



Queensland

Tobacco and Other Smoking Products (Extension of Smoking Bans) Amendment Bill 2015



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2015

A Bill

for

An Act to amend the Tobacco and Other Smoking Products Act 1998, the Tobacco and Other Smoking Products Regulation 2010 and the State Penalties Enforcement Regulation 2014 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Tobacco and Other Smoking Products (Extension of Smoking Bans) Amendment Act 2015*. 4
5

Part 2 Amendment of Tobacco and Other Smoking Products Act 1998 6
7
8

Clause 2 Act amended 9

This part amends the *Tobacco and Other Smoking Products Act 1998*. 10
11

Clause 3 Amendment of pt 2, div 1A, hdg (Point of sale at a retail outlet) 12
13

Part 2, division 1A, heading— 14

omit, insert— 15

Division 1A Particular restrictions on sales by suppliers 16
17

Clause 4 Insertion of new ss 13C and 13D 18

Part 2, division 1A— 19

insert— 20

13C Supplier must not sell smoking products from vehicle	1 2
(1) A supplier must not sell smoking products from a vehicle.	3 4
Maximum penalty—40 penalty units.	5
(2) In this section—	6
<i>vehicle</i> includes a trailer, caravan or other similar thing designed or modified to be easily attached to a vehicle for transportation.	7 8 9
13D Supplier must not sell smoking products from pop-up store	10 11
(1) A supplier must not sell smoking products from a pop-up store.	12 13
Maximum penalty—40 penalty units.	14
(2) In this section—	15
<i>pop-up store</i> means—	16
(a) a temporary stall or counter; or	17
(b) a retail outlet where smoking products are available for sale only during a public event.	18 19
<i>public event</i> includes a concert, fete, festival, show or sporting event.	20 21

Clause 5	Insertion of new pt 2C, div 2B	22
	Part 2C—	23
	<i>insert</i> —	24

[s 5]

Division 2B	Government buildings	1
26ZGG Person must not smoke near particular government buildings		2 3
(1)	A person must not smoke on land within 5m of a government building that has both of the following types of signage, on the outside of the building, at or near a public entrance to the building—	4 5 6 7 8
(a)	signage identifying the building as a government building;	9 10
	<i>Examples for paragraph (a)—</i>	11
	• A sign indicating a department is situated in the building.	12 13
	• The coat of arms of the State is prominently displayed on the building.	14 15
(b)	a no smoking sign.	16
	Maximum penalty—20 penalty units.	17
(2)	Subsection (1) does not apply to—	18
(a)	a person on land that is not a public place; or	19
(b)	a person in a motor vehicle passing the building.	20 21
(3)	In this section—	22
	<i>government building</i> —	23
(a)	means—	24
(i)	a building in which the majority of space is leased or occupied by a department or part of a department; or	25 26 27
(ii)	a building in which a court or tribunal is situated; or	28 29
(iii)	a building in which the Legislative Assembly is situated; or	30 31

	(iv) a building, prescribed by regulation, in which a public sector unit is situated; but	1 2 3
	(b) does not include a building on health facility land or school land.	4 5
	<i>health facility land</i> see section 26ZGB.	6
	<i>no smoking sign</i> means a sign indicating that smoking is not permitted.	7 8
	<i>school land</i> see section 26ZGB.	9
	26ZGH No smoking signs at particular government buildings	10 11
	(1) A public sector unit responsible for the maintenance of a building to which section 26ZGG applies must ensure a no smoking sign is displayed—	12 13 14 15
	(a) at each public entrance to the building; and	16
	(b) at a place on each side and floor of the building that a member of the public may walk past.	17 18 19
	(2) In this section—	20
	<i>no smoking sign</i> means a sign indicating that smoking is not permitted.	21 22
Clause 6	Replacement of s 26ZI (Person must not smoke at a prescribed outdoor swimming area)	23 24
	Section 26ZI—	25
	<i>omit, insert</i> —	26
	26ZI Person must not smoke at public swimming pool	27 28
	(1) A person must not smoke at a public swimming pool or its associated area.	29 30

[s 7]

	Maximum penalty—20 penalty units.	1
(2)	In this section—	2
	<i>associated area</i> , for a public swimming pool, means any of the following—	3 4
(a)	an area rising from within the pool or a platform over the pool;	5 6
(b)	an area providing access to the water in the pool;	7 8
(c)	an area adjacent to the pool provided for persons to observe swimmers in the pool;	9 10
(d)	an area containing diving boards or water slides for the pool;	11 12
(e)	an artificial beach adjacent to the pool;	13
(f)	if the area surrounding the pool is enclosed by a fence or wall—the area enclosed by the fence or wall.	14 15 16
	<i>public swimming pool</i> means a pool or other body of water that is open to the public for swimming, whether or not on payment of money.	17 18 19
Clause 7	Insertion of new ss 26ZKA–26ZKC	20
	Part 2C, division 3—	21
	<i>insert</i> —	22
	26ZKA Person must not smoke at outdoor pedestrian mall	23 24
(1)	A person must not smoke at an outdoor pedestrian mall.	25 26
	Maximum penalty—20 penalty units.	27
(2)	In this section—	28
	<i>outdoor pedestrian mall</i> means each of the following—	29 30

-
- (a) a mall established under the *City of Brisbane Act 2010*, section 88 or the *Local Government Act 2009*, section 80A; 1
2
3
- (b) the Chinatown Mall and Valley Mall established under the repealed *Local Government (Chinatown and The Valley Malls) Act 1984*; 4
5
6
7
- (c) the Queen Street Mall established under the repealed *Local Government (Queen Street Mall) Act 1981*. 8
9
10

26ZKB Person must not smoke at public transport waiting point 11
12

- (1) A person must not smoke at a public transport waiting point. 13
14

Maximum penalty—20 penalty units. 15

- (2) In this section— 16

ferry service see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3. 17
18

public passenger service see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3. 19
20
21

public transport waiting point means any of the following— 22
23

- (a) a transit terminal for public passenger services; 24
25

- (b) a ferry terminal, jetty, pontoon or landing for ferry services; 26
27

- (c) a bus stop, bus shelter, bus station or bus lay-by; 28
29

- (d) a taxi rank, limousine rank or limousine standing area. 30
31

[s 8]

26ZKC Person must not smoke at skate park	1
(1) A person must not smoke at a skate park.	2
Maximum penalty—20 penalty units.	3
(2) A person must not smoke on land within 5m of a skate park.	4
Maximum penalty—20 penalty units.	6
(3) Subsection (2) does not apply to—	7
(a) a person on land that is not a public place; or	8
(b) a person in a motor vehicle passing the skate park.	9
(4) In this section—	11
<i>skate park</i> means a part of a public place constructed for the purpose of riding a skateboard around or over obstacles and uneven surfaces.	12
	13
	14

Clause 8	Amendment of s 26ZJ (Person must not smoke near an entrance to an enclosed place)	15
	Section 26ZJ(3)—	16
	<i>omit, insert</i> —	17
	(3) Subsection (1) does not apply to a person in a motor vehicle.	18
		19
		20

Clause 9	Amendment of s 26ZL (Person smoking must stop when directed)	21
	Section 26ZL, ‘26ZJ(1) or 26ZK(1)’—	22
	<i>omit, insert</i> —	23
	26ZJ(1), 26ZK(1), 26ZKA(1), 26ZKB(1) or	24
	26ZKC(1) or (2)	25
		26

Clause 10	Amendment of s 26ZN (Role of local government)	27
	(1) Section 26ZN, ‘prescribed outdoor swimming area’—	28

omit, insert— 1
public swimming pool 2
(2) Section 26ZN— 3
insert— 4
(2) In this section— 5
public swimming pool see section 26ZI(2). 6

Clause 11 **Omission of pt 2C, div 4 (Prohibition on smoking at public transport waiting points and malls by local governments)** 7
Part 2C, division 4— 10
omit. 11

Clause 12 **Amendment of s 40A (Power to direct person to stop smoking)** 12
Section 40A(1), ‘26ZJ(1) or 26ZK(1)’— 14
omit, insert— 15
26ZJ(1), 26ZK(1), 26ZKA(1), 26ZKB(1) or 26ZKC(1) or (2) 16
17

Clause 13 **Amendment of schedule (Dictionary)** 18
Schedule, definition *prescribed outdoor swimming area—* 19
omit. 20

[s 14]

Part 3	Amendment of Tobacco and Other Smoking Products Regulation 2010	1 2 3
Clause 14	Regulation amended <i>This part amends the Tobacco and Other Smoking Products Regulation 2010.</i>	4 5 6
Clause 15	Omission of pt 4 (Smoke-free outdoor places) Part 4— <i>omit.</i>	7 8 9
Clause 16	Omission of schs 1 and 2 Schedules 1 and 2— <i>omit.</i>	10 11 12
Part 3	Amendment of State Penalties Enforcement Regulation 2014	13 14
Clause 17	Regulation amended <i>This part amends the State Penalties Enforcement Regulation 2014.</i>	15 16 17
Clause 18	Amendment of sch 1 (Infringement notice offences and fines for nominated laws) (1) Schedule 1, entry for the <i>Tobacco and Other Smoking Products Act 1998</i> —	18 19 20 21

	<i>insert—</i>	1
s 13C(1)	.....	4
s 13D(1)	.....	4
s 26ZGG(1)	.....	2
s 26ZKA(1)	.....	2
s 26ZKB(1)	.....	2
s 26ZKC(1)	.....	2
s 26ZKC(2)	.....	2
(2)	Schedule 1, entry for the <i>Tobacco and Other Smoking Products Act 1998</i> , authorised person provision, paragraph (a), ‘26ZJ(1), 26ZK(1)’—	2 3 4
	<i>omit, insert—</i>	5
	26ZJ(1), 26ZK(1), 26ZKA(1), 26ZKB(1), 26ZKC(1) or (2)	6 7
(3)	Schedule 1, entry for the <i>Tobacco and Other Smoking Products Act 1998</i> , authorised person provision, paragraph (e), ‘26ZGD(2)’—	8 9 10
	<i>omit, insert—</i>	11
	26ZGD(2) or 26ZGG(1)	12

Authorised by the Parliamentary Counsel