

Tobacco and Other Smoking Products (Government Precincts) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 59

made under the

Tobacco and Other Smoking Products Act 1998

General Outline

Short title

Tobacco and Other Smoking Products (Government Precincts) Amendment Regulation 2017

Authorising law

Section 53 of the *Tobacco and Other Smoking Products Act 1998*.

Policy objectives and the reasons for them

The objective of the *Tobacco and Other Smoking Products (Government Precincts) Amendment Regulation 2017* (the Amendment Regulation) is to amend the *Tobacco and Other Smoking Products Regulation 2010* (the Tobacco Regulation) to prescribe the following properties as smoke-free government precincts:

- 41 George Street, Brisbane
- 63 George Street, Brisbane
- 111 George Street, Brisbane
- 33 Charlotte Street, Brisbane
- 30 Mary Street, Brisbane; and
- 61 Mary Street, Brisbane

The *Tobacco and Other Smoking Products Act 1998* (the Tobacco Act) provides a framework to improve the health of members of the public by reducing their exposure to tobacco and other smoking products.

The Tobacco Act provides that smoking is prohibited at government precincts where prescribed in a regulation. Prescribing areas as smoke-free government precincts assists to promote wellbeing, by encouraging smokers to quit, and increases the public's enjoyment of these areas by preventing exposure to second-hand smoke.

Achievement of policy objectives

The Amendment Regulation prescribes the land adjoining several buildings, primarily tenanted by government departments, as smoke-free government precincts. The smoke-free government precincts are adjacent to 41 George Street, 63 George Street, 111 George Street, Education House (located at 30 Mary Street), 61 Mary Street and 33 Charlotte Street. The smoke-free government precincts include footpaths around the buildings extending to the kerb of the road.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the Tobacco Act.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

The Amendment Regulation is the only effective means of achieving the policy objectives.

Benefits and costs of implementation

The Amendment Regulation supports the objectives of the Tobacco Act, the benefits of which include improving the health of members of the public by reducing their exposure to tobacco and other smoking products, as well as encouraging smokers to quit smoking.

Implementation costs arising from communication of the smoking ban and enforcement will be met from existing resources.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles in section 4 of the *Legislative Standards Act 1992*.

Consultation

The smoke-free government precincts are adjacent to buildings primarily tenanted by the Department of Education and Training, the Department of Transport and Main Roads, the Department of Communities, Child Safety and Disability Services, the Department of Health, the Department of Justice and Attorney-General, the Department of Housing and Public Works and the Department of Agriculture and Fisheries. Consultation has been undertaken within government.

Consultation was undertaken with the property managers, Jones Lang LaSalle, and the property owners, Queensland Investment Corporation and Perpetual Corporate Trust Limited ATF 41G Investments Trust. The property managers and owners were supportive of the amendments.

Owners of neighbouring properties were advised by registered mail of the proposal to make the relevant areas smoke-free. Of the 23 owners advised, three responded. All were generally supportive, with one raising concerns regarding the inclusion of footpaths. No objections were received.

The Together Union was advised of the proposed new smoke-free precincts and provided no comment. In previous consultation regarding smoke-free government precincts, the Union has expressed support for the health benefits of reducing smoking and the staff being offered access to the Quitline.

The amendments have been assessed by the Department of Health, in accordance with *The Queensland Government Guide to Better Regulation*, as being consequential in nature, given they support the Tobacco Act, and therefore are excluded from further regulatory impact assessment.

Notes on provisions

Short title

Clause 1 provides that the short title of the Amendment Regulation will be the *Tobacco and Other Smoking Products (Government Precincts) Amendment Regulation 2017*.

Regulation amended

Clause 2 specifies that the Amendment Regulation amends the *Tobacco and Other Smoking Products Regulation 2010*.

Replacement of s 15 (Prescribed government precinct—Act, s 26ZD(2)(b))

Clause 3 omits and inserts new section 15, which prescribes government precincts where a person must not smoke for the purposes of section 26ZD(2)(b) of the Tobacco Act. In addition to the existing prescribed government precinct known as 1 William Street, clause 3 provides that the smoke-free government precincts are:

- 111 George Street
- 33 Charlotte Street
- Education House (located at 30 Mary Street)
- 61 Mary Street
- 63 George Street, and
- 41 George Street.

The smoking prohibition applies to the land adjoining the buildings, including footpaths extending to the kerb of the road.