023 according to our estimates, which may be associated with the overall decrease in the number of people in Australia who smoked tobacco from 2.3 million in 2019 to 1.8 million in 2022 to 2023. However, the proportion of the illicit tobacco market share has remained relatively stable at approximately 30% since 2020. While the expansion of the illicit tobacco market share could slow

Australia's progress toward its goal of reducing smoking prevalence to 5.0% or less by 2030, it is reassuring that smoking prevalence continued to decline during a time of rapid growth in the illicit market. Nevertheless, additional efforts are necessary to control the expansion of the illicit tobacco market.

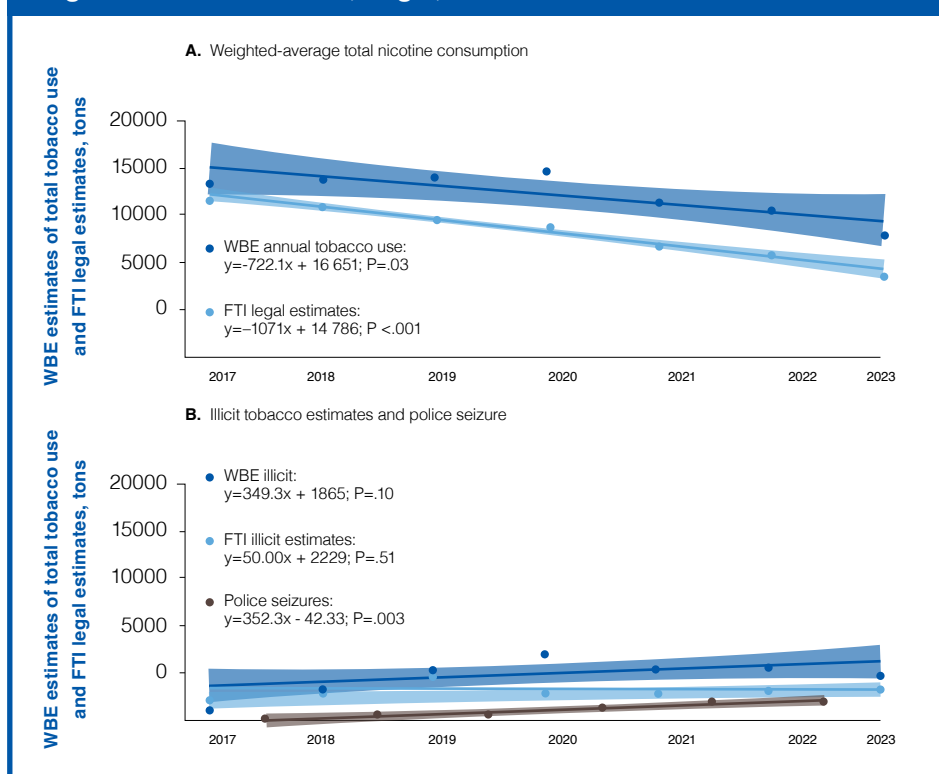
Limitations

We acknowledge the following limitations of our study. First, the excretion factors of nicotine metabolites and anabasine can vary among individuals and subgroups, which may have an impact on the accuracy of estimates. Second, due to resource constraints, anabasine was not analyzed in all samples used to estimate tobacco use between 2017 and 2021. However, the analyzed samples still represented approximately 22% of the Australian population. While our method allows for estimation of the proportion of nicotine consumption attributable to vaping and NRT product sources, it cannot distinguish between nicotine derived from vaping products (or other nontherapeutic nicotine products, such as nicotine pouches) and that from medicinal NRT. A limitation of the NRT prescription from PBS is that it captures only part of total NRT use, as many NRT products are available over the counter without a prescription. Additional NRT use outside prescription record includes NRT supplied within hospitals and distributed via Quitline programs. Furthermore, prescription and over-the-counter sales data do not directly reflect actual NRT consumption, as early discontinuation is common. Another limitation is the use of legal tobacco estimates derived from a tobacco industry-funded report, which was necessary due to the limited publicly available data on tobacco sales.

Conclusions

This study confirmed an overall decline in total nicotine and tobacco-derived nicotine consumption among Australian populations. Importantly, our data suggest that there has been an increase in nicotine consumption from vaping and NRT products and a growth in the illicit tobacco market share in Australia. These insights from wastewater-based epidemiology improve our understanding of the trends in the use of tobacco, vaping and NRT products and are pivotal in evaluating the effectiveness of policies to control the use of tobacco and other nicotine products.

Figure 4. Trends in Total, Legal, and Illicit Tobacco Use Estimates



Trends of wastewater-based estimates (WBE) of total tobacco use and FTI estimates of legal tobacco use. B, shows trends of WBE estimates and FTI estimates of illicit tobacco use. WBE estimates annual tobacco use, indicates annual tobacco use based on wastewater estimates; WBE estimates illicit, illicit tobacco estimation calculated by comparing WBE estimates annual tobacco use and FTI estimates legal. FTI estimates legal, FTI estimates illicit, and police seizures data come from the reports of Illicit tobacco in Australia, published by FTI Consulting.²⁸ FTI estimates legal presents the legal sales tobacco data; FTI estimates illicit, the estimation of illicit tobacco data in Australia market; police seizures, the annual seizure data of illicit tobacco, covering the financial years 2017-2018 through 2022-2023.

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Author Contributions: Drs Wang and Tschärke had full access to all of the data in the study and take responsibility for the integrity of the data and the accuracy of the data analysis. Drs Wang and Zheng share co-first authorship. Concept and design: Thai, O'Brien, Hall, Thomas. Acquisition, analysis, or interpretation of data: Wang, Zheng, Thai, Gartner, O'Brien, Bade, Verhagen, Stjepanovic, Simpson, Keller, Mueller, Tschärke. Drafting of the manuscript: Wang, Thai. Critical review of the manuscript for important intellectual content: Wang, Zheng, Thai, Gartner, O'Brien, Bade, Verhagen, Hall, Stjepanovic, Keller, Thomas, Mueller, Tschärke. Statistical analysis: Wang. Obtained funding: Thai, Gartner, O'Brien, Stjepanovic, Thomas, Tschärke. Administrative, technical, or material support: Zheng, Thai, Bade, Verhagen, Thomas. Supervision: Zheng, Thai, O'Brien, Hall, Mueller. Important contextual content and interpretation: Gartner.



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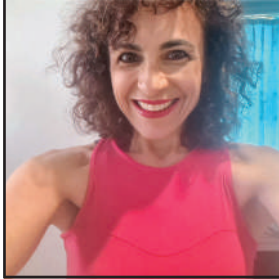
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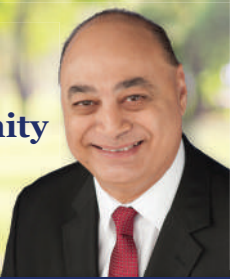
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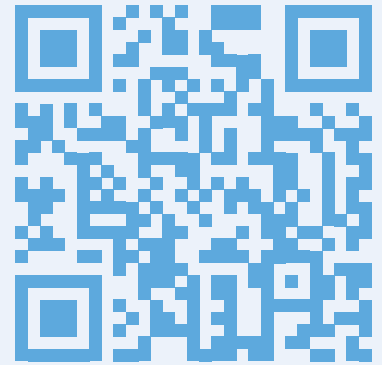
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A Content Analysis of Illicit Tobacco-Related Crimes Reported in Australian Media

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Full Article

ISABEL MECIAR MPH,
CHENEAL PULJEVIĆ PHD,
ALICE HOLLAND MPH,
CORAL GARTNER PHD



Additional figures/tables found online.*

ABSTRACT

Importance

Australian survey and seizure data suggest a growing illicit tobacco market. As an illicit product, accurately tracking trends in illicit tobacco growing, manufacture, and sales is challenging.

Objectives

We examined trends in Australian illicit tobacco-related crimes using a content analysis of news articles.

Methods

We analyzed Australian news articles identified in the Factiva database and government press releases describing Australian illicit tobacco-related crimes reported between January 2000 and December 2023. Sources were coded for crime type, location, product type, dollar value of seized products, methods of distribution or storage, agencies involved, and other crimes involved.

Results

We identified 447 crimes reported in 389 sources. The number of illicit tobacco-related crimes reported increased between 2000 and 2023. The most common crimes were possession of illicit tobacco (\$n=196/43.7\%\$) and smuggling (\$n=187/41.8\%\$), and the most common product type was "illicit cigarettes" (\$n=197/44.1\%\$). The most common distribution/storage method reported was via residential premises (\$n=98/21.9\%\$). One-hundred and twenty incidents involved other crimes such as financial crimes involving money laundering (\$n=59/13.2\%\$). Across all included news articles, the quantity of seized products totaled 827 529 307 cigarette sticks, 76 185 cartons, 668 687 packs, 239 hectares (of land growing tobacco plants), and 2 149 000 plants of illicit tobacco between 2000 and 2023. The median value (worth; AUD) of each seizure was \$1 500 000 (range \$43 to \$67 000 000).

Conclusions

Australian media reporting on illicit tobacco-related crimes increased over the past two decades, particularly since 2018. These findings highlight a need for improved border detection measures, investment in enforcement, and other deterrent activities.

KEY POINTS

Analysis of Australian news media since the year 2000 showed an increase in reported illicit tobacco-related crimes since 2013, with a marked increase since 2018.

Introduction

The Australian illicit tobacco market typically comprises three product categories; unbranded tobacco products (eg, chopped loose-leaf tobacco, known as "chop-chop" in Australia); counterfeit tobacco products (eg, unauthorized retail of fake trademarked products); and contraband tobacco products (eg, genuine trademarked products illegally distributed from another jurisdiction without paying taxes). While it is the behavior of selling, producing, or distributing these products that are illegal, for simplicity we hereafter use the term "illicit tobacco" to refer to tobacco products for which all required duties and taxes have not been paid, while also referring to specific product categories (eg, illicit cigarettes). Not only does illicit tobacco undermine the effectiveness of tobacco tax increases by encouraging continued smoking among those who may have otherwise quit for financial reasons, the illicit tobacco market is known to be largely operated by organized crime syndicates and violent political groups, who capitalize on the product's high profitability to fund other crimes, such as the global arms trade, money laundering, and illicit drug trafficking. Illicit tobacco also results in substantial losses in tax revenue; for example, the value of illicit tobacco seized annually in Australia was estimated at \$2.09 billion in 2020-2021, an increase from \$135 million in 2015-2016. There may also be additional acute health effects from smoking some forms of illicit tobacco, with one study reporting that high levels of moisture present in chop-chop provides ideal conditions for the growth of potentially dangerous mold.

As tobacco control policies increasingly restrict the affordability and accessibility of legal tobacco products, concerns are commonly raised about a corresponding increase in the illicit tobacco market. Australia has one of the world's highest tobacco prices after implementing a one-off 25% tobacco excise increase in 2010, followed by annual 12.5% increases on top of adjustment for inflation from 2013 to 2020. Over this period, the reason cited most frequently by Australians as the main motivation for quitting or trying to quit smoking switched from health and fitness reasons to the financial cost of smoking. This demonstrates the important role of high tobacco prices as a demand reduction policy. However, consistent with international evidence, as Australian tobacco taxes increased since 2010, the proportion of the smoking population who used cost-

minimizing strategies to reduce the financial impact of smoking also increased. Use of these strategies was associated with a decreased likelihood of making a quit attempt. Economic measures remain a key component of tobacco control policy in Australia, with three additional annual 5% tobacco tax increases being implemented from 2023 to 2025.

Although Australian consumer reports of purchasing illicit tobacco declined after the phasing out of tobacco farming in 2006, data from Australia's National Drug Strategy Household Surveys suggests an increase in the number of Australians using illicit tobacco between 2019 and 2022-2023. This increase is reflected in other measures of illicit tobacco trade; there was an eight-fold increase in seizures of domestically grown illicit tobacco from 16 tonnes in 2014-2015 to 130 tonnes in 2019-2020, and a 16% increase in Australian Border Force detections in 2021-2022 worth \$240 million excluding GST, compared to 2020-2021. As a result, a 2020 report by the Australian Parliamentary Joint Committee for Law Enforcement concluded that illicit tobacco had become "an issue of key concern".

Despite considerable evidence of an illicit tobacco market operating in Australia, the true extent of this illicit market is unknown. In addition to the challenges of accurately estimating the use of an illicit substance that is also freely available for legal purchase, there are substantial discrepancies in estimates of the size of the market, especially noticeable in tobacco industry-funded studies versus independent research. For example, the Australian Taxation Office estimated that illicit tobacco formed 5% of Australia's tobacco market in 2018, yet a tobacco industry-funded calculation by consulting firm KPMG estimated this figure at 14%. This estimate is likely to be unreliable due to the conflicts of interest of the study funder. The tobacco industry has a history of using inflated estimates of the illicit tobacco market as a strategic lobbying tool to oppose tobacco control policies such as tobacco tax increases, arguing that these policies increase the illicit tobacco market.

Considering these discrepancies, and to complement other current data sources on the Australian illicit tobacco market, we conducted a content analysis of Australian news media articles and government press releases reporting illicit tobacco-related crimes between January 2000 and December 2023. This is the first systematic analysis of Australian media reporting of illicit

tobacco-related crime over a period of rapid and sustained tobacco tax increases. News articles are a valuable information source for identifying trends concerning topics of public interest, and content analysis is a useful method for identifying contextual patterns from a phenomenon of interest when there is limited information on a topic. These findings can be used to enhance understanding of temporal trends in the detection of illicit tobacco production, distribution, and possession.

Methods

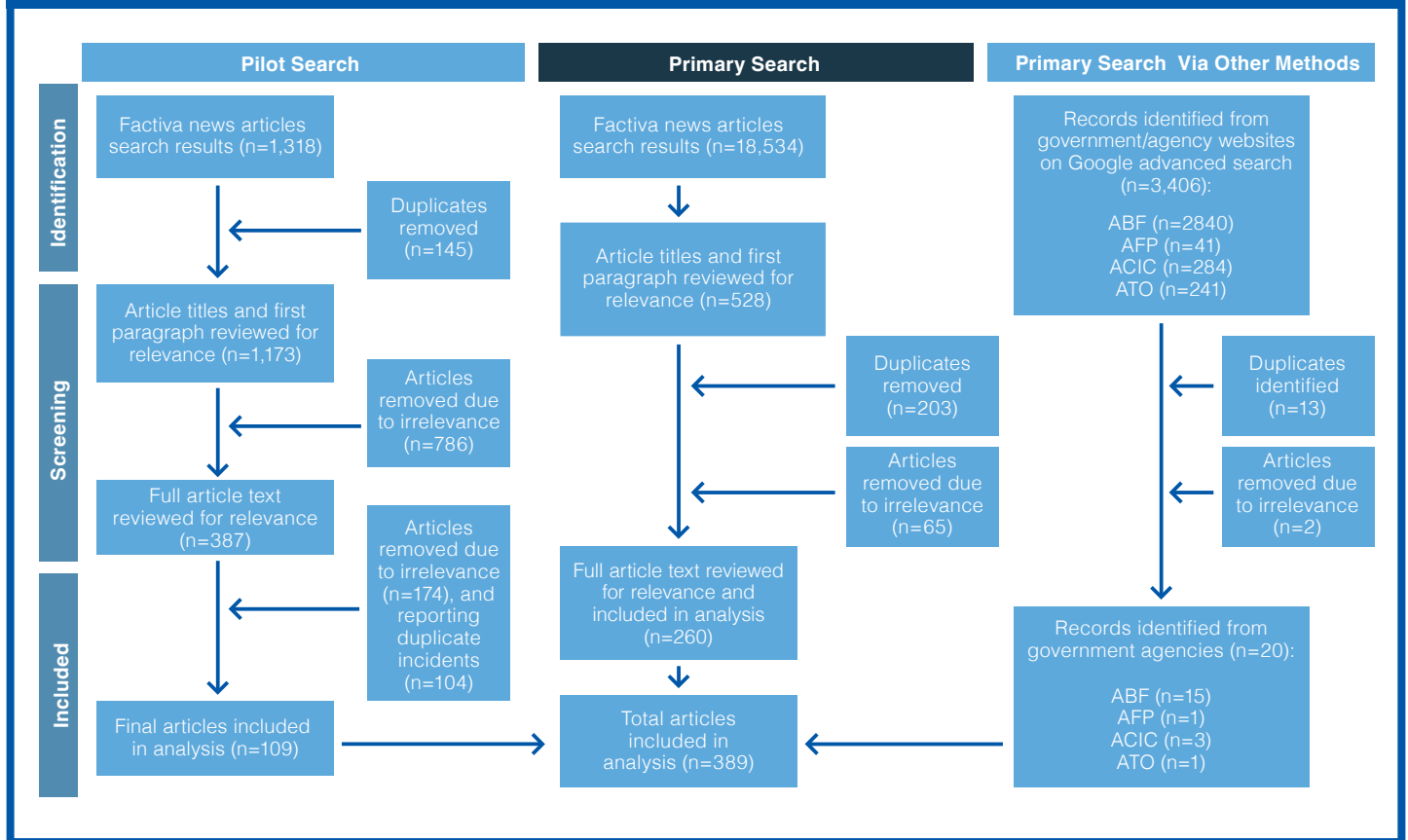
Data and Search Strategy

We searched the Factiva Database for media reporting of illicit tobacco-related crimes in Australia between January 2000 and December 2023. Factiva's extensive database indexes over 33 000 news sources from 200 countries and has been used in previous studies to explore trends in tobacco-related topics reported in media articles. We used search terms intended to capture articles describing illicit tobacco-related crimes, such as "tobacco," "illicit," "crime," and "black market" (see Table S1 for full search strings used). The "sources" parameter was adjusted to include "all publications" or "all web news," with "region" and "language" adjusted to include "Australia" and "English" sources, respectively. Next, we searched government agency websites including the Australian Border Force (<https://www.abf.gov.au/>), Australian Federal Police (<https://www.afp.gov.au/news-centre>), Australian Criminal Intelligence Commission (<https://www.acic.gov.au/>), and Australian Taxation Office (<https://www.ato.gov.au/>) via Google Advanced Search. The search term "illicit tobacco" was used to identify relevant press releases about crimes not reported by the media. An initial screening step took place, in which one of two authors (IM and AH) reviewed the title and first paragraph of each article first. Next, the full text of relevant articles was reviewed to capture articles that met inclusion criteria. The final list of articles was then reviewed by a second author (CP) to confirm that all the met inclusion criteria.

Inclusion Criteria

News articles and press releases were included if they: (1) were published between January 2000 and December 2023 (to capture trends in illicit tobacco-related crimes over approximately the past two decades); (2) were in English; and (3) explicitly reported on an illicit

Figure 1. Search and retrieval process for news sources.



tobacco-related crime in Australia as part of government or law-enforcement activities that involved seizure of products. These crimes included the use, possession, production, or distribution of illicit tobacco products, including tobacco leaf or chop-chop, tobacco plants, counterfeit or contraband cigarettes, smokeless tobacco (which is illegal to import for commercial supply in Australia), or molasses tobacco. While seized products are not exclusive to tobacco, we excluded articles solely related to other illicit nicotine products (eg, e-cigarettes), and articles that described other tobacco-related crimes not explicitly involving illicit tobacco products, such as retailer robberies and arson attacks, unlawful tobacco retail of legal tobacco products (ie, sales to minors), cigarette littering, or smoking ban violations. Sting operations carried out by journalists, tobacco industry representatives, and non-government organizations were also excluded unless the article confirmed that it resulted in an arrest, charge, and/or appearance before the court.

Data Analysis

We conducted a content analysis on included articles to quantify and describe trends in illicit tobacco-related crimes reported in Australian media. Based on our

familiarity with the research on this topic and a pilot search, we used a deductive approach to create a data extraction spreadsheet in Microsoft Excel. For each article, we recorded the publication year as the year of the crime occurrence (unless the article stated otherwise), title, journalist name, news source, number of crimes described, crime type, crime description, crime occurrence, crime location, products involved, illicit tobacco description, dollar value seized (in Australian Dollars; AUD), method of distribution or storage, amount seized, cost, agencies involved, perpetrators involved, and other crimes involved. The primary author (IM) extracted data for each article, and a second author (CP) verified these data at regular intervals.

We classified crimes involving tobacco plants, crops, seedlings, and/or seeds as incidents involving "tobacco plants." Tobacco leaf products were separated into two categories based on the description: "tobacco leaf" if crimes involved bales of tobacco and/or dried tobacco leaves with no evidence of processing, or "loose-leaf tobacco" if crimes involved products referred to as "chop-chop" or "loose-leaf tobacco." Crimes involving molasses, shisha, hookah or waterpipe tobacco, and/or snuff (excluding oral snuff) were classified as

incidents involving "other tobacco products/molasses." The dollar (AUD) value of the seized illicit products was grouped into three categories based on how they were reported by the news article: worth (not further defined in the article), excise value (this included duty value as these terms appeared to be used interchangeably across news articles) or "street value." We split the data into two equal time periods of 12 years each (period 1: 2000-2011; period 2: 2012-2023) to better understand temporal trends in illicit tobacco-related crimes. This research was deemed exempt from ethics review under the National Statement on Ethical Conduct in Human Research and relevant policy from The University of Queensland (ID 2022/HE001620).

Results

Search Results

A pilot Factiva search conducted in 2022 yielded 1318 potentially relevant news articles. Primary searches conducted in 2023 identified 18 524 results from Factiva and 3406 results from government agency websites. Three hundred and eighty-nine articles remained after full-text review (Figure 1).

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If you need information or advice, the National Dementia Helpline is available anytime on **1800 100 500**, or via live chat and email at **dementia.org.au**.

Dementia awareness for emergency services



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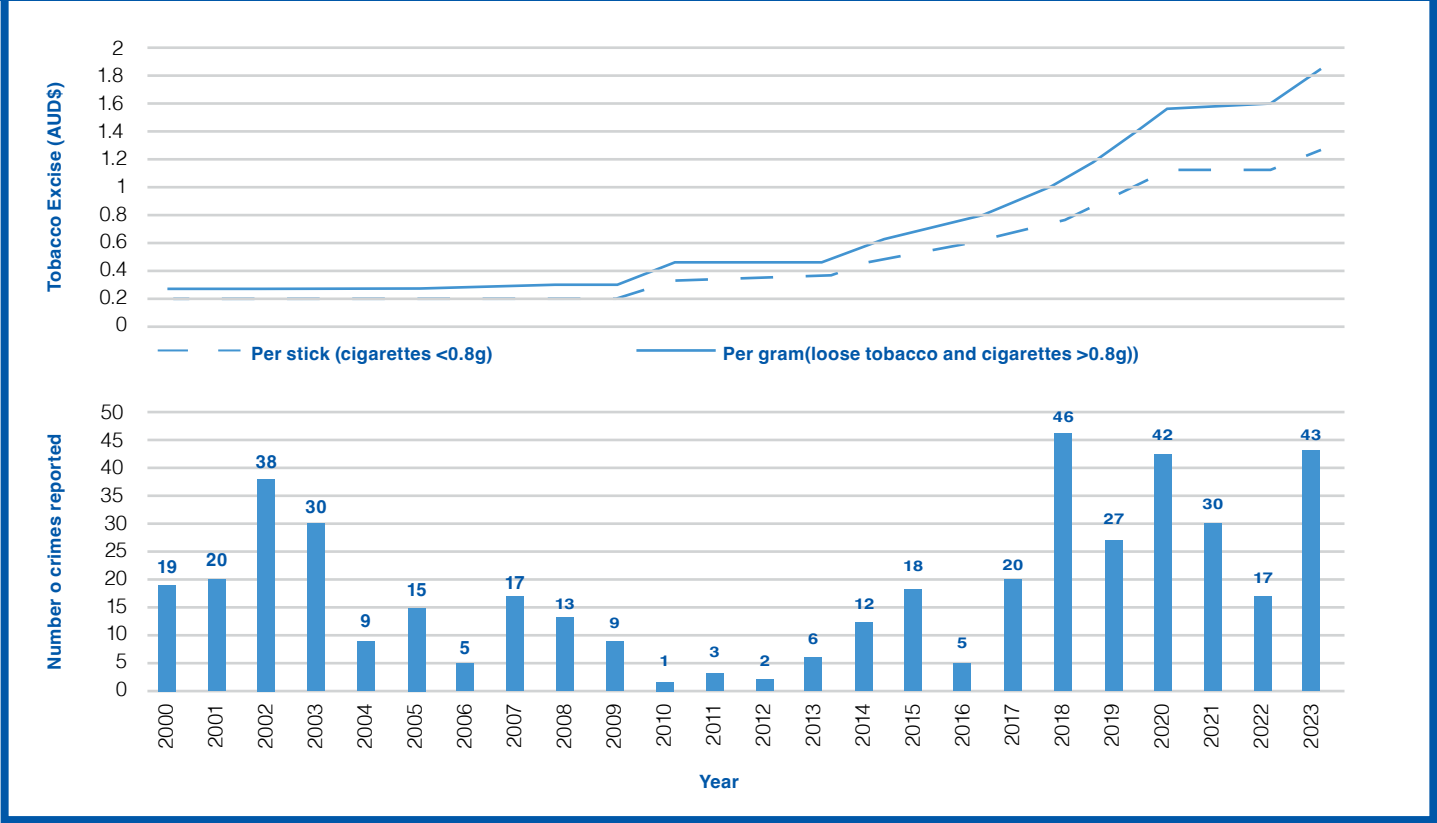
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Our free, interactive video and resources equip emergency service workers to recognise the signs of dementia and respond with care.

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Figure 2. Excise tax rates and number of illicit tobacco-related crimes reported per year (N = 447 crimes reported across 389 news articles).



Illicit Tobacco-Related Crimes and Associated Characteristics

A total of 447 separate illicit tobacco-related crimes were reported in the 389 included news articles. Figure 2 plots the tobacco excise rate and the number of illicit tobacco-related crimes reported each year, demonstrating an increase in these crimes in Australia in the last decade. Around half of reported incidents (\$n=225\$) were reported in the last 7 years (between 2017 and 2023). Only six illicit tobacco-related crimes were reported between 2010 and 2012.

The characteristics of illicit tobacco crimes covered by the included articles can be seen in Table S2. We split the data into two equal time periods of 12 years each (period 1: 2000-2011; period 2: 2012-2023). In period 1, the most common crime type reported was possession of illicit tobacco (\$n=93/52.0\%\$), but this changed to illicit tobacco smuggling in period 2 (\$n=106/39.6\%\$). The articles reporting illicit tobacco smuggling (\$n=187\$ incidents) described these crimes as typically involving large sea cargo consignments from international locations such as China (\$n=14\$), United Arab Emirates (\$n=8\$), Indonesia (\$n=7\$), Philippines (\$n=4\$), India (\$n=3\$), Vietnam (\$n=2\$), Lebanon (\$n=2\$),

Malaysia (\$n=2\$), South Korea (\$n=2\$), and Singapore (\$n=1\$). The origin of 19 sea cargo consignments were deemed unspecified. Illicit tobacco products in these shipments were initially declared and disguised as food products (eg, coffee, noodles, potato chips, or tea; \$n=9\$), and/or hidden inside declared furniture, homewares, or hardware (eg, pillows, kitchenware, ceramic tiles, metal fans, doors, or mattresses; \$n=28\$). Queensland was the state/territory most often named for illicit tobacco crimes reported in period 1 (\$n=65/36.3\%\$), but this changed to Victoria in period 2 (\$n=104/38.8\%\$). Two crimes reported in Australian news media involved international locations, describing sea cargo shipments of illicit tobacco discovered in Hong Kong and mainland China allegedly bound for Australia. The most common product category reported in the last 24 years was "illicit cigarettes" (\$n=197/44.1\%\$); this was the most detected product described in articles published in period 2 (\$n=149/54.5\%\$). However, "loose leaf tobacco" was the most common product category in period 1 (\$n=62/34.6\%\$). Fifteen methods of distribution/storage were reported for 314 (80.7%) crimes, with the most common in period 1 involving "vehicles"

(\$n=65/36.3\%\$), and "residential premises" (\$n=73/27.2\%\$) in period 2. The most common law-enforcement agencies reported as involved with the criminal investigation were state police (\$n=213/47.7\%\$) and Australian Customs and Border Force (\$n=157/35.1\%\$). The perpetrator's gender was reported for 282 (63.1%) crime incidents, with the majority (\$n=230/51.5\%\$) involving males, and relatively few involving females (\$n=24/5.4\%\$). One-hundred and twenty crimes (26.9%) involved non-tobacco-related criminal activity. These were most commonly financial crimes involving possession of alleged proceeds of crime and/or money laundering (\$n=59/13.2\%\$), possession of firearms or weapons (\$n=21/4.7\%\$), or illicit drug offenses (\$n=21/4.7\%\$). A dollar value of the illicit tobacco-related crimes was reported for 350 (78.3%) of the reported crime incidents; Table 1 shows the median dollar value of seized illicit tobacco products divided into three categories as they were reported: worth value, excise value, and street value. Of these, the highest median was for the worth and excise value categories, at \$1 500 000, with these figures ranging between \$43 and \$67 000 000, and \$1500 and \$84 300 000, respectively.



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Table 1. Median (Range) Dollar Value (AUD) Seized of Illicit Tobacco Products Reported by News Media Sources Between 2000 and 2023

Years	2000 to 2011	2012 to 2023	Total
Dollar (AUD) seized	Median (range)	Median (range)	Median (range)
Excise value	\$863 432 (\$5629–\$60 000 000)	\$3 250 000 (\$1500–\$84 300 000)	\$1 500 000 (\$1500–\$84 300 000)
Worth	\$430 000 (\$43–\$3 000 000)	\$2 602 135 (\$4020–\$67 000 000)	\$1 500 000 (\$43–\$67 000 000)
Street value	\$635 000 (\$9000–\$7 000 000)	\$1 000 000 (\$20 000–\$40 000 000)	\$1 000 000 (\$9000–\$40 000 000)

The amounts of seized illicit tobacco products from articles that described numerical quantities of seized products can be seen in Table S3. Several units of measurement for these seizures were reported (eg, sticks, cartons, packs, boxes, and kilograms) and the exact quantity of some units (eg, boxes, bales) were not provided, making it difficult to meaningfully compare these categories. Across categories, articles most commonly described illicit cigarettes (\$n=172\$ reports), in which 827 529 307 cigarette sticks, 76 185 cartons, 668 687 packs, 20 000 casings, 14 boxes, 4050 kg, and 3 pallets of illicit cigarette products were reportedly seized between 2000 and 2023. Loose-leaf tobacco was the second most common category of illicit tobacco products reportedly seized in the last 24 years involving 336 013 kg, 136 bales, 300 pouches, and 81 bags of loose-leaf tobacco. Furthermore, with only 33 560 kg of tobacco plants seized in period 1, and 737 157 kg, 239 hectares, and 2 149 000 individual plants seized in period 2, the number of illicit tobacco plants seized appears to have increased substantially between the time periods. An increase in e-cigarette seizures in conjunction with other illicit tobacco products was also noted, with 22 out of 25 (88%) crime incidents committed in 2023 alone. This increase in the amount seized from period 1 to period 2 is also noted in at least two other categories: illicit cigarettes, and other tobacco/molasses.

Discussion

In this study, we used content analysis to examine trends in Australian illicit tobacco-related crimes reported in Australian news articles and government press releases published between 2000 and 2023. Given the difficulties in accurately tracking the scope and size of the illicit tobacco market, this study

provides valuable additional information on trends in illicit tobacco-related crimes in Australia. We found an overall increase in the number of illicit tobacco crimes reported in Australian media with an upward trend evident since 2013 and a marked increase since 2018, suggesting a growing domestic illicit tobacco market. However, other factors such as whether the illicit tobacco seizure was considered “newsworthy” and whether a press release was issued about the seizure may influence whether such crimes were reported by the media. Furthermore, greater law-enforcement activity (and greater success in detection and prosecution), which can be influenced by competing priorities and resourcing, may also be reflected in these figures. Nevertheless, these trends are consistent with other data (eg, self-reported national survey data and tax gap analysis from the Australian Taxation Office), suggesting an increase in the Australian illicit tobacco market.

We found that the most common type of illicit tobacco-related crime reported between 2000 and 2011 (and overall) was possession of illicit tobacco. This was followed by illicit tobacco smuggling which was the most common crime-type reported between 2012 and 2023. Smuggling mostly involved large sea cargo consignments disguised as food products or hidden inside furniture or homewares. This aligns with previous research noting increasingly innovative distribution methods used by tobacco smugglers, such as sea and air cargo consignments, mailing methods, and warehouse storage. Included articles described these consignments as typically being multi-million-dollar shipments operated by organized crime syndicates, with most detected inside large shipping containers discovered at Container Examination Facilities located in New South Wales and Victoria. The size of these shipments suggests that

importers are taking advantage of the high profitability of illicitly selling cheaper foreign tobacco products in the Australian market without paying Australian excise. It likely also reflects the lower penalties that are applied to smuggling illicit tobacco compared to other drugs (eg, cocaine and heroin) or weapons, making illicit tobacco an attractive market for criminal syndicates. The reporting of 120 crimes involving non-tobacco-related criminal activity (eg, financial crimes, illicit drugs) alongside illicit tobacco seizures provides further evidence of associations between the Australian illicit tobacco market and criminal networks.

There was also a notable increase in illegally grown tobacco crimes reported in period 2, with 54 incidents reported between 2012 and 2023 (20.2%), compared to two incidents reported between 2000 and 2011 (1.1%). Granting of licenses for domestic tobacco farming and production ceased in 2006, making it illegal to grow tobacco in Australia from 2006 onwards. Prior to this, the diversion of tobacco from domestic legal farms was a key source of illicit tobacco. This increase is also reflected in the amount of tobacco plant products reportedly seized, which increased from five in 2000–2011, to 52 in 2012–2023. Thirty-seven of the included articles described seizures of illegal tobacco plants; totaling 770 717 kg, 239 hectares and 2 149 000 individual plants, suggesting that illegal tobacco growing may be occurring within Australia on a potentially large scale. The largest discovery of tobacco plants was a 100-acre tobacco crop across three sites near the New South Wales-Victorian border in 2021. Another tobacco growing site detected in Melbourne in 2018 was described by authorities as a “sophisticated black market tobacco manufacturing operation” where tobacco was grown, harvested, cut, dried, boxed, and distributed at the site, with the area large enough to require a

minibus to transport laborers to different parts of the operations. Moreover, there was an increase in e-cigarette seizures in conjunction with other illicit tobacco products in period 2 between 2012 and 2023, with 88% of these crimes committed in 2023 alone. This increase may be explained by the announcement in 2023 of a series of e-cigarette reforms, which prohibited the importation of all disposable vapes (irrespective of nicotine content) from January 1, 2024, and all non-therapeutic vapes by March 1, 2024.

Australia has historically had a relatively small illicit tobacco market compared to other countries, with recent official upper estimates of around 15% of the tobacco market being illicit. Furthermore, Australia scored third highest in the world on the capacity to control illicit tobacco trade, behind only Singapore and New Zealand, albeit with room to improve on all three domains of “good governance,” “tobacco control policies,” and “trade and customs practices.” Further strengthening Australia’s systems for detecting and controlling illegal tobacco production and the flow of illicit tobacco products from overseas would be prudent given our findings and other data²¹ that suggest the illicit tobacco market in Australia may be growing. The Australian Government established an Illicit Tobacco Taskforce in 2018 with a goal of “targeting, disrupting, and dismantling serious actors and organized crime syndicates that deal in illicit tobacco”. While the Taskforce successfully seized illicit tobacco products worth over \$870 million in lost tax revenue in its first 3 years of operation, there are opportunities for increased efforts to prevent and detect illegal tobacco trade. For example, only seven percent of Australia’s imports are robustly examined using advanced X-ray technology and physical inspections at Container Examination Facilities, with only containers deemed as “high risk” eligible for this extensive examination. In response, the Australian Government has recently committed \$188.5 million over 4 years to establish a new illicit tobacco compliance model. In a coordinated multi-agency and multi-jurisdictional approach, this model will be used to further disrupt the flow of illicit tobacco before it enters the Australian border, and strengthen existing intelligence gathering and technological improvements (use of artificial intelligence) to identify, seize, and destroy illicit tobacco products.

Furthermore, many of the included news articles mentioned that illicit tobacco crops

were discovered due to tip-offs from the community. As the Australian Taxation Office encourages the public to report instances of illicit tobacco growing, manufacture, or sales via their website or telephone number, wider promotion of how to make a report may be beneficial, for example via mass media campaigns promoting community tip-offs. We also recommend further research investigating factors influencing consumer demand for illicit tobacco, methods of deterring illicit tobacco use (eg, marketing campaigns highlighting links to organized crime to discourage consumers from purchasing the products), and greater international cooperation to identify and interrupt illicit tobacco smuggling supply routes and actors. Track and trace systems, as recommended by the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) Protocol to Eliminate Illicit Trade in Tobacco Products, and licensing and monitoring of tobacco retailers to identify and disrupt illicit under-the-counter sales in tobacco retail outlets (such as through license cancelation), should also be implemented.

Unsurprisingly, the three most populous states (New South Wales, Victoria, and Queensland) were identified as the location of the most illicit tobacco crimes. None of these states have a tobacco retailer licensing scheme, although Queensland is in the process of implementing one (commenced September 1, 2024), and Victoria has recently announced an intention to introduce legislation by the end of 2024 to implement one. New South Wales only operates a tobacco retailer notification scheme with “negative licensing.” While there is no license required to sell tobacco in the state, individual retailers can be prohibited from selling it when found in breach of tobacco retailing laws.

This study’s findings are subject to some limitations, such as those we discussed earlier (eg, illicit tobacco seizures are influenced by policing priorities). Additionally, while Factiva is an extensive database that covers a large range of print media, some relevant sources may have been missed, and not all relevant crimes are reported in the media. Media articles also may have estimated or rounded up figures such as dollar values or the amount of illicit tobacco seized and these figures (eg, street value) are based on estimates, meaning that the figures provided in this study are imprecise. Furthermore, the value of tobacco seizures is a product of the amount seized and also the tax rate, which changed substantially

over the study period. News articles have also used terminology interchangeably when referring to crime dollar value and/or types of products seized (eg, excise and duty, tobacco leaf, and loose-leaf tobacco), which can further add to inaccuracies. Furthermore, while we were careful to identify and remove articles describing the same crime incident, it is possible that some duplicate reports were included. Next, while we are unable to ascribe a reason for the low number of illicit tobacco-related crimes reported in media articles between 2010 and 2013, shown in Figure 2, this may be due to illicit tobacco being a lower operational priority following the ending of domestic tobacco farming in 2006. Moreover, the accuracy of the quantity [units of measurement (eg, kilograms, boxes, acres, and kilns) reported by news articles. Finally, the definition of illicit tobacco-related crimes used in this study is narrower than other interpretations of illicit tobacco trade (eg, the WHO FCTC definition of illicit trade) as legal tobacco products sold illegally (eg, from unlicensed retailers or to minors) were not included. Despite these limitations, this study represents the most comprehensive synthesis of publicly reported illicit tobacco-related crimes in Australia over an extended period covering substantial policy change since the year 2000 and provides a novel understanding of trends in illicit tobacco-related crimes, suggesting, along with other lines of evidence, that greater attention to the Australian illicit tobacco market is warranted.

Conclusions

In this content analysis of Australian news articles and government press releases reporting illicit tobacco-related crimes between January 2000 and December 2023, we identified 447 crimes reported in 389 articles. The number of illicit tobacco-related crimes reported increased since 2013, with a notable jump since 2018. The median worth reported for seized products was \$1 500 000, suggesting substantial tax revenue loss. These findings provide a novel understanding of trends in media reporting of Australian illicit tobacco crimes over the past 24 years, highlighting a need for improved detection measures at Australian borders, campaigns promoting community tip-offs about illicit tobacco growing, manufacture or sales, and research exploring drivers and deterrents of illicit tobacco use in Australia.

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Smoking Out Australia's Growing Illicit Tobacco Market: Current Trends and Future Challenges

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Full Article

**CHENEAL PULJEVIĆ, ISABEL MECIAR,
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Abstract

Data from the Australian Taxation Office and Australian Border Force show notable recent increases in illicit tobacco seizures across Australia. The illicit tobacco market results in substantial losses in tax revenue, funds organised crime, and perpetuates tobacco use, threatening to undermine Australia's ability to achieve its national commercial tobacco endgame goal of 5 % or less smoking prevalence by 2030. This commentary discusses recent trends in Australia's illicit tobacco trade, reasons why this is of concern, potential drivers of Australians' illicit tobacco use, and policy measures that could be implemented to mitigate increasing illicit tobacco trade such as implementing a track and trace system, increased investment in the Australian Border Force to enhance detection of illicit tobacco shipments at Australia's borders, and encouraging public tip-offs of illicit tobacco sales.

Introduction

Illicit tobacco trade refers to "any practice related to distributing, selling, or buying tobacco products that is prohibited by law" (World Bank Group, 2019). This includes "tax evasion (sale of tobacco products without payment of applicable taxes), counterfeiting, disguising the origin of products, and smuggling" (World Bank Group, 2019). Examples of products sold on the illicit market include unbranded loose-leaf tobacco (often called "chop-chop" in Australia), unbranded cigarettes, counterfeit branded cigarettes, or illegally imported foreign branded cigarettes (see Fig. 1 for examples; King, 2019; Preece, 2019; Preece & Neher, 2020). While it is the behaviour of selling or distributing these products rather than the product that is illegal, for simplicity we will hereafter refer to these tobacco products that have been sold (or offered for sale) to consumers without all the required duties and taxes paid as "illicit tobacco products". Data from the Australian Taxation Office (ATO) and Australian Border Force (ABF) show noteworthy recent increases in illicit tobacco seizures across Australia (Australian Taxation Office, 2022), and concerns are growing about the

impacts of increasing use of this harmful product that decreases the effectiveness of Australia's high tobacco tax rate (National Research Council, 2015; Parliament of Australia, 2020). There are also concerns that consumer demand for cheaper illicit tobacco products will increase as Australia implements more stringent tobacco control policies, including further tobacco tax increases, to achieve its national goal of reducing smoking prevalence to 5% or less by 2030 (Department of Health, 2021). In this commentary, we examine recent trends in Australia's illicit tobacco trade and propose further strategies that could be implemented by Australian authorities to minimise this crime.

Recent Trends In Australians' Illicit Tobacco Use

The true extent of Australia's illicit tobacco market remains unknown (Preece & Neher, 2020); as well as the inherent challenge of accurately estimating the size of an illicit market, there are additional challenges when attempting to monitor a substance that is freely available for legal purchase (Gallagher et al., 2019). Furthermore, the tobacco industry regularly overestimates the illicit



tobacco market as a lobbying strategy against tobacco control policies such as tax increases, arguing that these policies increase illicit tobacco trade and related criminal activity (British American Tobacco, 2021; Evans-Reeves et al., 2020; Gallagher et al., 2019; Gilmore et al., 2019; Joossens & Raw, 1998; Preece & Neher, 2020; Tobacco Control Research Group at the University of Bath, 2012). These tobacco industry-funded estimates are published in reports produced by large global accounting firms such as KPMG (Gallagher et al., 2019; KPMG, 2014). A systematic review of the quality of tobacco-industry funded data on the illicit tobacco trade identified a fundamental "lack of transparency" at every stage of the research process, concluding that these data are unreliable (Gallagher et al., 2019), and highlighting the importance of independent research in this area. An example of the tobacco industry's use of illicit tobacco concerns as a lobbying method included claims that the implementation of tobacco plain packaging measures in Australia increased the illicit cigarette market (KPMG, 2014). However, independent national cross-sectional surveys of Australian consumers (Scollo, Zacher et al., 2015; Scollo et al., 2014), and a study of small retail outlets (Scollo, Bayly

et al., 2015) found no evidence of greater illicit tobacco availability following plain packaging implementation. An unfortunate consequence of these questionable industry estimates and lobbying tactics is a tendency by some of the public health community to dismiss or downplay concerns about illicit tobacco as simply tobacco industry propaganda. We contend that illicit tobacco trade should be treated as a serious crime, but collaborating with the tobacco industry, and reducing regulation of the licit tobacco market are not appropriate or effective solutions to the problem.

The available official data on Australia's illicit tobacco trade is limited to the estimated dollar value of products seized by the ATO or ABF (Australian Taxation Office, 2022; Commonwealth of Australia, 2022). Data from the ATO suggest substantial growth in Australia's illicit tobacco market in recent years (Australian Taxation Office, 2022). For example, the estimated value of illicit tobacco seized annually has increased from \$135 million in 2015-16 to \$2.09 billion in 2020-21 (Australian Taxation Office, 2022). The ATO estimated that 1234 tonnes of illicit tobacco went undetected in the Australian market in 2020-21, worth approximately \$1.89 billion, and that approximately 10% of Australia's

tobacco market were illicit sales, which is double the estimated size of the illicit market in 2015-16 (Australian Taxation Office, 2022). Furthermore, seizures of domestically-grown illicit tobacco reportedly increased eight-fold from 16 tons in 2014-15 to 130 tons in 2019-20 (Parliament of Australia, 2020). The ABF reported 151 instances of illicit tobacco detections or seizures during 2021-22, worth \$561 million in revenue evasion; this is a 16% increase, worth \$240 million excluding GST, compared to 2020-21 (Commonwealth of Australia, 2022).

Similarly, data from Australia's most recent 2022-2023 National Drug Strategy and Household Survey (NDSHS) suggest an increase in the number of Australians who report purchasing tobacco products that do not comply with plain packaging requirements between 2016 and 2022-2023 (see Fig. 2; Australian Institute of Health & Welfare, 2024). The NDSHS report that the percentage difference in the number of people reporting purchasing tobacco products without plain packaging between 2019 (6.2%) and 2022-2023 (10.2%) was a statistically significant increase. Previous NDSHS data show that while consumer reports of illicit tobacco use declined after the phasing out of

tobacco farming in Australia (~2006), 4.9% of respondents who smoked tobacco reported current illicit tobacco use in the 2019 NDSHS, an increase of 1.3 percentage points since 2013 (Australian Institute of Health & Welfare, 2020). The 2022-2023 NDSHS did not report current illicit tobacco use, only purchasing of tobacco products without plain packaging.

Fig. 1. Examples of illicit tobacco products found in Brisbane, Australia. The first image shows a branded cigarette pack, available for purchase for \$5 per pack from a tobacconist. The second image shows a foreign-branded pack from South Korea observed on the ground outside a tobacconist. Neither pack complies with their country's tobacco packaging laws (e.g., mandatory plain packaging and graphic health warnings in Australia; mandatory graphic health warnings in South Korea), indicating that these products are illicit. First image courtesy of the primary author; second image courtesy of Mr Cameron Francis.

Why Is Illicit Tobacco A Concern?

The illicit tobacco market has uniquely harmful health, social, economic, and political implications. First, illicit tobacco use results in serious health risk; in addition to tobacco's well-established negative health impacts (Global Burden of Disease Tobacco Collaborators, 2021), illicit tobacco may have additional unique risks such as a higher level of fungal spores and mould, due to some illicit products (such as chop) being kept moist in plastic bags to increase the weight of the product to maximise profit (Aitken et al., 2008). Worryingly, participants in two Australian studies reported smoking illicit tobacco because they thought it was healthier than licit tobacco (Aitken et al., 2008; Bittoun, 2002), due to a perception that chop-chop was a more natural product and not treated with potentially dangerous chemicals or additives used during the manufacture of commercial cigarettes (Aitken et al., 2008). Some participants in one of these studies believed that this assumed lack of additives also meant that chop-chop was less addictive (Aitken et al., 2008).

Second, with the illicit tobacco market populated by consumers whose main concern is price (von Lampe et al., 2016), its consumption is most common among people on low incomes (Stead et al., 2013; von Lampe et al., 2015; Wiltshire et al., 2001). People with nicotine addiction who are unable or unwilling to pay the high price

of tobacco in the legal market may turn to buying illicit tobacco rather than quitting smoking, thus reducing the health benefit of tobacco taxes (Farrell & Fry, 2013). As such, the availability of illicit tobacco undermines Australia's world-leading tobacco control policies (Preece & Neher, 2020) and perpetuates tobacco use (especially among people on low incomes; Stead et al., 2013; von Lampe et al., 2015; Wiltshire et al., 2001). Third, the illicit tobacco market also results in enormous losses in tax revenue (Wood, 2021); as noted above, it cost Australia an estimated \$1.89 billion in lost tax revenue in 2020-21 alone (Department of Health, 2021). This figure is also likely a significant underestimation, with the ATO estimating that they only seize about 1% of the total illicit domestic market (King, 2019; Wood, 2021).

Fig. 2. Proportion of Australians who smoke reporting that they purchased tobacco products without plain packaging. Data from The National Drug Strategy Household Survey (NDSHS) 2022-2023 [1]. *Statistically significant change between 2019 and 2022-2023. [1] Australian Institute of Health and Welfare. National Drug Strategy Household Survey 2022-2023. Canberra: AIHW, 2024.

In addition, there are reports that the illicit tobacco market is largely operated by organised crime syndicates who capitalise on the product's high profitability and minimal penalties to fund other crimes, such as the global arms trade, illicit drug production and trafficking, and terrorism (Coker, 2003; Lauchs & Keane, 2017; Munksgaard et al., 2020). While cigarette manufacturers have used the spectre of illicit tobacco to argue against tobacco control policies such as high taxation, they have also been implicated as participating in the illicit tobacco trade. An article by Coker (2003) outlines numerous legal cases against tobacco companies that attempted to link manufacturers to illegal operations, including drug trafficking and terrorism. For example, the European Union filed a case against tobacco company R.J. Reynolds accusing it of selling illicit cigarettes to drug traffickers and mobsters, with the Italian Mafia, Russian organised crime syndicates, and Colombian drug cartels all reportedly profiting from R. J. Reynolds illegal actions (Coker, 2003). In Australia, the involvement of criminal syndicates in the illicit tobacco market has become apparent following a series of more than 30 arson attacks on Australian tobacconists since March 2023, mostly in Melbourne (Lorigan,

2023). Multiple news articles describe criminal syndicates threatening owners of tobacconists to "earn or burn": either sell illicit tobacco products to earn money for the syndicate or have their shop firebombed (Bucci, 2023a; Lorigan, 2023; Offer, 2023), while other tobacconists are reportedly targeted because they are controlled by rival syndicates (Bucci, 2023b; Lorigan, 2023).

Drivers Of Australia's Illicit Tobacco Trade

The most obvious primary driver of Australians' illicit tobacco use is its cheaper price compared to tobacco products on which required taxes have been paid (Bittoun, 2002; Farrell & Fry, 2013). This price difference is often substantial. Tobacco industry funded estimates cite an average price of 20% and 43% of the price of a pack of 25 Winfield cigarettes for unbranded and branded illicit tobacco, respectively in 2022 (equivalent to approximately \$0.40 and \$0.80 per cigarette) (FTI consulting, 2023). Media reporting of the illicit tobacco market in Australia has cited prices ranging from \$10 per pack of 20 cigarettes to \$25 per pack of 25 cigarettes (equivalent to between \$0.5 and \$1 per cigarette) (Daily Mail Australia, 2020; The Courier Mail, 2023; The Project, 2024). A personal contact of the primary author reports purchasing a Marlboro-branded pack of 20 cigarettes for \$5 (i.e. \$0.25 per cigarette) from a local tobacconist (see Fig. 1). A pack of 20 Marlboro cigarettes cost \$47.99 to purchase legally from an online tobacconist in December 2023 (i.e., nearly 10 times the cost of the illicit product; Smokemart, 2023). Consumers motivation to seek cheaper forms of tobacco may have been further exacerbated by the COVID-19 pandemic and an ongoing cost of living crisis in Australia, which have amplified financial hardship for many people on low incomes (Jackson et al., 2023). However, research shows mixed findings regarding the relationship between tobacco tax increases and illicit tobacco trade (Filippidis et al., 2020; Kurti et al., 2015; Nguyen & Nguyen, 2020; Paraje et al., 2022; Ross et al., 2020), with some studies showing that many countries with relatively low tobacco taxes report higher rates of illicit tobacco trade than countries with higher tobacco tax rates (Blecher, 2019; Joossens et al., 2010; Paraje et al., 2022). Rather than a simple relationship between the tax

Figure 2

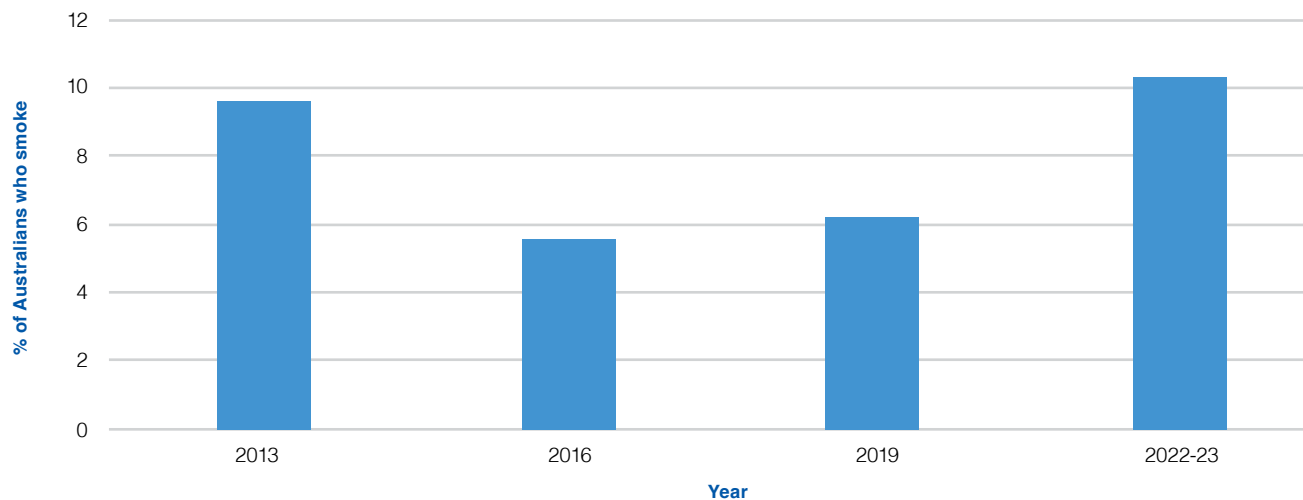


Fig. 2. Proportion of Australians who smoke reporting that they purchased tobacco products without plain packaging. Data from The National Drug Strategy Household Survey (NDSHS) 2022–2023 [1].

*Statistically significant change between 2019 and 2023–2023.

[1] Australian Institute of Health and Welfare. National Drug Strategy Household Survey 2022–2023. Canberra: AIHW, 2024.

rate and the size of the illicit market, some researchers argue that a country's capacity and extent of tax compliance and/or governance are the primary determining factors influencing the extent of illicit tobacco trade (Paraje, 2019). Other studies point to proximity to sources of cheap cigarettes due to lower taxing neighbouring jurisdictions as a primary determining factor, especially for jurisdictions sharing borders with neighbouring jurisdictions offering tobacco products at a lower price (Aziani et al., 2020; Filippidis et al., 2020). Since Australia shares no land borders with other countries and has only a federally applied tobacco tax rate, this is less relevant to Australia's situation.

Furthermore, other Australian research has found that price is not the primary driver of illicit tobacco use for all consumers; a nationally-representative survey conducted in 2007 found that the majority of illicit tobacco consumers reported that they would not change their illicit tobacco consumption even if the relative price advantage of chop-chop reduced (Pellegrini et al., 2011). Other Australian studies suggest that consumers' (incorrect) perception that illicit tobacco is healthier or more 'natural' than licit tobacco is a primary driver for their purchasing behaviour (Aitken et al., 2008), while some participants in a UK-based study described preferring to purchase illicit tobacco so that the government does not benefit from receiving tobacco tax revenue (Stead et al., 2013).

Addressing Australia's Growing Illicit Tobacco Market

In response to concerns about a growing illicit tobacco market, the ATO established an Illicit Tobacco Taskforce in 2018 with the aim of "proactively targeting, disrupting and dismantling serious actors and organised crime syndicates that deal in illicit tobacco" (Australian Criminal Intelligence Commission, 2021). According to the ATO, the Taskforce detected and seized illicit tobacco products worth over \$870 million in its first three years of operation (Australian Taxation Office, 2021). However, there are various opportunities for more action by Australian authorities to prevent and/or detect illicit tobacco trade.

First, Australia is yet to sign the World Health Organization (WHO) Protocol to Eliminate Illicit Trade in Tobacco Products (World Health Organization, 2013). This international treaty, signed by 54 countries, is a supplementary treaty to the WHO Framework Convention on Tobacco Control and aims to facilitate international cooperation to address all forms of illicit tobacco trade through a suite of measures (World Health Organization, 2013). A primary objective of the Protocol, described as the "heart of the Protocol", is to establish an international track and trace system (TTS), including a global information sharing point (World Health Organization, 2013). The TTS involves placing a unique, secure marking on every tobacco product pack that

provides information on the pack's manufacture, shipping, and distribution. As such, should a legitimately produced product enter the illicit market through smuggling, it can be traced to determine its origin and the point it exited the legal supply chain (Gilmore et al. (2019); World Health Organization (2013)). The secure markings also discourage counterfeiting (Ross, 2015). The TTS is considered a crucial tool for securing the tobacco supply chain, singled out as the intervention with the most potential to effectively minimise the illicit tobacco trade (Paraje et al., 2022).

The potential benefits of implementing a TTS were outlined in the Australian Government's 2020 Parliamentary Inquiry into illicit tobacco and the National Tobacco Strategy 2023-2030 (Commonwealth of Australia, 2023; Parliament of Australia, 2020). During the Inquiry, Department of Health representatives noted that Australia's Tobacco Plain Packaging Regulations 2011 prevented implementation of a TTS, as the restrictions on tobacco packaging (e.g., the required colour palette) prohibited adding TTS markings (Parliament of Australia, 2020). While Australia's new tobacco control legislation can facilitate a TTS being implemented in Australia (Australian Government, 2023), the Australian Government has not announced any intention to sign the Protocol, and the Parliamentary Inquiry's recommendation on this point was

simply that "the Department of Home Affairs work in collaboration with the relevant law enforcement agencies to provide definitive advice to the Australian Government on the implementation of a track and trace regime in Australia, and whether Australia should become signatory" to the Protocol (Parliament of Australia, 2020).

Second, there is opportunity to increase interception of illicit tobacco shipments at Australia's borders. The CEO of the Australian Criminal Intelligence Commission has stated that organised criminals need only to successfully smuggle one out of every 30 containers of illicit tobacco through Australia's border to make a profit (Greene, 2022). However, due to limited resources, only approximately seven percent of Australia's imports are robustly examined at Container Examination Facilities, with only containers deemed as 'high risk' eligible for this extensive examination (Parliament of Australia, 2005). There are also reports of unreliable and outdated systems and insufficient resources that affect the ABF's ability to examine imports efficiently (Australian Government Productivity Commission, 2022; Commonwealth Ombudsman, 2018). As such, investing in the ABF's ability to detect and seize smuggled illicit tobacco products is crucial to address this need. The Australian Government's recent commitment of \$188.5 million to increase the ABF's capacity to detect illicit tobacco and vaping products is hence very welcome (Department of Health & Aged Care, 2024).

A third opportunity to better mitigate Australia's illicit tobacco trade, highlighted in the Parliamentary Inquiry (Parliament of Australia, 2020), is increased prosecution of illicit tobacco retailers. Currently, the Illicit Tobacco Taskforce and Australian Border Force focus their efforts on large-scale crime syndicates responsible for smuggling illicit tobacco into Australia or growing large crops, with "minimal enforcement and action taken against retailers who play a key role in distributing the products to consumers" (Parliament of Australia, 2020). While the current maximum federal penalty for selling illicit tobacco products is "a prison sentence of up to 5 years or a fine between \$62,600 and \$313,000, or both" (Australian Taxation Office, 2021), in recent years there has been minimal enforcement action directed



to detecting these retailers. The reasons for limited enforcement included "convoluted legislation" that limits the likelihood of successful prosecution, which varies between jurisdictions, and the fact that the Department of Health is the lead agency for tobacco control, but does not have search and seizure powers (Parliament of Australia, 2020). Current penalties are also not a successful deterrent, with the Parliamentary Inquiry describing the case of a retailer caught selling illicit tobacco products five times (Australian Taxation Office, 2021). Furthermore, jurisdictional boundaries have created barriers to enforcement against retailers; selling illicit tobacco has been a federal crime due to the evasion of paying tax, but the states and territories have responsibility for regulating tobacco retailing. New Australian legislation makes possession (other than for personal use), manufacturing, and supply of tobacco products in non-compliant packaging an offence, which increases the opportunities for federal Department of Health and Aged Care to take action against illicit tobacco suppliers (Parliament of Australia, 2023).

The evidence that Australia's tobacco taxes are driving the current increase in illicit tobacco trade and that reducing the tax would reduce this crime is weak (Paraje, 2019). During the series of tobacco tax increases from 2013 to 2020 in Australia, tobacco tax evasion, including use of unbranded tobacco remained low during most of this time (Australian Institute of Health & Welfare, 2020). Despite the final of eight annual 12.5% tax increases being completed in September 2020 and no further increases beyond bi-annual inflation adjustment between October 2020 and August 2023, the use of unbranded tobacco only increased substantially between 2019 and 2022-2023 (4.9% to 9.0%) according to national survey data (Australian Institute of Health & Welfare, 2024). While the higher price of taxed tobacco products may increase consumer demand for untaxed tobacco, it is likely that lower penalties that are enforced on illicit tobacco supply compared to the penalties for illicit supply of other addictive substances, such as cannabis and methamphetamine, has encouraged organised crime syndicates to diversify into illicit tobacco supply, since illicit

drug markets remain highly profitable (Coyne & Westendorf, 2021). Increasing the penalties for illicit tobacco supply, coupled with increased investment in detection and prosecution of offenders, is likely to be more effective in disrupting the illicit tobacco market than reducing the tax on tobacco products.

The Queensland Government has recently taken steps to address the issue of illicit tobacco supply through new laws (Queensland Government, 2023); as of 2 June 2023, it is illegal for Queensland retailers to supply, store or possess illicit tobacco (in commercial quantities). The new laws also provide new powers for Queensland enforcement officers to investigate and seize these products (Queensland Government, 2023), but the effectiveness of these laws may be limited by insufficient resources to hire, train, and deploy an adequate number of Environmental Health Officers to respond to possible breaches. Responding to these breaches also relies on members of the public to report suspected breaches (e.g., via the Queensland Health (Queensland Health, 2023) or ATO (Australian Taxation Office, 2023) websites). However, there are no mass media campaigns promoting community tip-offs, despite evidence from the UK for the effectiveness of such a campaign in promoting increased calls to crime hotlines providing intelligence on illicit tobacco (McNeill et al., 2014). Furthermore, while other Australian states use covert purchasing operations to proactively monitor and enforce tobacco retailing laws such as for sales to minors, Queensland does not use these methods.

Next, tobacco retail licensing is needed in all states and territories as the threat of licence cancellation may be a greater deterrent to supplying illicit tobacco for tobacco retailers than the fines typically administered through courts. Three states (Queensland, New South Wales and Victoria) have not had a tobacco licensing scheme, although one of these (New South Wales) has a tobacco retailer notification scheme with the ability of the state government to impose a tobacco retailing ban on retailers who do not comply with tobacco control laws. The lack of retail licensing may be a factor in Victoria and Queensland being the two states that have been the centre of a series of arson attacks on tobacconists related to illicit tobacco trade (Abbott et al.,

2023). Queensland's new tobacco retail licensing scheme will commence in September 2024 (Queensland Government, 2023), while Victoria has announced that legislation to introduce tobacco retailer licensing would be introduced into parliament before the end of 2024 (Business Queensland, 2024; Sciberras, 2024). Ensuring adequate resources for monitoring and enforcement and following through with licence cancellations when illicit tobacco sales are detected will be critical.

A fifth approach is to decrease consumer demand for illicit tobacco products. In addition to reducing the availability of illicit tobacco, discouraging consumers from purchasing it could also assist to minimise the market. A few countries (e.g., Canada, Malaysia, United Kingdom) have implemented public education campaigns in an attempt to reduce consumer demand for illicit tobacco products (National Research Council, 2015). The Australian Taxation Office has also produced public education materials that aim to raise awareness about illicit tobacco trade and its consequences (Australian Taxation Office, 2021). These campaigns aim to raise awareness of the extent of the trade, the penalties for buying or selling these products, and/or the criminality of the trade (Chaloupka et al., 2015; National Research Council, 2015), but there is little evidence on what types of messages in public educational campaigns or other interventions are effective specifically to deter against illicit tobacco purchasing. As such, independent research is crucial to ensure demand reduction interventions for illicit tobacco purchasing are effective and do not inadvertently promote the perception that tobacco products purchased from the legal market are 'safer' or increase consumer interest in purchasing illicit products by increasing awareness of their availability and lower price. More generally, reducing the number of people who smoke through tobacco control interventions and smoking cessation assistance will also reduce demand for illicit tobacco products. Furthermore, another reason why reducing the tax on tobacco products is unlikely to be effective for reducing the illicit market is that research suggests that the price of illicit tobacco products increases when the price of the legal market increases (Tsui, 2016), hence reducing the legal price is also likely to reduce the price of the untaxed products and make these even more affordable.

CONCLUSIONS

A sizeable increase in the quantity of illicit tobacco seized in Australia over recent years suggests a need for more action to control this illicit market that threatens to undermine policies to achieve a national commercial tobacco endgame goal of 5% or less smoking prevalence by 2030. Policy reform at both federal and state level in multiple Australian states is a positive move. However, challenges remain in adequately monitoring and enforcing laws that prohibit the supply of illicit tobacco. Further policy action, such as implementing a TTS, increasing the proportion of containers searched at the border, encouraging public reporting of illicit tobacco sales, proactive monitoring and enforcement of laws such as via covert purchasing activities, meaningful penalties to deter retailer and criminal syndicate involvement in illicit sales, and development of public education interventions to reduce consumer demand for illicit tobacco could assist Australia to control this growing market.

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Author Contributions Cheneal Puljević: Writing original draft, Conceptualization. Michael King: Writing review & editing. Isabel Meciar: Writing - review & editing. Coral Gartner: Writing review & editing, Conceptualisation.

Illicit Tobacco And E-Cigarette Commissioner Report 2024-25

A national picture of the illicit market



AMBER SHUHYTA

Illicit Tobacco and E-cigarette Commissioner

Message From The Commissioner

Illicit tobacco and e-cigarettes (vapes), pose a serious and growing threat to our public health, community safety and the economy.

In July 2024, the Australian Government established the role of Illicit Tobacco and E-cigarette (ITEC) Commissioner with the remit to support the development of national strategies addressing the growing threat of illicit tobacco and vapes. I would like to thank and acknowledge the work of the Interim ITEC Commissioner, Erin Dale, who laid substantial foundations for this pivotal role.

The illicit tobacco and vape trade is not new, nor is it a problem isolated to Australia. The Australian Border Force is targeting and seizing record levels of illicit tobacco and vapes at the border. However, from comprehensive stakeholder engagement

undertaken by my office, a clear view has emerged that there is no single solution to addressing the illicit market. Instead, a multi-pronged approach is needed across the ecosystem, from supply (growth through to retail) to demand. This will bring together the power of Commonwealth, state and territory capabilities to disrupt criminal networks. The wider Australian community also has a role to play, given normalisation of consuming illicit tobacco and vapes directly supports serious and organised crime.

My role will facilitate a coordinated systems approach, harnessing a range of policy levers in order to shrink the market, reduce criminal entrenchment, and minimise associated harms to public health, safety and wellbeing. I seek to build strong cross-jurisdictional commitment and collaboration to enhance

enforcement, legislative and intelligence capabilities that disrupt criminal activity. I also seek to build upon Australia's longstanding success in reducing tobacco consumption, with national effort that continues downward pressure on demand.

This report presents the first centralised assessment of the current state of the illicit tobacco and e-cigarette market in Australia, and meets the Reporting Functions of s. 163D of the Public Health (Tobacco and Other Products) Act 2023. It draws on data and insights generously shared by partner agencies, presenting a coherent national view to be tabled in the Australian Parliament. I intend for this report to provide a contemporary data-driven platform of advice to counter illegal trade and the damaging impacts it has on our community.

Executive Summary

Illicit tobacco and e-cigarettes represent a threat to Australia's public health, community safety, and economy. These illegal markets undermine hard-won gains in reducing smoking rates, expose consumers to unregulated products, and fuel organised crime. Further, in the case of e-cigarettes, illicit single-use vapes are a significant environmental hazard.

Important initiatives have been launched to disrupt the criminal profit motive. The March 2025-26 Budget committed \$156.7 million to address key challenges, including strengthening powers to seize criminal profits and assets. This builds on the \$188.5 million package announced in January 2024 to bolster disruption and deterrence of illicit tobacco to Australia.

Agencies are working together across the country. Several state and territory governments have taken steps to reduce the opportunities for criminal exploitation and make it more difficult for them to operate in the market. Cross-jurisdictional engagement has improved across health, regulatory, and enforcement sectors. The ITEC Commissioner's office has focused on supporting national collaboration, formalising inter-agency data sharing arrangements, and establishing a number of forums to drive policy coordination and support enforcement action.

Analysis conducted by the ITEC Commissioner's office estimates half of all tobacco products sold in Australia are now illicit. Similarly, the e-cigarette market is predominately operating outside health and regulatory safeguards.

There is no single market driver, nor is there a single solution or easy answer. A multi-pronged approach that rebalances the risk to reward calculation for illicit suppliers, while also

addressing the motivations underlying the demand from those purchasing illicit products is needed. The collective efforts across Commonwealth, state and territory governments need to be harnessed to:

- Shrink the illicit tobacco and e-cigarette markets
- Reduce criminal involvement in tobacco and e-cigarettes
- Minimise associated harms to public health, safety and wellbeing.

Targeting just one part of the system is unlikely to deliver results. For example, the Australian Border Force (ABF) has had record seizures at the border, law enforcement agencies around the country are making progress stamping out organised crime, and regulators continue efforts to protect public health. In addition to targeting multiple parts of the system, we need to make sure that intervention to address any one of these aspects does not cause adverse consequences to another. For example, tobacco excise is a central component of Australia's comprehensive tobacco control response aimed at reducing tobacco consumption and protecting public health.

Strong enforcement, penalties, and disruption of criminal proceeds will be key components of the multi-pronged approach. The public also has a vital role to play by recognising that illicit tobacco is not a victimless crime, understanding the harms of these markets, and avoiding the behaviours that fuel demand, entrench criminal activity, and cause harm in our communities.

Isolated action in one area without complementary effort in others will not generate the systemic change required. To guide the way forward, the ITEC Commissioner sees a clear need to focus efforts in the following areas:

- Stronger consequences
- Multi-agency capability
- Unified information and data
- Demand reduction.

Introduction

Australia's tobacco control measures have helped to reduce Australia's smoking rates to one of the lowest in the world. However, tobacco still remains a leading cause of preventable illness and premature death.

Australia's response is situated within an established policy framework. This includes the World Health Organisation Framework Convention on Tobacco Control, the National Tobacco Strategy 2023-2030 agreed by all Health Ministers, and the *Public Health (Tobacco and Other Products) Act 2023*. The National Vaping Enforcement Framework underpins strong and cross-jurisdictional collaboration.

The illicit tobacco and e-cigarette market undermines these hard-won gains in reducing smoking rates, exposes consumers to unregulated products, and fuels organised crime.

The illicit tobacco trade is not new, nor is it a problem isolated to Australia. Countries around the world, regardless of their excise and tax arrangements, are seeing tobacco smuggled across borders. Likewise, countries are considering how best to manage the public health implications of the emerging markets for e-cigarettes and other novel nicotine products. The section on illicit tobacco and e-cigarette drivers illustrates the complex mix of factors influencing the market.

What makes tobacco and e-cigarettes illicit?

Tobacco

Australia's regulated tobacco market includes a range of different products all grown and produced overseas. These products are required to comply with plain packaging and health labelling requirements and are subject to two forms of taxation:

- Excise Equivalent Duty, payable upon entry into Australia
- Goods and Services Tax, payable at the point of retail sale.

Tobacco is illicit when imported into the domestic market without customs duty being paid, or grown, manufactured and/or produced in Australia without a licence. In addition, illicit products do not typically comply with Australian plain packaging and health labelling requirements and are sold below market value. The lower price is predominately achievable through the evasion of excise duties and non-payment of GST.



E-cigarettes

E-cigarette and vaping products can only be lawfully purchased from pharmacies. It is unlawful for any other retailer, including tobacconists and convenience stores, to sell any type of e-cigarette or vaping product – irrespective of whether they contain nicotine or not. There are provisions allowing for the dispensation of e-cigarette devices or vaping products by qualified health professionals in specified circumstances.

All e-cigarettes available for sale at pharmacies must comply with specific regulatory standards including being reusable, having controlled nicotine levels, using plain pharmaceutical packaging, and being limited to mint, menthol, or tobacco flavours. Consequently, e-cigarettes not purchased at a pharmacy and not compliant with these standards are illicit.

Why are illicit tobacco and e-cigarettes a problem?

Illicit tobacco and e-cigarettes impact both individuals and the Australian community in a variety of ways:

Health risks

The availability and consumption of illicit tobacco products undermines public health measures to reduce nicotine addiction and smoking, such as plain packaging, health warnings, health promotion inserts encouraging people to quit, and ingredient regulation. People who use illicit tobacco are usually not exposed to plain packaging, graphic health warnings, and other evidence-based non-price measures which reduce consumption, encourage quit attempts and discourage uptake of tobacco use.

Despite often being referred to as a less harmful alternative, multiple studies have highlighted the health risks associated with e-cigarette use. Research shows that the aerosol, or 'draw', can contain hundreds of toxic chemicals, along with heavy metals such as iron, chromium, nickel, and lead. In Australia there have been reported overdoses from illicit vaping products laced with nitazenes, a strong and potentially lethal synthetic opioid³. There is also the added risk of exposing a new generation of users to nicotine addiction because of the popularity of e-cigarettes among younger age groups.

Profits to serious and organised crime

Intelligence suggests that the majority of syndicates involved in the illicit tobacco market run diverse, multi-commodity businesses, with illicit tobacco providing a stable source of income that can be diverted into potentially more profitable and more harmful endeavours both in Australia and offshore.

Community safety and loss of trust

The growth of the illicit market has been accompanied by highly visible incidents of violence. These community safety threats have included homicides, acts of extortion, and arson attacks on premises related to the trade of illicit tobacco.

In addition to the health of individuals and community safety, illicit tobacco and e-cigarette products undermine regulatory frameworks designed to protect public health. This undermines public confidence in regulatory bodies, and crowds out regulated businesses who observe compliance and regulatory requirements.

Environmental impacts

The majority of illicit single-use e-cigarettes are not easily recyclable, as they contain a complex mix of plastics, heavy metals, e-liquid, and lithium-ion batteries.

A significant volume of vaping products are being littered or sent to landfill as electronic waste. In contrast, regulated (and rechargeable) vaping products are easier and safer to recycle and destroy.

Illicit tobacco sticks are not typically compliant with Australian standards for reduced fire risk cigarettes. This presents a greater fire hazard than compliant products if discarded without being fully extinguished.

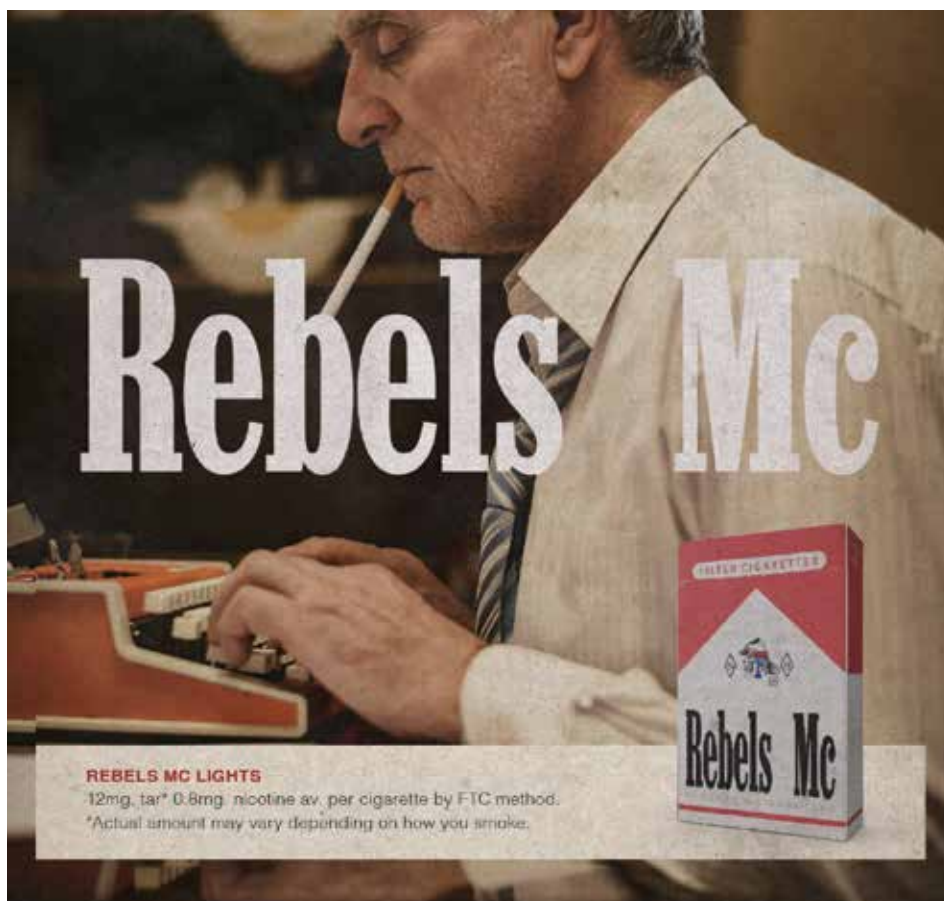
Impacts on public services

The illicit tobacco and e-cigarette trade has significant economic ramifications. Tobacco excise avoidance deprives the Australian community of substantial tax revenue that can be directed to other initiatives that promote health, security and social equality. Further, the expansion of the illicit market necessitates increased public spending on regulation and enforcement to address this growing issue.

ITEC Market Drivers

Just as there is no single solution to dismantling the illicit market, there is no single driver.

The scale, spread, and consumption of illicit tobacco and vapes are driven by a range of factors including:



Consumer demand

Increasing demand for illicit alternatives across demographics. Vaping is prevalent among younger, digitally connected Australians, whereas tobacco smoking is more common among Australians aged 40 and above.

Ease of access

Widespread access to illicit tobacco and e-cigarettes both through retail outlets and online channels facilitates accessibility of illicit products, and is not subject to age checks or other regulatory barriers.

Price differences

Avoidance of excise allows illicit tobacco to be sold significantly cheaper than excise paid tobacco. Price differences do not appear to be a driver in vape market, as the products being sold illicitly are not directly comparable with the therapeutic regulated products.

Sophistication and efficiency of illicit supply chains

Leveraging established smuggling methods used for other illicit commodities increases availability, and taps into existing criminal capability.

Lack of consumer awareness

Buyers may not understand the links to organised crime and why this is a problem. Illicit products may seem affordable, but they come at a high cost to community health and safety.

The illicit tobacco trade generates significant profits for organised crime through:

Tax evasion

Profits remain largely unaffected by typical costs such as tax or other business overheads.

Cash-based or non-conventional transactions

These make tracking more difficult, and while making it easier to launder proceeds.

Minimal business costs

Lack of adherence to tax and regulatory obligations reduces costs.

Money laundering

Avoiding financial transaction reporting obligations and using non-traditional financial infrastructure facilitates the movement of proceeds from illicit tobacco, supporting other criminal enterprises and consolidating financial gain and power.

Insufficient deterrence

Criminal networks operate extensively in the illicit tobacco and e-cigarette markets partly because the penalties are lower compared to other illicit commodities. While they use similar methodologies for dealing in tobacco as they do for dealing in drugs, they do not face the same range of offences or similar levels of penalty that could potentially act as a deterrent. Relative to the prioritisation of finite enforcement resources, incommensurate deterrence and penalties are impediments to effective regulation and enforcement.

It its inaugural year, the ITEC Commissioner's Office has:

- Led and coordinated national efforts by refreshing key governance structures, including expanding the remit of the National Vaping Working Group to incorporate illicit tobacco (now the National Illicit Tobacco and E-cigarette Coordination Forum), to unify enforcement and regulatory action. It also hosted the first National ITEC Symposium, bringing together more than 80 representatives from law enforcement, health, compliance, and regulatory agencies to align national strategies.
- Built the evidence base for targeted action by developing and validating a methodology to estimate the size and scale of illicit markets and inform future reporting. The ITEC Commissioner's office also formalised data-sharing agreements across Commonwealth, state, and territory agencies and commissioned targeted research with leading universities and health organisations to better understand consumer behaviour, market drivers, and international influences.
- Driven policy and reform by providing data-driven advice on potential future policy options and as the basis for the Australian Government commitment of \$156.7 million in new funding to bolster enforcement capabilities.
- Strengthened partnerships and engagement by conducting more than 200 engagements across Commonwealth, state, and territory agencies, industry, and the research sector. The ITEC Commissioner's office also forged relationships with international counterparts in the United Kingdom; Canada; Hong Kong, China; New Zealand, and with the United Nations Office of Drugs and Crime (UNODC).

The ITEC Commissioner's first year of work sits within the context of broader whole-of-government efforts implementing \$345 million Australian Government commitments to combat illicit tobacco and e-cigarettes. These commitments build on Australia's world-leading tobacco and vaping reforms and support the national response by:

- providing law enforcement agencies with funds to fight criminals
- strengthening powers to seize criminal profits and assets
- supporting public education to counter the appeal of illicit tobacco and vapes; and
- enabling strengthened cooperation between the Commonwealth, and states and territories to break the criminal business models.

As at the end of the 2024-25 financial year, we are seeing early results that show improvements funded through this investment are gaining momentum.. This includes more than 10 million vaping products and accessories being seized at the border by the Australian Border Force and Therapeutic Goods Administration since January 2024. In addition, the Australian Tax Office (ATO) increased illicit tobacco seizures by 39% from the 2023/24 financial year. The Australian Federal Police's Criminal Assets Confiscation Taskforce recently seized more than \$1 million in cash and assets from criminals dealing in illicit tobacco and has a number of other matters currently under investigation for action under the Proceeds of Crime Act 2002 (Cth).

Steps have also been taken by several state and territory governments to reduce opportunities for criminal exploitation and to make it more difficult for these organisations to operate. This includes the recent introduction of licensing schemes in NSW and Victoria, which now sees all states and territories having a framework for regulating tobacco retail. An increase in engagement and cooperation across health, regulatory and enforcement agencies and between jurisdictions in the last 12 months provides a strong foundation for ongoing action.

It is important to note that these activities will not come to fruition overnight. It will take time and sustained commitment to see this through.

As outlined under Section 163D of the Public Health (Tobacco and Other Products) Act 2023, the ITEC Commissioner is required to report on the:

- prevalence and consequences of the illicit trade - **through law enforcement reports**
- estimated evaded excise and customs duties -through **excise and customs duty reports**
- enforcement statistics and analysis - through **enforcement statistics reports.**

This section responds to the ITEC Commissioner's legislated reporting requirements for 2024-25.

Calculating the size of illicit tobacco market

The ITEC Commissioner's office has developed a methodology to evaluate the size and value of the illicit tobacco market. The methodology has been shared with other agencies engaged in combatting illicit tobacco to test its validity, and externally reviewed. The approach draws on a suite of confidential and publicly available data sources, existing methodologies and assumptions, including those relating to price sensitivity and consumption rates

(Appendix A refers; summarised in Figure 1. Scan QR code for Appendix).

The link between tobacco consumption, regulated imports and the illicit tobacco market

Calculating the size of the market can be summarised as the process to find the gap between tobacco consumption rates and lawful imports of tobacco (Figure 2).

The number of people regularly consuming tobacco in Australia has declined markedly over the last three decades as a result of sustained health initiatives effectively reducing demand.

From FY22/23 to FY24/25, legal tobacco clearances have fallen by over half. On looking at consumption rates, we can estimate how much of the reduction in legally cleared products has been replaced by illicit supply.

Given that data around consumption is calculated at a macro level (rather than per person), there are some challenges in isolating whether changes in consumption are explained solely through a decrease or increase to smoking rates, and/or shifts to vaping and other products. To reflect this, the ITEC Commissioner's office has generated a low and high-range market estimates in acknowledgement of the issues faced in validating data sets (Figure 3).

Figure 1: Illicit tobacco market size: methodology

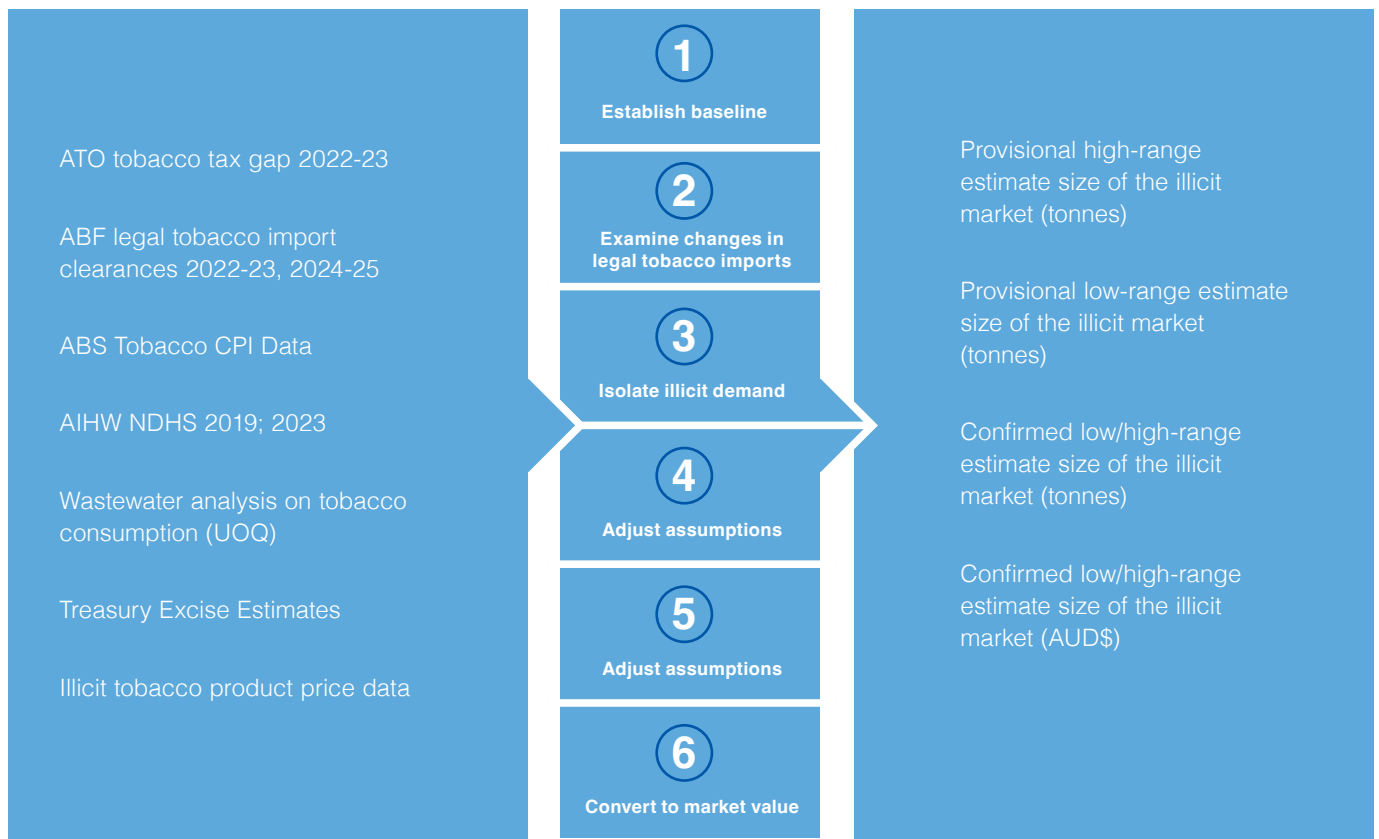


Figure 2: Relationship between tobacco consumption rates, regulated imports and size of illicit tobacco market

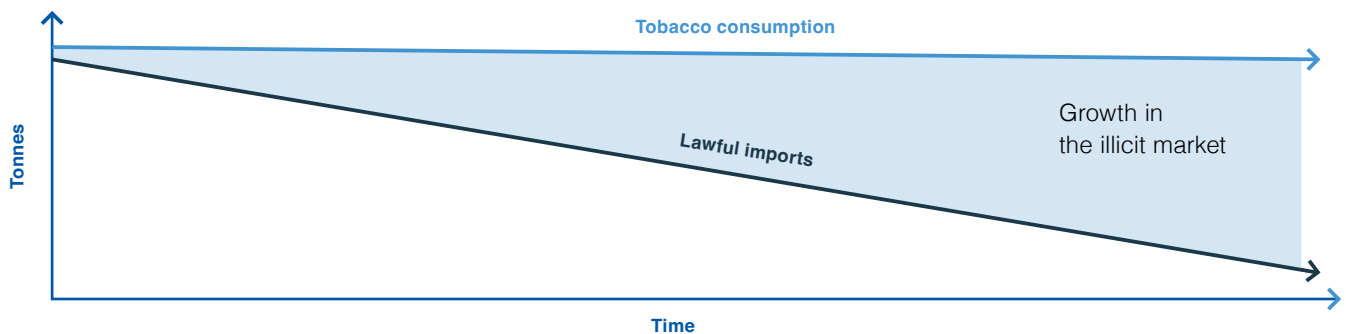
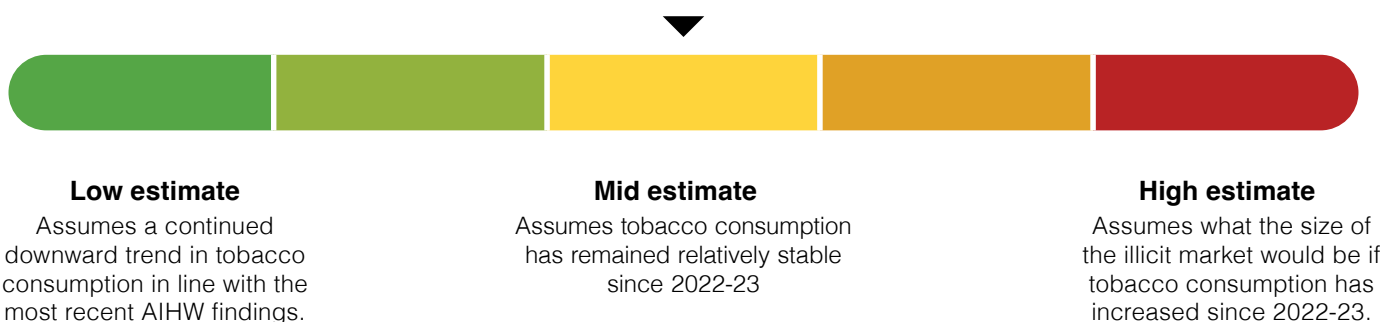


Figure 3: Tobacco usage assumption set



Calculating the size of the e-cigarette market

Generating accurate estimates of the size of the illicit e-cigarette market is difficult. This is particularly so prior to 2024-25, when import and retail of e-cigarettes without nicotine was lawful. Illicit actors used incorrect product labelling to unlawfully bring nicotine vapes into the country, but it is difficult to accurately estimate to what extent / market size.

Significant reforms through the Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Act 2024, commenced on 1 July 2024. While these reforms make it easier for enforcement agencies to distinguish between regulated and illicit e-cigarettes, it is likely to be a number of years before we have a sufficient volume of legal import data under these current settings to make inferences into the status and trends of the illicit e-cigarette market.

This is especially the case due to products being stockpiled ahead of regulatory reform. The downstream impact of the distribution of that stockpile into the market is likely to endure for a couple of years or more, affecting analysis of current illicit market behaviours.

Noting these limitations, to estimate the size of the market for this report, the ITEC Commissioner's office contracted a service provider to conduct a consumer survey of 4,000 nicotine consumers. For this specific study, quota sampling was employed based on age, gender, and geographic location to ensure adequate representation across key demographic groups. The survey was conducted in March 2025.

The survey instrument was developed based on validated measures from existing surveys, including the National Drug Strategy Household Survey, with adaptations to address the specific research questions regarding illicit products. The survey was designed and conducted in line with standard survey design practice, with informal cognitive testing of the questionnaire undertaken to check the clarity and accessibility of questions. It asked a series of questions that could be used to determine whether vaping products used by respondents were legal or illicit. For example:

- Any vaping product not obtained via a pharmacy (or via an online pharmacy with a prescription) was classified as illicit, in accordance with Australian regulations introduced in 2024. Vaping products obtained online from an Australian website with a prescription were considered to be licit, assuming the website to be an online pharmacy.

- Any flavoured vaping product was classified as illicit. Tobacco, mint/menthol or unflavoured vaping products were classified as potentially licit if not otherwise deemed illicit.
- Disposable vapes were classified as illicit.

The approach used to estimate the value of the market was based on average user expenditure rather than average prices for vapes and vape accessories multiplied by volume. This is due to the large variation in vapes (number of puffs) and accessories. Survey participants were asked for average monthly expenditure to derive annual expenditure.

Law enforcement reports

For the purposes of this report, the term prevalence refers to how widespread the availability, use, and trade of illicit tobacco and e-cigarettes is across Australian communities and markets over a given period.

The term consequence refers to the harm or effects the trade of illicit tobacco and e-cigarettes has on public health and safety and other areas of public concern including criminal activity and the entrenchment of serious and organised crime.

Figure 4 data below highlights the size and share of the illicit markets, as well as the substantial pressure placed on law enforcement agencies to respond to criminal activities linked to the trade of illicit tobacco and e-cigarettes.

The ITEC Commissioner's estimate of illicit market value is the estimated net profit accruing to criminal networks⁴. This is based on the estimated street value of illicit tobacco less the estimated cost of manufacture and importation of tobacco products.

Data on tobacco consumption reflects analysis from 2022-23, therefore our 2024-25 data is an estimate based on trend modelling. The low range estimate that the illicit tobacco market share accounts for 50% of the tobacco market assumes tobacco consumption has continued to trend down in line with most recent AIHW findings from 2022-23. The mid-range estimate of 55% assumes that since 2022-23 tobacco consumption has remained relatively stable, with the high range estimate of 60% representing a scenario if tobacco consumption has increased.

Consequences of the illicit market are broad in nature, and include the excise and enforcement information in the next two reports.

Harms to public health and community safety are challenging to quantify based on existing data sets. It is difficult to attribute specific health outcomes directly related to the illicit trade. This is similarly the case with community safety. For example, crimes linked with the illicit tobacco and e-cigarette trade have included homicide, extortion, arson, assault, and stolen property. Data collection does not uniformly attribute in a structured manner whether illicit tobacco or e-cigarettes are an underlying motive for each of the crimes, and there are often multiple factors involved. The ITEC Commissioner's office will work with law enforcement agencies to develop a national picture while working towards streamlining data capture and sharing procedures to minimise effort for partner agencies.

Excise and customs duty reports

Estimated excise evaded ranges from \$7.7 billion to \$11.8 billion. The revenue loss estimates assume that, in the absence of illicit tobacco, consumers would purchase an equivalent quantity of legal tobacco. However, this assumption may not hold in practice, as consumer behaviour is price-sensitive, and substitution between illicit tobacco and alternatives is uncertain.

Legal clearances¹¹ have continued to fall over recent years, totalling 3,975 tonnes in 2024-25. Legal clearances of cigarettes reduced by 30% from the previous year, with loose leaf tobacco reducing by 17%.

Enforcement statistics reports

The enforcement landscape surrounding illicit tobacco and e-cigarettes in Australia has intensified in recent years, reflecting the growing complexity and scale of these illicit markets. Figure 8 below and the contextual information provided throughout this report underscore the magnitude of the challenge faced by enforcement agencies in managing the consequences of the trade in illicit tobacco and e-cigarettes.

The volume of tobacco seizures continues to increase. A record volume of 2,244 tonnes of illicit tobacco was seized during 2024-25. The figures represent the combined tobacco and e-cigarette seizures from state and territory tobacco enforcement agencies, Australian Border Force, Australian Taxation Office, and Therapeutic Goods Administration.

Seizures during 2024-25 represents 61% of legal cigarette clearances during the year and 54% of loose leaf tobacco clearances. Illicit tobacco seizures for 2024-25 represent a street value of illicit cigarettes and loose leaf tobacco totalling \$3.0 billion.

Figure 4: Estimated market size and volume of illicit tobacco and e-cigarette products in circulation in 2024/255

Reporting Period 24-25 Year	Illicit market share	Illicit market value
% / Value of tobacco	If tobacco consumption trends down: 50%	\$4.1 billion
	If tobacco consumption holds steady: 55%	\$5.6 billion
	If tobacco consumption trends up: 60%	\$6.9 billion
% / Value of e-cigarettes	95.7% of the e-cigarette market	\$1.6 billion

Figure 5: Estimates of the amount of imported and domestically produced illicit tobacco in Australia

Reporting Period 24-25 Year	Estimated amount of imported illicit tobacco	Estimated amount of domestically produced illicit tobacco
Tonnes	Between 3,312 and 5,397 tonnes	575 tonnes ⁷

Figure 6: Estimates of the amount of imported and domestically produced e-cigarette products in Australia

Reporting Period 24-25 Year	Estimated amount of imported regulated e-cigarettes	Estimated amount of domestically produced illicit e-cigarettes*
Number	523,5318	No data exists

Figure 7: Comparison of the estimated amount of evaded tobacco excise and customs duty resulting from the illicit tobacco and e-cigarette trade in Australia and the amount of excise and customs duty collected as a result of the legal trade in tobacco and e-cigarette⁹ products in Australia

Reporting Period 24-25 Year	Excise paid on legal tobacco imports	Excise evaded on undetected illicit tobacco
\$	\$7.7 billion	\$7.7 billion to \$11.8 billion

Figure 8: Estimated seizures of illicit tobacco and e-cigarette products

Commodity	Seizures
Cigarettes	2.66 billion cigarettes
Loose leaf tobacco	509 tonnes
E-cigarette products	7.5 million

Figure 10: Enforcement activity	
Enforcement Activity	Count
Inspections Activities where organisations undertook routine compliance work in relation to licencing and/or other legislative compliance activities in the retail space for illicit tobacco and e-cigarettes.	3,321
Operations Activities where the sole or main reason for activity was a suspicion or knowledge of illicit tobacco and e-cigarettes being present regardless of the outcome.	2,027
Joint operations Operations involving more than one agency.	281

Figure 11: Enforcement outcomes	
Enforcement Activity	Count
Vape advertisement removals	5,268
Infringements	1,752
Infringement fines	\$27.0 million
Civil and Criminal fines Results of criminal prosecutions and civil penalty proceedings relating to any violations against illicit e-cigarette and vape accessories and/or illicit cigarettes/tobacco related legislation including but not limited to importation, possession or sale.	\$0.6 million
Charges laid Number of charges laid for anything where the matter included tobacco and/or vapes.	98
Commencement of proceedings Includes criminal and civil proceedings relating to any violations against illicit vapes and vape accessories and/or illicit cigarettes/tobacco related legislation including but not limited to importation, possession or sale.	71

Figure 10 represents current enforcement activity across state and territories. During 2024-25, compliance and enforcement agencies reported 3,321 inspections and 2,027 operations, including 281 joint operations.

Figure 11 shows enforcement activity has led to the removal of 5,268 e-cigarette advertisements and 1,752 infringement notices. Fines issued over the period total \$27.6 million,

with the mean infringement fine totalling \$15,386 based on 1,752 infringement notices.

It is important to note that fines reflect penalties available in legislation over the reporting period. Notwithstanding, law enforcement around the country has had a concerted focus within the legislative parameters currently in place. Some states and territories have or are in the process of reviewing legislative regimes to enable stronger consequences. Future

reports from the ITEC Commissioner will allow for commentary on trends in enforcement outcomes.

There is no single solution to addressing illicit tobacco and e-cigarettes. Illicit tobacco and e-cigarettes represent a threat to Australia's public health, economy, and community safety. Targeting just one part of the system is unlikely to deliver results. Similarly, we need to ensure that interventions to address any one of

these aspects does not cause adverse consequences to another.

This dynamic can be illustrated through the three deeply interconnected factors that together represent prevalence and consequence of the illicit trade (Figure 12):

1. Size and scale of the illicit market – the scale, geographic spread, and consumption of illicit tobacco and e-cigarettes, including supply, demand, distribution, and consumer behaviour.
2. Profit to serious and organised crime – the flow of money from illicit tobacco and e-cigarette sales that funds serious and organised crime, enabling further criminal enterprises.
3. Associated harms – the health, safety and wellbeing impacts from consumption of unregulated products and exposure to criminal activities.

Potential areas for action

A multi-pronged response is needed across the ecosystem, from supply (growth through to retail) to demand, bringing together the power of national capabilities in order to:

- shrink the illicit tobacco and e-cigarette markets
- reduce incentive for criminal involvement in tobacco and e-cigarettes
- minimise associated to public health, safety and wellbeing.

The ITEC Commissioner has identified four key themes that can guide the way forward and future activity.

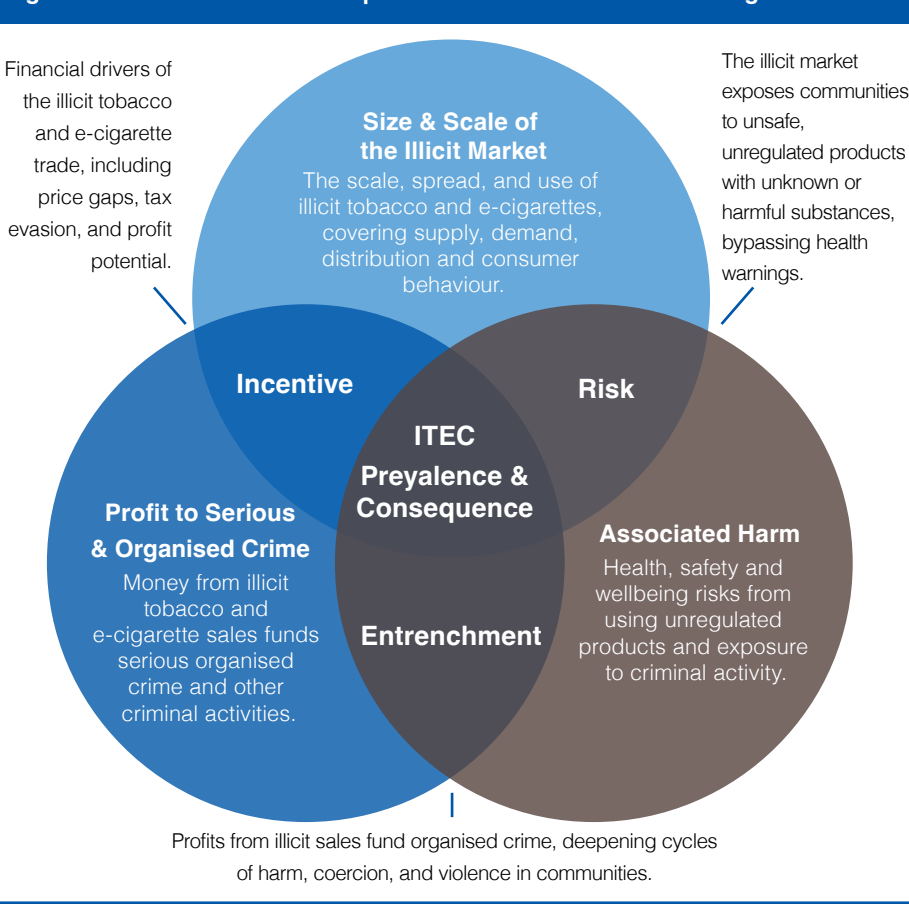
The way forward is not mutually exclusive to the importance of bedding down implementation of existing \$345 million Australian Government commitments. Existing measures include providing law enforcement agencies with resources to fight criminals; strengthening powers to seize criminal profits and assets; supporting public education to counter the appeal of illicit tobacco and vapes; and enabling strengthened cooperation between the Commonwealth and states and territories to break criminal business models.

It is critical to see through current implementation of these measures in order to realise the benefits of this significant existing investment. Progress varies, being relative to the implementation model entailed. Tangible impact and outcomes from these measures will require consolidated

Figure 9: Illicit tobacco seizures



Figure 12: Prevalence and Consequence of the Illicit Tobacco and E-cigarette Trade



effort, coordination and continued national leadership across the life of the initiatives. The ITEC Commissioner's office will take a leadership role, centralising a coherent view of this multi-agency effort, and catalysing change as well as monitoring successes.

Potential future activity can be conceptualised through the following four themes. These indicative concepts can be further developed with authorities across federal, state and territory governments.

Stronger Consequences

Actions to create stronger consequences would contribute to a greater deterrence effect, rebalancing the risk to reward ratio for illicit actors. In particular, working to increase the likelihood of prosecution and targeting the assets of individuals suspected of profiting from this trade. This could include enhancing Australia's legislative and regulatory framework by optimising existing powers, aligning penalties with severity of offences, creating new provisions where needed, and aligning delegations to operational presence. That is, uplifting legislation across portfolios and jurisdictions.

Hardening tobacco licensing arrangements, potentially through a national standard, is another avenue to consider.

Criminal networks operate much like conventional businesses, however they manipulate demand, seek market domination, and develop novel products to circumvent regulations. Any work in this theme should seek to ensure that provisions are future proofed against product innovations designed to evade the law. This includes looking at the exploitation of non-traditional financial infrastructure for money laundering purposes.

Multi-Agency Capability

Strong interagency cooperation on intelligence, operations, problem solving and planning are vital to enabling effective regulatory and law enforcement responses – and removing illicit products from both retail and online channels.

Under this theme, there are opportunities to deliver a national response that is greater than its component parts by combining the powers of law enforcement, border protection and regulatory agencies across the country to work towards:

- seamless, cross-jurisdictional collaboration that disrupts all stages of the illicit supply chains;
- consistent targeting, intelligence sharing, and operational support nationwide;
- amplified disruption outcomes through shared capabilities; and
- application of all available legal mechanisms to constrain the activities of individuals involved in serious organised crime, including proceeds of crime action.

This could mirror efforts in other serious and organised crime spaces, such as the fight against Outlaw Motor Cycle Gangs.

Particular focus will be given to how the Commonwealth can work with the states and territories to support cross-jurisdictional effort.

Multi-agency capability also extends to Australia partnering internationally to help understand comprehensive regional and thematic threat assessment of transnational organised crime and targeting illicit tobacco and e-cigarette production sources.

Unified Information and Data

To facilitate multi-agency and cross-jurisdictional capability, unified information and data will underpin collaboration, national situational awareness, and strategic analysis.

This would involve defining information and data sharing requirements, formalising arrangements for access, sharing, retention, and use of data across Commonwealth agencies, law enforcement agencies, health and other regulatory agencies. Providing support to non-law enforcement agencies to adopt principles of the intelligence requirements cycle to support prioritisation and risk management would further build cohesion and a common 'language' across stakeholders.

Data, information and research including with global partners should provide a strong evidence base for action, such as evolving market dynamics (including shape and composition), understanding the crossovers and separations between tobacco and vape consumption, and early warning of shifts to support earlier development of potential responses. Enhancing intelligence via public-private and academic engagements would contribute to the picture. This will become

increasingly important over time as the illicit market responds to the government actions currently underway.

Identifying key actors and organised crime groups that pose immediate risks to the safety of the Australian community is a key enabler to informed, targeted interventions to prevent harm and safeguard national interests.

Demand Reduction

While much work to date in the illicit tobacco and e-cigarette market has focused on addressing supply factors, we must also look at demand. A cohort of consumers remain resistant to health warnings and continue to smoke. At the same time, e-cigarettes and other novel products are introducing new generations to nicotine consumption. Reducing demand through targeted harm minimisation strategies will continue to be important for both public health and reducing the size of the illicit market.

Working to better understand the drivers and motivations of those who consume nicotine, and in particular, those who choose to purchase illicit products, will inform demand reduction work including public campaigns.

Research may also be beneficial on criminal exploitation of people experiencing entrenched addiction and intersectional disadvantage, as well as exploration of diverse community and cultural perspectives on what would make the day-to-day difference to consumption and trade.

Tobacco excise is a central component of comprehensive tobacco control aimed at reducing tobacco consumption and protecting Australians from the harms of smoking. The Government monitors the appropriateness of existing taxation settings, including for tobacco. Current tobacco taxation settings balance a variety of policy objectives such as health, control of illicit goods, consumer choice, and collecting revenue for essential services. As previously noted, any intervention to existing policy needs to ensure there are no adverse or unintended consequences. In the case of excise, entering into a price competition with the illicit market could lead to adverse health outcomes, and undo successive generations of government policy to drive down smoking rates.



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add squid | 6.5
add smoked salmon | 6.5
add cold poached prawns | 8.5

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JUNE 2026



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浴佛聖典

Bathing Buddha Holy Ceremony

Buddhist Era 2570

SUNDAY 24 MAY 2026



Holy Sakyamuni Buddha was born 2,570 years ago in ancient India as Prince Siddhartha Gautama. During his birth, two dragons led nine dragons to bathe him with ambrosia nectar; the young prince took seven steps sprouting fragrant lotuses with each step. This was the origin of the Bathing Buddha Festival, celebrating the Buddha and Buddha's mother's achievements.

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