

Response to question on notice

Questions on Notice Paper No 9

5 September 2025

Question No. 610

Leanne Castley MLA: To ask the Minister for City and Government Services -

1. In relation to offences under the *Tobacco and Other Smoking Products Act 1927* (the act) and the *Medicines, Poisons and Therapeutic Goods Act 2008*, how many individuals or businesses have been fined in the ACT since 2015 for (a) selling a smoking product without a licence, or breaching licence conditions, (b) manufacturing or selling a non-smoking tobacco product, (c) selling cigarettes in packs of less than 20, and (d) selling tobacco products to persons under 18 years of age.
2. What was the total value of fines issued for each of the above categories referred to in part (1) in each year since 2015.
3. How many inspections, compliance checks or controlled-purchase operations has Access Canberra undertaken each year since 2015 to detect unlawful tobacco or vaping sales.
4. Has Access Canberra changed the way it counts or reports on compliance activity for tobacco regulation since 2015; for example, moving from reporting “inspections” to “complaints”; if so, (a) when and why was this change made, and (b) how does the new reporting method ensure adequate transparency on compliance activity.
5. Has Access Canberra undertaken any proactive compliance testing for tobacco or vaping sales to minors since 2015; if so, how many tests were conducted each year, and with what outcomes.

TARA CHEYNE MLA - The answer to the Member’s question is as follows:

1. Nil
2. Nil

3. Access Canberra is responsible for the regulation of the Act to ensure licensed retailers and wholesalers meet requirements for the display and sale of tobacco and smoking products. Since 1 January 2015 to date, Access Canberra has conducted 727 inspections and compliance checks under the TOSP. Where non-compliance is identified, the regulatory response is informed by the 'engage, educate and enforce' model outlined in Access Canberra's Accountability Commitment. Compliance is encouraged through education and engagement, but escalating enforcement action is applied to those whose conduct has, or is likely to, cause harm, or those who demonstrate a disregard for the law. An example of this in practice is a 2024 compliance program which consisted of physical inspections at 61 businesses and supermarkets and found nine examples of low-risk non-compliance under the TOSP Act (for example not displaying the tobacco licence at the point of sale). Where non-compliance was discovered at the time of inspection, inspectors provided verbal advice to educate licensees about their obligations to bring them into compliance at the time. Where this was not possible, inspectors provided information through email correspondence and allowed for the businesses to provide evidence that they had become compliant.

The Commissioner for Fair Trading Statement of Expectations for 2025-26 includes a focus on the compliance and enforcement of the Act. The initial compliance activities will involve writing to all licensed tobacconists about their obligations under the Act and any new legislative reforms to be aware of. For example, changes to Commonwealth law, introduced in July 2024, that ensures all vapes and vaping products, regardless of whether they contain nicotine or not, can only be sold in a pharmacy and for the purpose of helping people quit smoking or manage nicotine dependence.

Inspections broken down by calendar year:

Year	Inspections
2015	141
2016	60
2017	93
2018	6
2019	129
2020	8
2021	30
2022	177
2023	14
2024	67
2025	2
Total	727

4. Access Canberra reports on its compliance activities in its Annual Report in accordance with section 6(1) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements under the Annual Report Directions. Compliance activities reported on may include inspection data, and/or activities arising from complaints or reports about alleged non-compliance. Generally, the specific type of compliance activity is described in the report.
5. No controlled-purchase operations to test whether a licensee sells tobacco or vaping products to minors have been conducted since 1 January 2015 due to the inherent risk of engaging minors in such compliance activities. Though controlled-purchase operations are a useful tool for regulators and may be used in the future, recent reports in the media from other jurisdictions have indicated that a criminal element may be involved in the sale of smoking products hence the need for caution in undertaking operations that involve minors.

Approved for circulation to the Member and incorporation into Hansard.

A handwritten signature in blue ink, appearing to read 'Tara Cheyne', is positioned above the printed name.

Tara Cheyne MLA
Minister for City and Government Services

Date: 21/10/25