

# Submission to the Senate Legal and Constitutional Affairs References Committee

## Inquiry into the Illegal Tobacco Crisis in Australia

Submitted by:

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Founder and Director

**ALIVE Advocacy Movement (Australia Let's Improve Vaping Education)**

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I am the Founder and Director of the **ALIVE Advocacy Movement**, a national grassroots movement comprising **well over 1,000 Australian consumers, advocates, and supporters of tobacco harm reduction** from every state and territory.

ALIVE is **not funded by, affiliated with, or aligned to any tobacco, vaping, pharmaceutical, or commercial industry**. Our movement is funded by **adult consumers of safer nicotine products** who have a direct and personal interest in reducing smoking-related harm in Australia.

Our work is grounded in **consumer experience, public health evidence, and real-world policy outcomes**. We regularly engage with smokers, former smokers, vapers, retailers, healthcare professionals, journalists, and policymakers across Australia.

I welcome the opportunity to make this submission and would also welcome the opportunity to **give evidence in person** to the Committee on behalf of Australian consumers.

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## The scale and nature of the illegal tobacco market

The illegal tobacco market in Australia has **expanded dramatically and visibly** over the past several years. This expansion has not occurred in isolation; it has coincided with **policy decisions that removed legal, regulated alternatives for adult smokers** while demand remained unchanged.

ALIVE's website has, regrettably, become a **national reference point** for tracking **firebombings and arson attacks on tobacconists and illicit vape retailers**. These figures are now regularly relied upon by **media outlets, politicians, and other interested parties**. The very existence of such a database reflects the severity and abnormality of the current situation.

From our direct engagement with consumers and communities, it is evident that:

- ❑ Illicit tobacco and vape retailing is **highly visible, normalised, and widespread**
- ❑ Distribution occurs through **shopfronts, pop-ups, social media, encrypted messaging apps, and delivery services**
- ❑ Retail outlets closed by authorities often **reopen rapidly under new names, new locations, or move entirely online**

This is consistent with a market dominated by **organised criminal networks** rather than opportunistic small-scale offenders.

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## Impact on public health and government revenue

From a public health perspective, the current situation represents a **policy failure**.

Australia has effectively **removed regulated access to lower-risk nicotine products for adults**, while leaving demand unaddressed. The result has been:

- ❑ Increased reliance on **unregulated products**
- ❑ Greater exposure of consumers to **unknown ingredients and quality risks**
- ❑ Continued or increased smoking among adults who might otherwise have switched

Government revenue has also suffered substantially through:

- ❑ Lost excise and customs revenue
- ❑ Increased enforcement and policing costs
- ❑ Downstream social and health costs associated with criminal activity and violence

These outcomes directly undermine the stated objectives of tobacco control policy.

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## Law enforcement, intelligence and regulatory responses

ALIVE's position, based on extensive real-world observation, is that **enforcement has failed and will continue to fail**, regardless of how many additional resources are allocated.

We have seen:

- ❑ Illicit tobacco and vape shops shut down, only to **reappear within weeks**
- ❑ The same operators **rebrand, relocate, or shift to delivery-only models**
- ❑ Criminal enterprises adapt faster than regulators can respond

This demonstrates that the problem is **not primarily one of enforcement capacity**, but of **policy design**. Prohibition of a high-demand consumer product has created a market that is:

- ❑ Highly profitable
- ❑ Easily adaptable
- ❑ Resistant to traditional enforcement approaches

## Social and economic impacts

The social consequences of the current approach have been severe.

Australia once had **adult-only, legally operated vaping retail stores** with strict age controls, no youth access, and clear compliance requirements. These businesses were:

- Regulated
- Transparent
- Accountable

Under current laws, many of these legitimate operators were forced to close or exit the market.

In their place, communities have seen:

- Illicit tobacco and vape shops operating openly
- Illegal products sold alongside tobacco
- Increased violence, intimidation, and arson
- Small businesses and local communities placed at risk

Youth exposure to nicotine products has **worsened**, not improved, under the current legislative framework.

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## Forecasts and future scenarios

If current policy settings remain unchanged, ALIVE believes it is highly likely that:

- Organised crime involvement will deepen and consolidate
- Violence associated with market control will increase
- Illicit retail will further entrench itself in communities
- Regulatory credibility will continue to erode

International experience demonstrates that **criminal markets retreat only when legal, regulated alternatives replace them.**

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## Options for reform

ALIVE submits that meaningful reform must include:

- ❑ **Legalisation and sensible regulation of vaping products** as a tobacco harm reduction tool
- ❑ Restricted access through **responsible, adult-only retail environments**
- ❑ Clear product standards, enforcement of age restrictions, and compliance mechanisms
- ❑ Abandonment of the failed **prescription-only model**, which has achieved **less than 5% uptake among doctors and pharmacies**
- ❑ A regulatory framework that removes organised crime's monopoly over supply

New Zealand provides a clear comparator: a regulated vaping market has correlated with **significant reductions in smoking prevalence**, without the scale of criminal harm now seen in Australia.

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## Conclusion

The illegal tobacco crisis did not emerge spontaneously. It is the **predictable consequence of policy choices that removed regulation and replaced it with prohibition**, while ignoring clear warnings from consumers, experts, and international evidence.

ALIVE represents the **grassroots consumer perspective**, the lived reality of smokers and vapers navigating a system that has failed to protect health, safety, or communities.

I respectfully urge the Committee to consider **regulatory reform grounded in harm reduction**, not further escalation of enforcement-only approaches.

I would welcome the opportunity to appear before the Committee to expand on these matters and answer questions.

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**Submitted by:**  
**Pippa Starr**

Founder and Director  
ALIVE Advocacy Movement

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# ALIVE Advocacy Movement Submission

## Mapping to Terms of Reference

Submitted by: Pippa Starr – Founder & Director, ALIVE Advocacy Movement

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### Key to Terms of Reference (ToR)

Code	Term of Reference
ToR A	Scale and nature of the illegal tobacco market, including volume, value, sources, distribution, smuggling, illegal cultivation, and TSOC involvement
ToR B	Impact of illegal tobacco on public health and government revenue, including smoking rates and excise/customs losses
ToR C(i)	Adequacy of penalties and deterrence measures
ToR C(ii)	Strategy and effectiveness of onshore and offshore disruption activities
ToR C(iii)	Legislative and regulatory frameworks and inter-government/inter-agency cooperation
ToR D	Social and economic impacts, including on legitimate retailers, public health impacts of unregulated products, and community safety
ToR E	Forecasts, modelling and plausible future scenarios, including violence and wider TSOC threat
ToR F	Options for reform, including amendments to policy, taxation, customs and/or criminal laws
ToR G	Any other related matters

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### Mapping Table

Submission Section / Paragraph	Summary of Content	Relevant ToR
	Establishes author credibility, grassroots consumer perspective, independence from industry, and national reach of ALIVE	ToR G

<b>Submission Section / Paragraph</b>	<b>Summary of Content</b>	<b>Relevant ToR</b>
<b>Illegal market expansion overview</b>	Describes visible growth of illicit tobacco and vape retailing, rapid reopening of shops, distribution via shopfronts, online platforms, and delivery services	ToR A
<b>Firebombings database reference</b>	Documents violence, arson, and intimidation linked to illicit tobacco retailing; evidence relied upon by media and politicians	ToR A, ToR D, ToR E
<b>Organised crime characteristics</b>	Notes professionalisation, resilience, and criminal adaptation consistent with TSOC involvement	ToR A, ToR E
<b>Public health impacts</b>	Explains how removal of regulated alternatives increased reliance on unregulated products and failed to reduce smoking	ToR B, ToR D
<b>Government revenue impacts</b>	Addresses excise losses, enforcement costs, and downstream social costs	ToR B
<b>Enforcement failure analysis</b>	Demonstrates repeated closure and reopening of illicit shops; movement to delivery-only models	ToR C(ii), ToR C(i)
<b>Enforcement limitation argument</b>	Argues failure is structural, not resourcing-based	ToR C(i), ToR C(ii), ToR C(iii)
<b>Loss of legal adult-only vape retail</b>	Documents displacement of compliant, age-restricted businesses by illicit operators	ToR D, ToR C(iii)
<b>Youth exposure outcomes</b>	Explains how youth exposure worsened after removal of legal retail pathways	ToR D, ToR B
<b>Community safety impacts</b>	Addresses violence, arson, intimidation, and community fear	ToR D, ToR E
<b>Future outlook under current policy</b>	Forecasts continued market consolidation, increased violence, and deeper TSOC involvement	ToR E
<b>International comparison framing</b>	Introduces regulated market alternatives as contrast	ToR E, ToR F
<b>Reform options: legalisation &amp; regulation</b>	Proposes adult-only, regulated retail model to displace illicit trade	ToR F
<b>Prescription model failure</b>	Notes <5% uptake by doctors/pharmacies as evidence of regulatory failure	ToR C(iii), ToR F
<b>New Zealand comparison</b>	Correlates regulated vaping access with declining smoking rates	ToR B, ToR F
<b>Conclusion, policy causation</b>	Frames crisis as predictable outcome of prohibition rather than enforcement failure	ToR C(iii), ToR G
<b>Offer to appear before Committee</b>	Indicates willingness to provide oral evidence grounded in consumer experience	ToR G