



Regulation of smoking in multi-unit housing Queensland

Laws banning smoking in Queensland

While the *Tobacco and Other Smoking Products Act 1998 (Qld)* prohibits smoking in enclosed places, smoking in a residential unit or lot is not subject to this ban and remains a lawful activity.¹

However, smoking is prohibited in enclosed common areas in multi-unit residential accommodation.² A common area is an area accessible to all or a specified class of residents. Common areas also include areas accessible to people employed at the accommodation.³

Multi-unit residential accommodation includes hotel accommodation, motels, hostels, boarding houses, nursing homes, community title schemes and other similar accommodation. Therefore smoking is banned in enclosed common areas accessible to staff employed at these types of accommodation. This ban does not apply to private living areas, like hotel rooms.

If the entrance to multi-unit residential accommodation is through a shop or office people are prohibited from smoking within 4m that entrance. Otherwise, there is no ban on smoking within 4m of an entrance that is only to multi-unit residential accommodation.⁴

If there is children's play equipment on the premises which could be considered to be "ordinarily open to the public" smoking is banned within 10m of it.⁵

Residents may contact 13QGOV for information on enforcement of smoking bans.

Public nuisance in Queensland

Smoking cannot be an environmental nuisance offence because the *Environmental Protection Act 1994 (Qld)* specifically excludes nuisances regulated by other laws, including smoking within the meaning of the *Tobacco and Other Smoking Products Act*.⁶

While State and local governments may prevent and control certain 'public health risks', the definition of public health risk in the *Public Health Act 2005 (Qld)* does not include tobacco smoke.⁷

How to quit

Call Quitline 13 QUIT (13 7848) for free information, practical assistance and support.

Discuss quitting smoking with a health professional and plan your quitting strategy together.

Consider using pharmacotherapy such as Nicotine Replacement Therapy (NRT), Bupropion Hcl or Varenicline.

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Endnotes: ¹ Section 26R Tobacco and Other Smoking Products Act 1998 (Qld). ² Section 26R(2)(b) Tobacco and Other Smoking Products Act 1998 (Qld). ³ Section 26R(4) Tobacco and Other Smoking Products Act 1998 (Qld). ⁴ Section 26ZJ Tobacco and Other Smoking Products Act 1998 (Qld). ⁵ Sections 26ZK and 26ZJ(6) Tobacco and Other Smoking Products Act 1998 (Qld). ⁶ Environmental Protection Act 1994 (Qld) Schedule 1, Part 1. ⁷ Public Health Act 2005 (Qld) Section 11.