



Australian Capital Territory

Smoke-Free Public Places Act 2003

A2003-51

Republication No 8

Effective: 23 June 2021

Republication date: 23 June 2021

Last amendment made by [A2021-12](#)

About this republication

The republished law

This is a republication of the *Smoke-Free Public Places Act 2003* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 23 June 2021. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 23 June 2021.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Smoke-Free Public Places Act 2003

Contents

	Page	
Part 1	Preliminary	
1	Name of Act	2
3	Dictionary	2
4	Notes	2
5	Offences against Act—application of Criminal Code etc	3
Part 1A	Important concepts	
5A	Object	4
5B	Meaning of <i>smoke</i>	4
Part 2	Smoking prohibited in enclosed public places	
6	Offence to smoke in enclosed public place	6
7	Offence to smoke in enclosed public place in contravention of direction	6
8	Offence by occupier—person smoking in enclosed public place	7

R8
23/06/21

Smoke-Free Public Places Act 2003
Effective: 23/06/21

contents 1

Contents

	Page	
8A	Offence by occupier—permitting smoke into enclosed public place from another part of premises	7
8AA	Offence by occupier—not displaying required signs	8
9	Offence by neighbouring occupier	8
Part 2A	Smoking prohibited in outdoor eating or drinking places	
Division 2A.1	General	
9A	Meaning of <i>outdoor eating or drinking place</i>	9
Division 2A.2	Smoking prohibited—outdoor eating or drinking places	
9B	Offence to smoke in outdoor eating or drinking place	10
9C	Offence to smoke in outdoor eating or drinking place in contravention of direction	11
9D	Offence by occupier—person smoking in outdoor eating or drinking place	12
9E	Offence by occupier—not displaying required signs etc	12
Division 2A.3	Designated outdoor smoking areas	
9F	Designating outdoor smoking area	13
9G	Licensee to notify commissioner of designated outdoor smoking area	15
9H	Obligations of licensee—things not allowed in designated outdoor smoking area	15
9I	Offence by occupier—permitting smoke from designated outdoor smoking area to enter another part of outdoor eating or drinking place	16
9J	Smoking management plan	16
Part 2B	Smoking prohibited at underage functions	
9K	Meaning of <i>underage function</i> —pt 2B	18
9L	Smoking prohibited at underage function	19
9M	Obligations on organiser of underage function	19
9N	Offence to smoke at underage function in contravention of direction	20
Part 2C	Smoking prohibited at declared smoke-free public places or events	
9O	Declaration of smoke-free public place or event	21
9P	Signage	23
9Q	Requirements for designated smoking areas	23

		Page
9R	Obligations of occupier or manager—things not allowed in designated smoking area	24
9S	Offence by occupier or manager—permitting smoke from designated smoking area to enter another part of public place or event	25
9T	Offence to smoke at declared smoke-free public place or event	25
9U	Offence to smoke at declared smoke-free public place or event in contravention of direction	26
9V	Offence by occupier or manager—not displaying required signs	27
Part 3	Enforcement	
10	Inspectors	28
11	Identity cards for inspectors	28
12	Power to give directions	29
13	Power to enter premises	29
14	Production of identity card	30
15	Consent to entry	30
16	General powers on entry to premises	31
17	Power to require name and address	32
18	Power to seize things	32
19	Receipt for things seized	33
Part 4	Miscellaneous	
20	Acts and omissions of representatives	34
22	Regulation-making power	35
Dictionary		36
Endnotes		
1	About the endnotes	38
2	Abbreviation key	38
3	Legislation history	39
4	Amendment history	41
5	Earlier republications	47



Australian Capital Territory

Smoke-Free Public Places Act 2003

An Act to prohibit smoking in certain public places, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Smoke-Free Public Places Act 2003*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*smoking product*—see the *Tobacco and Other Smoking Products Act 1927*, dictionary.' means that the expression 'smoking product' is defined in that dictionary and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 1A Important concepts

5A Object

The object of this Act is to promote public health by minimising the exposure of people to environmental smoke—

- (a) in enclosed public places; and
- (b) in outdoor eating or drinking places; and
- (c) at underage functions.

5B Meaning of *smoke*

(1) For this Act, *smoke* means—

- (a) smoke from an ignited smoking product; or
- (b) vapour from a personal vaporiser.

Note A personal vaporiser is a smoking product (see [Tobacco and Other Smoking Products Act 1927](#), s 3A).

(2) For this Act, a person *smokes* if the person—

- (a) directly puffs, draws or inhales smoke, whether or not the person uses a device designed for the inhalation of smoke by a smoker; or
- (b) holds or has control over a smoking product while it is ignited or a personal vaporiser while it is activated.

Examples—devices—par (a)

- 1 a cigarette holder
- 2 a pipe (including a hookah, water pipe or bong)

- (3) However, a person does not *smoke* only because the person holds or has control over a smoking product or personal vaporiser if the person holds or has control over it for the purpose of extinguishing it, deactivating it, or removing it from—
- (a) an enclosed public place; or
 - (b) an outdoor eating or drinking place; or
 - (c) an underage function.

Part 2 Smoking prohibited in enclosed public places

6 Offence to smoke in enclosed public place

- (1) A person commits an offence if the person smokes in an enclosed public place.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

7 Offence to smoke in enclosed public place in contravention of direction

- (1) A person commits an offence if—

- (a) the person smokes in an enclosed public place; and
- (b) an inspector, or the occupier of the place, directs the person to stop smoking in the enclosed public place; and
- (c) the person contravenes the direction.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

- (3) A person does not commit an offence against this section if—

- (a) the direction was given by an inspector who is not a uniformed police officer; and
- (b) when asked by the person, the inspector does not produce the inspector's identity card for inspection.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

8 Offence by occupier—person smoking in enclosed public place

- (1) The occupier of an enclosed public place commits an offence if a person smokes in the enclosed public place.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) The occupier does not commit an offence against this section if—
- (a) the occupier was not aware, and could not reasonably be expected to have been aware, that the person was smoking in an enclosed public place; or
 - (b) the occupier directed the person to stop smoking in the enclosed public place and the person contravened the direction.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

8A Offence by occupier—permitting smoke into enclosed public place from another part of premises

The occupier of premises on which there is an enclosed public place commits an offence if the occupier fails to take reasonable steps to prevent smoke entering the enclosed public place from another part of the premises occupied by the occupier.

Maximum penalty: 10 penalty units.

8AA Offence by occupier—not displaying required signs

- (1) The regulations may prescribe requirements in relation to the display of ‘no smoking’ signs in enclosed public places.
- (2) The occupier of an enclosed public place commits an offence if—
 - (a) a ‘no smoking’ sign is required by regulation to be displayed in the enclosed public place; and
 - (b) the sign is not displayed as required by regulation.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

9 Offence by neighbouring occupier

The occupier of premises commits an offence if the occupier fails to take reasonable steps to prevent smoke from the premises entering an enclosed public place on other premises.

Maximum penalty: 10 penalty units.

Part 2A **Smoking prohibited in outdoor eating or drinking places**

Division 2A.1 **General**

9A **Meaning of *outdoor eating or drinking place***

- (1) A place is an *outdoor eating or drinking place* if—
- (a) it is a public place (other than an enclosed public place); and
 - (b) people at the place may consume food or drink provided from an on-site service; and
 - (c) either—
 - (i) the place is licensed premises; or
 - (ii) tables or chairs are provided for use by people consuming food or drink provided at the place.

Examples—par (c) (ii)

- 1 an area containing tables and chairs on a footpath outside a cafe or takeaway food shop
- 2 an outdoor area at a shopping centre, surrounded by food outlets, containing tables and chairs at which food or drink purchased at the outlets may be consumed
- 3 an area containing tables and chairs, and bounded by hoardings or planter boxes, that is around a food caravan at a sporting ground
- 4 an outdoor area at premises containing stand-up tables at which food or drink purchased at the premises may be consumed
- 5 an outdoor area containing milk crates to sit on at a cafe
- 6 a sports stadium containing chairs at which food or drink purchased at outlets at the sports stadium may be consumed

- (2) However, a place is an outdoor eating or drinking place only while—
- (a) food or drink is being provided, or is available to be provided, at the place from an on-site service; or
 - (b) food or drink provided from an on-site service is being consumed at the place; or
 - (c) clearing or cleaning related to the provision of food or drink in the place is being done.
- (3) Food or drink is taken to be provided from an on-site service whether it is—
- (a) served to a person in the outdoor eating or drinking place by or for the person conducting the on-site service; or
 - (b) taken by a person from the on-site service for consumption in the outdoor drinking or eating place.

- (4) In this section:

food or drink service means a business, or an enterprise of a commercial, charitable or community nature, that sells food or drink.

licensed premises—see the *Liquor Act 2010*, dictionary.

on-site service, in relation to a place, means a food or drink service at the place.

provide, food or drink, includes distribute, give or sell the food or drink.

Division 2A.2 **Smoking prohibited—outdoor eating or drinking places**

9B **Offence to smoke in outdoor eating or drinking place**

- (1) A person commits an offence if—
- (a) the person smokes in an outdoor eating or drinking place; and

- (b) the place where the person smokes is not a designated outdoor smoking area.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

9C Offence to smoke in outdoor eating or drinking place in contravention of direction

- (1) A person commits an offence if—
 - (a) the person smokes in an outdoor eating or drinking place; and
 - (b) the place where the person smokes is not a designated outdoor smoking area; and
 - (c) an inspector, or the occupier of the place, directs the person to stop smoking in the outdoor eating or drinking place; and
 - (d) the person contravenes the direction.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) A person does not commit an offence against this section if—
 - (a) the direction was given by an inspector who is not a uniformed police officer; and
 - (b) when asked by the person, the inspector does not produce the inspector's identity card for inspection.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

9D Offence by occupier—person smoking in outdoor eating or drinking place

- (1) The occupier of an outdoor eating or drinking place commits an offence if—
- (a) a person smokes in the outdoor eating or drinking place; and
 - (b) the place where the person smokes is not a designated outdoor smoking area.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) The occupier does not commit an offence against this section if—
- (a) the occupier was not aware, and could not reasonably be expected to have been aware, that the person was smoking in an outdoor eating or drinking place that was not a designated outdoor smoking area; or
 - (b) the occupier directed the person to stop smoking in the outdoor eating or drinking place and the person contravened the direction.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

9E Offence by occupier—not displaying required signs etc

- (1) The occupier of an outdoor eating or drinking place must ensure that ‘no smoking’ signs are prominently displayed at the place.

Maximum penalty: 20 penalty units.

- (2) The occupier of an outdoor eating or drinking place that is not licensed premises must ensure that tables and chairs provided by the on-site service for use by people consuming food or drink at the place are clearly identified by either or both of the following:
- (a) a plan displayed at the place;

(b) signs or markings on the tables and chairs.

Maximum penalty: 20 penalty units.

(3) An offence against this section is a strict liability offence.

Division 2A.3 Designated outdoor smoking areas

9F Designating outdoor smoking area

(1) This section applies to—

(a) premises in relation to which a club licence under the *Liquor Act 2010* is in force; and

(b) premises in relation to which a licence under the *Liquor Act 2010* is in force authorising the sale of liquor for consumption on the premises, and that are used principally for that purpose.

Example—par (b)

a pub or tavern

(2) The licensee of the premises may designate part of the licensed outdoor area of the premises as an area in which drinking and smoking is allowed (a *designated outdoor smoking area*) by displaying a notice near the area—

(a) stating that the area is a designated outdoor smoking area for this Act; and

(b) stating that a person under 18 years old is not permitted in the area; and

(c) stating that a smoking management plan for the premises is available for inspection at any time; and

(d) including a diagram that sets out the limits of the area.

(3) There may be more than 1 designated outdoor smoking area at the premises.

- (4) The parts of the licensed outdoor area of the premises that may be designated outdoor smoking areas are—
 - (a) any part (an *off-gaming area*) that—
 - (i) is adjacent to a gaming area and accessible only from a gaming area; and
 - (ii) was part of the licensed outdoor area of the premises on 1 November 2009; and
 - (b) up to 50% of the total area of the licensed outdoor area of the premises that is not an off-gaming area.
- (5) Each designated outdoor smoking area must have a buffer on its perimeter wherever it is adjacent to other parts of the outdoor area of the premises ordinarily accessed by patrons.
- (6) A buffer must be—
 - (a) a screen or wall that is impervious to smoke and at least the height prescribed by regulation; or
 - (b) an area at least 4m wide where patrons are not allowed to eat, drink or smoke, half of which must be taken from the area that would otherwise form part of the designated outdoor smoking area.
- (7) A designated outdoor smoking area—
 - (a) must not be adjacent to an entrance to the premises (unless it is an off-gaming area); and
 - (b) must be in a position that minimises smoke from the area entering any part of an outdoor eating or drinking place that is not a designated outdoor smoking area.

- (8) A licensee of premises must not designate a part or parts of the licensed outdoor area of the premises under subsection (2) otherwise than in accordance with this section.

Maximum penalty: 50 penalty units.

- (9) An offence against this section is a strict liability offence.

9G Licensee to notify commissioner of designated outdoor smoking area

- (1) The licensee of premises at which there is a designated outdoor smoking area must give the commissioner notice of the designated outdoor smoking area within 14 days after the day the licensee designates the outdoor smoking area.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

9H Obligations of licensee—things not allowed in designated outdoor smoking area

- (1) The licensee of premises at which there is a designated outdoor smoking area must ensure that, in the designated outdoor smoking area—

- (a) there are no people under 18 years old; and
- (b) there is no food or drink service; and
- (c) no food is consumed; and
- (d) no entertainment is offered or directly accessible; and
- (e) there are no gaming machines.

Maximum penalty: 50 penalty units.

Note For where gaming machines may be located, see the [Gaming Machine Act 2004](#).

- (2) An offence against this section is a strict liability offence.

- (3) The licensee does not commit an offence against this section in relation to a contravention of subsection (1) (c) if the licensee was not aware, and could not reasonably be expected to have been aware, that food was being consumed in the designated outdoor smoking area.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) In this section:

entertainment includes television (for example, televised sporting events), but does not include public announcements or recorded music.

9I Offence by occupier—permitting smoke from designated outdoor smoking area to enter another part of outdoor eating or drinking place

- (1) This section applies to premises at which there is a designated outdoor smoking area.
- (2) The occupier of the premises commits an offence if the occupier fails to take reasonable steps to prevent smoke from the designated outdoor smoking area entering any part of an outdoor eating or drinking place at the premises that is not a designated outdoor smoking area.

Maximum penalty: 50 penalty units.

Note The occupier also commits an offence if smoke from the premises enters an enclosed public place on the premises (see s 8A).

- (3) An offence against this section is a strict liability offence.

9J Smoking management plan

- (1) A *smoking management plan* is a document, prepared for premises at which there is a designated outdoor smoking area, stating how smoking is managed at the premises with the aim of reducing harm from environmental smoke at the premises.

- (2) A smoking management plan must include—
- (a) a diagram of the premises that identifies—
 - (i) the designated outdoor smoking area; and
 - (ii) the buffer for the designated outdoor smoking area; and
 - (iii) the location of the notice mentioned in section 9F (2); and
 - (b) a statement of how the exposure to environmental smoke will be minimised; and
 - (c) a description of the training given to workers about the requirements of this Act; and
 - (d) a description of how the prohibition on food or drink service in designated outdoor smoking areas will be managed; and
 - (e) anything else prescribed by regulation.
- (3) The licensee of premises at which there is a designated outdoor smoking area must—
- (a) prepare and keep up-to-date a smoking management plan that complies with this section; and
 - (b) make the smoking management plan available for inspection on request.

Maximum penalty: 50 penalty units.

- (4) An offence against this section is a strict liability offence.

Part 2B Smoking prohibited at underage functions

9K Meaning of *underage function*—pt 2B

- (1) In this part:

underage function means a function that—

- (a) has as its principal purpose the provision of live or recorded music (for listening to, dancing to or both); and
- (b) is predominantly organised for people under 18 years old; and
- (c) is open to the public or a section of the public (with or without payment); and
- (d) takes place in an area or premises other than a private residence.

Examples—underage functions

- 1 a blue light disco
- 2 a live band performance organised for students at a secondary school
- 3 a lakeside dance party organised for under 18 year olds only

- (2) In working out whether a function is predominantly organised for people under 18 years old, each of the following must be considered:

- (a) the name of the function;
- (b) the nature of the body or person who is the organiser of the function;
- (c) the ways used to publicise the function;
- (d) who the function is publicised to;
- (e) ticketing arrangements for the function (if any);
- (f) anything else prescribed by regulation.

Note Section 9M (1) (b) requires any tickets issued for an underage function to state that smoking is prohibited.

9L Smoking prohibited at underage function

Smoking is prohibited at an underage function.

9M Obligations on organiser of underage function

- (1) The organiser of an underage function must ensure that—
- (a) ‘no smoking’ signs are prominently displayed at the function; and
 - (b) any ticket issued for the function includes a statement that smoking is prohibited; and
 - (c) a public announcement that smoking is prohibited is made at the beginning of the function.

Maximum penalty: 20 penalty units.

- (2) The organiser of an underage function must—
- (a) give a direction to stop smoking to any person who smokes at the function; and
 - (b) give a direction to immediately leave the function to any person who continues to smoke in contravention of a direction given to the person under paragraph (a).

Maximum penalty: 20 penalty units.

- (3) Subsection (2) (a) does not apply if the organiser was not aware, and could not reasonably be expected to have been aware, that the person was smoking at the function.

9N Offence to smoke at underage function in contravention of direction

- (1) A person commits an offence if—
- (a) the person smokes at an underage function; and
 - (b) an inspector, or the organiser of the function, directs the person to stop smoking at the function; and
 - (c) the person contravenes the direction.

Maximum penalty: 10 penalty units.

- (2) A person does not commit an offence against this section if—
- (a) the direction was given by an inspector who is not a uniformed police officer; and
 - (b) when asked by the person, the inspector does not produce the inspector's identity card for inspection.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

Part 2C Smoking prohibited at declared smoke-free public places or events

90 Declaration of smoke-free public place or event

- (1) The Chief Minister and Minister may jointly declare that a public place or event is a smoke-free public place or event (a *declared smoke-free public place or event*).

Note Power to make a statutory instrument (including a declaration) includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

- (2) Before making a declaration, the Minister must consult with the community, including people or organisations that would be directly affected if the declaration is made.
- (3) In deciding whether to make a declaration, the Chief Minister and Minister must consider the following matters:
- (a) the frequency with which the public place or event is visited by children or families;
 - (b) the number of people likely to be present at the public place or event;
 - (c) whether the declaration will promote a more supportive environment for people who have, or are trying to, quit smoking;
 - (d) whether the declaration will help reduce people's exposure to smoking-related harms, including environmental tobacco smoke;
 - (e) the outcome of community consultation;

(f) any identified costs and benefits of establishing the area as smoke-free, including economic and business impacts;

(g) measures to promote compliance.

(4) A declaration may—

(a) state that ‘no smoking’ signs must be displayed at the public place or event; and

(b) set out requirements for the signs.

Note Requirements for ‘no smoking’ signs may also be determined under s 9P.

(5) A declaration may also—

(a) provide that an area may be designated in which smoking is allowed at the public place or event; and

(b) set out requirements for the area.

Examples—requirements for designated smoking areas

1 size, location and number of areas

2 words and images that may be displayed in the area

3 erection of partitions or barriers to prevent the penetration of smoke into areas that are not designated smoking areas.

Note Requirements for designated smoking areas are also set out under s 9Q.

(6) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

(7) If the Chief Minister is also the Minister, another Minister must make the joint declaration under subsection (1) with the Chief Minister.

9P Signage

- (1) The Minister may determine requirements in relation to the display of ‘no smoking’ signs at a declared smoke-free public place or event.

Examples—requirements for display of signs

- 1 size, location and number of signs
- 2 words and images that may be displayed on signs

- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

9Q Requirements for designated smoking areas

- (1) This section applies if a declaration under section 9O provides that an area may be designated in which smoking is allowed at a declared smoke-free public place or event.
- (2) The occupier or manager of the public place or event may designate an area at the public place or event as an area in which smoking is allowed (a *designated smoking area*) by displaying a notice near the area—
- (a) stating that the area is a designated smoking area for this Act; and
 - (b) stating that a person under 18 years old is not permitted in the area; and
 - (c) including a diagram that sets out the limits of the area.
- (3) Unless otherwise stated in the declaration, there may be more than 1 designated smoking area at the public place or event.
- (4) A designated smoking area—
- (a) must not be adjacent to an entrance to the public place or event; and

- (b) must be in a position that minimises smoke from the area entering any part of the public place or event that is not a designated smoking area.
- (5) The occupier or manager of the public place or event must not designate an area under subsection (2) other than—
- (a) in accordance with this section; or
 - (b) as required by the declaration.
- Maximum penalty: 50 penalty units.

- (6) An offence against this section is a strict liability offence.

9R Obligations of occupier or manager—things not allowed in designated smoking area

- (1) The occupier or manager of a declared smoke-free public place or event at which there is a designated smoking area must ensure that, in the designated smoking area—
- (a) there are no people under 18 years old; and
 - (b) there is no food or drink service; and
 - (c) no food is consumed; and
 - (d) no entertainment is offered or directly accessible.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) The occupier or manager does not commit an offence against this section in relation to a contravention of subsection (1) (c) if the occupier or manager was not aware, and could not reasonably be expected to have been aware, that food was being consumed in the designated smoking area.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) In this section:

entertainment includes television (for example, televised sporting events), but does not include public announcements or recorded music.

9S Offence by occupier or manager—permitting smoke from designated smoking area to enter another part of public place or event

- (1) This section applies to a declared smoke-free public place or event at which there is a designated smoking area.
- (2) The occupier or manager of the public place or event commits an offence if the occupier or manager fails to take reasonable steps to prevent smoke from the designated smoking area entering any part of the public place or event that is not a designated smoking area.

Maximum penalty: 50 penalty units.

- (3) An offence against this section is a strict liability offence.

9T Offence to smoke at declared smoke-free public place or event

- (1) A person commits an offence if —
- (a) the person smokes at a declared smoke-free public place or event; and
- (b) the place where the person smokes is not a designated smoking area.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) A person does not commit an offence against this section if—
- (a) a declaration under section 9O states that ‘no smoking’ signs must be displayed at the public place or event; and

- (b) the signs are not—
 - (i) displayed as required by the declaration; or
 - (ii) in accordance with any requirement determined under section 9P.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

9U Offence to smoke at declared smoke-free public place or event in contravention of direction

- (1) A person commits an offence if—
 - (a) the person smokes at a declared smoke-free public place or event; and
 - (b) the place where the person smokes is not a designated smoking area; and
 - (c) an inspector, the occupier of the public place or manager of the event, directs the person to stop smoking at the public place or event; and
 - (d) the person contravenes the direction.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) A person does not commit an offence against this section if—
 - (a) the direction was given by an inspector who is not a uniformed police officer; and
 - (b) when asked by the person, the inspector does not produce the inspector's identity card for inspection.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

9V Offence by occupier or manager—not displaying required signs

- (1) This section applies if a declaration under section 9O states that ‘no smoking’ signs must be displayed at a public place or event.
- (2) The occupier or manager of the public place or event commits an offence if the signs are not—
 - (a) displayed as required by the declaration; or
 - (b) in accordance with a requirement determined under section 9P.Maximum penalty: 5 penalty units.
- (3) An offence against this section is a strict liability offence.

Part 3 Enforcement

10 Inspectors

- (1) Each of the following is an inspector for this Act:
 - (a) an authorised officer under the *Tobacco and Other Smoking Products Act 1927*, section 32;
 - (b) an investigator under the *Fair Trading (Australian Consumer Law) Act 1992*;
 - (c) a public servant appointed under subsection (2).
- (2) The director-general may appoint a public servant as an inspector for this Act.

Note 1 For the making of appointments (including acting appointments), see [Legislation Act](#), pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

Note 3 Power to make a statutory instrument (including an appointment) includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

11 Identity cards for inspectors

- (1) The director-general must give an inspector appointed under section 10 (2) an identity card that states the person is an inspector for this Act and shows—
 - (a) a recent photograph of the person; and
 - (b) the name of the person; and
 - (c) the date of issue of the card; and
 - (d) an expiry date for the card; and
 - (e) anything else prescribed under the regulations.

- (2) A person commits an offence if—
- (a) the person was appointed as an inspector under section 10 (2); and
 - (b) the person ceases to be an inspector; and
 - (c) the person does not return the person's identity card to the director-general as soon as practicable (but within 7 days) after the day the person ceases to be an inspector.

Maximum penalty: 1 penalty unit.

- (3) An offence against this section is a strict liability offence.

12 Power to give directions

If an inspector believes on reasonable grounds that a person is smoking in contravention of the Act, the inspector may direct the person to stop smoking.

13 Power to enter premises

- (1) For this Act, an inspector may—
- (a) at any reasonable time, enter premises that the public is entitled to use or that are open to the public (whether or not on payment); and
 - (b) at any time, enter premises with the occupier's consent.
- (2) However, subsection (1) (a) does not authorise entry into a part of premises that is being used only for residential purposes.
- (3) An inspector may, without the consent of the occupier of premises, enter land around the premises to ask for consent to enter the premises.
- (4) To remove any doubt, an inspector may enter premises under subsection (1) without payment of an entry fee or other charge.

14 Production of identity card

An inspector must not remain at premises entered under this part if the inspector does not produce his or her identity card when asked by the occupier.

15 Consent to entry

- (1) When seeking the consent of an occupier of premises to enter the premises under section 13 (1) (b), an inspector must—
 - (a) produce his or her identity card; and
 - (b) tell the occupier—
 - (i) the purpose of the entry; and
 - (ii) that anything found and seized under this part may be used in evidence in court; and
 - (iii) that consent may be refused.
- (2) If the occupier consents, the inspector must ask the occupier to sign a written acknowledgment (an *acknowledgement of consent*)—
 - (a) that the occupier was told—
 - (i) the purpose of the entry; and
 - (ii) that anything seized under this part may be used in evidence in court; and
 - (iii) that consent may be refused; and
 - (b) that the occupier consented to the entry; and
 - (c) stating the time and date consent was given.
- (3) If the occupier signs an acknowledgment of consent, the inspector must immediately give a copy to the occupier.

- (4) A court must find that the occupier did not consent to entry to the premises by the inspector under this part if—
- (a) the question arises in a proceeding in the court whether the occupier consented to the entry; and
 - (b) an acknowledgment of consent is not produced in evidence; and
 - (c) it is not proved that the occupier consented to the entry.

16 General powers on entry to premises

- (1) An inspector who enters premises under this part may, for this Act, do 1 or more of the following in relation to the premises or anything on the premises:
- (a) inspect or examine;
 - (b) take measurements or conduct tests;
 - (c) take samples;
 - (d) take photographs, films, or audio, video or other recordings;
 - (e) require the occupier, or anyone at the premises, to give information, answer questions, or produce documents or anything else, reasonably needed to exercise the inspector's functions under this Act.

Note The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

- (2) A person must take all reasonable steps to comply with a requirement made of the person under subsection (1) (e).

Maximum penalty: 10 penalty units.

17 Power to require name and address

- (1) An inspector may require a person to state the person's name and home address if the inspector suspects on reasonable grounds that the person is committing or has just committed an offence against this Act.
- (2) The inspector must tell the person the reason for the requirement and, as soon as practicable, record the reason.
- (3) The person may ask the inspector to produce the inspector's identity card for inspection by the person.
- (4) A person must comply with a requirement made by the inspector under subsection (1) if the inspector—
 - (a) tells the person the reason for the requirement; and
 - (b) complies with any request made by the person under subsection (3).

Maximum penalty: 10 penalty units.

18 Power to seize things

- (1) An inspector who enters premises under this part with the occupier's consent may seize anything in the premises if—
 - (a) the inspector is satisfied on reasonable grounds that the thing is connected with an offence against this Act; and
 - (b) seizure of the thing is consistent with the purpose of the entry told to the occupier when seeking the occupier's consent.
- (2) An inspector who enters premises under this part (whether with the occupier's consent or otherwise) may seize anything at the premises if satisfied on reasonable grounds that—
 - (a) the thing is connected with an offence against this Act; and

- (b) the seizure is necessary to prevent the thing from being—
 - (i) concealed, lost or destroyed; or
 - (ii) used to commit, continue or repeat the offence.
- (3) Having seized a thing, an inspector may remove the thing from the premises where it was seized to another place.
- (4) A person commits an offence if—
 - (a) the person interferes with a seized thing; and
 - (b) the person does not have an inspector's approval to interfere with the thing.

Maximum penalty: 10 penalty units.

- (5) An offence against this section is a strict liability offence.

19 Receipt for things seized

- (1) As soon as practicable after an inspector seizes a thing under this part, the inspector must give a receipt for it to the person from whom it was seized.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the inspector must leave the receipt, secured conspicuously, at the premises where the thing was seized.
- (3) A receipt under this section must include the following:
 - (a) a description of the thing seized;
 - (b) an explanation of why the thing was seized;
 - (c) the inspector's name, and how to contact the inspector;
 - (d) if the thing is moved from the premises where it is seized—where the thing is to be taken.

Part 4 Miscellaneous

20 Acts and omissions of representatives

- (1) In this section:

person means an individual.

Note See the [Criminal Code](#), pt 2.5 for provisions about corporate criminal responsibility.

representative, of a person, means an employee or agent of the person.

state of mind, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
 - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against this Act.
- (3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—
- (a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and
 - (b) the representative had the state of mind.
- (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is also taken to have been done or omitted to be done by the person.
- (5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.

22 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (2) The regulations may exempt an area of premises from the operation of part 2 (Smoking prohibited in enclosed public places) if—
- (a) the premises are occupied by a university or another entity prescribed by the regulations; and
 - (b) the area is for scientific research into the effects of smoking.

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- commissioner for fair trading
- contravene
- director-general (see s 163)
- Minister (see s 162)
- must
- police officer.

commissioner means the commissioner for fair trading.

declared smoke-free public place or event—see section 9O (1).

designated outdoor smoking area—see section 9F (2).

designated smoking area—see section 9Q (2).

enclosed public place means a public place, or part of a public place, that is enclosed as prescribed by regulation.

Examples—public places

The following may be *public places* (see definition of *public place*):

- 1 business premises, including professional, trade and commercial premises
- 2 a cinema or theatre
- 3 a club, hotel or motel
- 4 a community centre, hall or public library
- 5 government premises
- 6 a hostel or nursing home
- 7 a place of worship
- 8 a public transportation vehicle (including, a bus, taxi or boat)
- 9 a restaurant or cafeteria
- 10 a school, college or university

11 a shopping centre, mall or plaza

12 sporting or recreational premises

gaming area—see the *Gaming Machine Act 2004*, dictionary.

manager, in relation to a declared smoke-free public place or event, means the person responsible (whether wholly or in part) for the management of the public place or event.

occupier, of premises or a part of premises (including an enclosed public place), means a person having the management or control, or otherwise being in charge, of the premises or part of the premises.

outdoor area, of premises, means any part of the premises that is not an enclosed public place.

outdoor eating or drinking place—see section 9A.

personal vaporiser—see the *Tobacco and Other Smoking Products Act 1927*, section 3B.

public place means a place to which the public or a section of the public has access, whether—

- (a) by payment, membership of a body or otherwise; or
- (b) by entitlement or permission.

Examples

The places, or parts of the places, mentioned in the examples for the definition of ***enclosed public place*** may be ***public places***.

smoke—see section 5B.

smoking management plan—see section 9J.

smoking product—see the *Tobacco and Other Smoking Products Act 1927*, section 3A.

underage function—see section 9K.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

The *Smoke-Free Public Places Act 2003* was originally the *Smoking (Prohibition in Enclosed Public Places) Act 2003*. It was renamed by the *Smoking (Prohibition in Enclosed Public Places) Amendment Act 2009* A2009-51 (see s 5).

Smoke-Free Public Places Act 2003 A2003-51

notified LR 25 November 2003

s 1, s 2 commenced 25 November 2003 (LA s 75 (1))

pt 4 commenced 26 November 2003 (s 2 (2))

remainder commenced 1 December 2006 (s 2 (1))

as amended by

Justice and Community Safety Legislation Amendment Act 2005

A2005-5 pt 14

notified LR 23 February 2005

s 1, s 2 commenced 23 February 2005 (LA s 75 (1))

pt 14 commenced 24 February 2005 (s 2 (2))

Smoking (Prohibition in Enclosed Public Places) Amendment Act 2005 A2005-6

notified LR 22 February 2005

s 1, s 2 commenced 22 February 2005 (LA s 75 (1))

remainder commenced 1 December 2006 (s 2)

Smoking (Prohibition in Enclosed Public Places) Amendment Act 2009 A2009-51

notified LR 18 December 2009

s 1, s 2 commenced 18 December 2009 (LA s 75 (1))

remainder commenced 9 December 2010 (s 2 (1) (b) and [CN2010-4](#))

Liquor (Consequential Amendments) Act 2010 A2010-43 sch 2 pt 2.2

notified LR 8 November 2010

s 1, s 2 commenced 8 November 2010 (LA s 75 (1))

sch 2 pt 2.2 commenced 9 December 2010 (s 2 (3) and see [Smoking](#)

[\(Prohibition in Enclosed Public Places\) Amendment Act 2009](#)

A2009-51, s 2 and [CN2010-4](#))

Endnotes

3 Legislation history

**Justice and Community Safety Legislation Amendment Act 2011
A2011-16 sch 1 pt 1.10**

notified LR 17 May 2011
s 1, s 2 commenced 17 May 2011 (LA s 75 (a))
sch 1 pt 1.10 commenced 17 November 2011 (s 2 and LA s 79)

**Administrative (One ACT Public Service Miscellaneous Amendments)
Act 2011 A2011-22 sch 1 pt 1.141**

notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.141 commenced 1 July 2011 (s 2 (1))

Statute Law Amendment Act 2012 A2012-21 sch 3 pt 3.46

notified LR 22 May 2012
s 1, s 2 commenced 22 May 2012 (LA s 75 (1))
sch 3 pt 3.46 commenced 5 June 2012 (s 2 (1))

Smoke-Free Public Places Amendment Act 2016 A2016-17

notified LR 17 March 2016
s 1, s 2 commenced 17 March 2016 (LA s 75 (1))
remainder commenced 18 March 2016 (s 2)

Smoke-Free Legislation Amendment Act 2016 A2016-20 pt 2

notified LR 13 April 2016
s 1, s 2 commenced 13 April 2016 (LA s 75 (1))
pt 2 commenced 1 August 2016 (s 2 and [CN2016-13](#))

Statute Law Amendment Act 2021 A2021-12 sch 3 pt 3.54

notified LR 9 June 2021
s 1, s 2 commenced 9 June 2021 (LA s 75 (1))
sch 3 pt 3.54 commenced 23 June 2021 (s 2 (1))

4 Amendment history

Long title

long title sub [A2009-51](#) s 4

Name of Act

s 1 sub [A2009-51](#) s 5

Commencement

s 2 om LA s 89 (4)

Dictionary

s 3 am [A2016-20](#) s 4

Important concepts

pt 1A hdg ins [A2005-6](#) s 4

Object

s 5A ins [A2005-6](#) s 4
sub [A2009-51](#) s 6

Meaning of *smoke*

s 5B ins [A2005-6](#) s 4
am [A2009-51](#) s 7, s 8; [A2016-20](#) ss 5-9

Offence to smoke in enclosed public place

s 6 sub [A2009-51](#) s 9

Offence to smoke in enclosed public place in contravention of direction

s 7 sub [A2009-51](#) s 9
am [A2016-17](#) s 9

Offence by occupier—person smoking in enclosed public place

s 8 hdg sub [A2005-6](#) s 5
s 8 am [A2005-6](#) s 6
sub [A2009-51](#) s 9
am [A2016-17](#) s 9

Offence by occupier—permitting smoke into enclosed public place from another part of premises

s 8A ins [A2005-6](#) s 7

Offence by occupier—not displaying required signs

s 8AA ins [A2009-51](#) s 10

Offence by neighbouring occupier

s 9 sub [A2005-6](#) s 7

Smoking prohibited in outdoor eating or drinking places

pt 2A hdg ins [A2009-51](#) s 11

General

div 2A.1 hdg ins [A2009-51](#) s 11

Endnotes

4 Amendment history

Meaning of *outdoor eating or drinking place*

s 9A ins [A2009-51](#) s 11
am [A2016-20](#) ss 10-12

Smoking prohibited—outdoor eating or drinking places

div 2A.2 hdg ins [A2009-51](#) s 11

Offence to smoke in outdoor eating or drinking place

s 9B ins [A2009-51](#) s 11

Offence to smoke in outdoor eating or drinking place in contravention of direction

s 9C ins [A2009-51](#) s 11
am [A2016-17](#) s 9

Offence by occupier—person smoking in outdoor eating or drinking place

s 9D ins [A2009-51](#) s 11
am [A2016-17](#) s 9

Offence by occupier—not displaying required signs etc

s 9E ins [A2009-51](#) s 11

Designated outdoor smoking areas

div 2A.3 hdg ins [A2009-51](#) s 11

Designating outdoor smoking area

s 9F ins [A2009-51](#) s 11
am [A2010-43](#) amdt 2.11

Licensee to notify commissioner of designated outdoor smoking area

s 9G ins [A2009-51](#) s 11
am [A2021-12](#) amdt 3.165

Obligations of licensee—things not allowed in designated outdoor smoking area

s 9H ins [A2009-51](#) s 11
am [A2016-17](#) s 9

Offence by occupier—permitting smoke from designated outdoor smoking area to enter another part of outdoor eating or drinking place

s 9I ins [A2009-51](#) s 11

Smoking management plan

s 9J ins [A2009-51](#) s 11

Smoking prohibited at underage functions

pt 2B hdg ins [A2009-51](#) s 11

Meaning of *underage function*—pt 2B

s 9K ins [A2009-51](#) s 11

Smoking prohibited at underage function

s 9L ins [A2009-51](#) s 11

Obligations on organiser of underage functions 9M ins [A2009-51](#) s 11**Offence to smoke at underage function in contravention of direction**s 9N ins [A2009-51](#) s 11
am [A2016-17](#) s 4**Smoking prohibited at declared smoke-free public places or events**pt 2C hdg ins [A2016-17](#) s 5**Declaration of smoke-free public place or event**s 9O ins [A2016-17](#) s 5**Signage**s 9P ins [A2016-17](#) s 5**Requirements for designated smoking areas**s 9Q ins [A2016-17](#) s 5**Obligations of occupier or manager—things not allowed in designated smoking area**s 9R ins [A2016-17](#) s 5**Offence by occupier or manager—permitting smoke from designated smoking area to enter another part of public place or event**s 9S ins [A2016-17](#) s 5**Offence to smoke at declared smoke-free public place or event**s 9T ins [A2016-17](#) s 5**Offence to smoke at declared smoke-free public place or event in contravention of direction**s 9U ins [A2016-17](#) s 5**Offence by occupier or manager—not displaying required signs**s 9V ins [A2016-17](#) s 5**Inspectors**s 10 am [A2011-22](#) amdt 1.403; [A2011-16](#) amdt 1.39; pars renum
R4 LA; [A2016-17](#) s 6; [A2016-20](#) s 13**Identity cards for inspectors**s 11 am [A2011-22](#) amdt 1.403**Power to give directions**s 12 sub [A2009-51](#) s 12**Power to enter premises**s 13 om [A2009-51](#) s 13
ins [A2009-51](#) s 12

Endnotes

4 Amendment history

Production of identity card

s 14 **orig s 14**
 renum as s 22
 pres s 14
 ins [A2009-51](#) s 12

Consent to entry

s 15 om LA s 89 (3)
 ins [A2009-51](#) s 12

General powers on entry to premises

s 16 om LA s 89 (3)
 ins [A2009-51](#) s 12

Power to require name and address

s 17 om LA s 89 (3)
 ins [A2009-51](#) s 12

Power to seize things

s 18 om LA s 89 (3)
 ins [A2009-51](#) s 12

Receipt for things seized

s 19 om LA s 89 (3)
 ins [A2009-51](#) s 12

Miscellaneous

pt 4 hdg om LA s 89 (3)
 ins [A2009-51](#) s 13

Acts and omissions of representatives

s 20 om LA s 89 (3)
 ins [A2009-51](#) s 13

Approved forms

s 21 om LA s 89 (3)
 ins [A2009-51](#) s 13
 om [A2021-12](#) amdt 3.166

Regulation-making power

s 22 **orig s 22**
 om LA s 89 (3)
 pres s 22
 (prev s 14) renum as s 22 [A2009-51](#) s 14

Repeals and consequential amendments

pt 5 hdg om LA s 89 (3)

Repeals

div 5.1 hdg om LA s 89 (3)

Gaming Machine Act 1987

div 5.2 hdg om LA s 89 (3)

New section 24A (1) (ba) and (bb)

s 23 om LA s 89 (3)

Section 24A (1)

s 24 om LA s 89 (3)

New section 24A (2)

s 25 om LA s 89 (3)

Liquor Act 1975

div 5.3 hdg om LA s 89 (3)

Grounds for issue of directions**Section 82**

s 26 om LA s 89 (3)

New section 82 (1) (ca) and (cb)

s 27 om LA s 89 (3)

Section 82 (1)

s 28 om LA s 89 (3)

New section 82 (2)

s 29 om LA s 89 (3)

Types of directions**Section 85 (2) (c)**

s 30 om LA s 89 (3)

New section 93As 31 om [A2005-5](#) s 47**New section 110A**

s 32 om LA s 89 (3)

Ground for cancellation**New section 116 (2) (ab)**

s 33 om LA s 89 (3)

Section 116 (2)

s 34 om LA s 89 (3)

New section 116As 35 om [A2005-5](#) s 47

Endnotes

4 Amendment history

Dictionary

dict

am [A2009-51](#) s 15; [A2011-22](#) amdt 1.404; [A2012-21](#) amdt 3.181; [A2016-17](#) s 7

def **commissioner** ins [A2009-51](#) s 16

def **declared smoke-free public place or event** ins [A2016-17](#) s 8

def **designated outdoor smoking area** ins [A2009-51](#) s 16

def **designated smoking area** ins [A2016-17](#) s 8

def **enclosed public place** sub [A2005-6](#) s 8

def **gaming area** ins [A2009-51](#) s 16

def **herbal product** ins [A2009-51](#) s 16
om [A2016-20](#) s 14

def **manager** ins [A2016-17](#) s 8

def **occupier** sub [A2005-6](#) s 8

def **outdoor area** ins [A2009-51](#) s 16

def **outdoor eating or drinking place** ins [A2009-51](#) s 16

def **personal vaporiser** ins [A2016-20](#) s 15

def **public place** sub [A2005-6](#) s 8

def **smoke** sub [A2005-6](#) s 8

def **smoking management plan** ins [A2009-51](#) s 16

def **smoking product** sub [A2016-20](#) s 16

def **tobacco product** ins [A2009-51](#) s 16
om [A2016-20](#) s 17

def **underage function** ins [A2009-51](#) s 16

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Dec 2006	1 Dec 2006– 8 Dec 2010	A2005-6	new Act and amendments by A2005-5 and A2005-6
R2 9 Dec 2010	9 Dec 2010– 30 June 2011	A2010-43	renaming and other amendments by A2009-51 and A2010-43
R3 1 July 2011	1 July 2011– 16 Nov 2011	A2011-22	amendments by A2011-22
R4 17 Nov 2011	17 Nov 2011– 4 June 2012	A2011-22	amendments by A2011-16
R5 5 June 2012	5 June 2012– 17 Mar 2016	A2012-21	amendments by A2012-21
R6 18 Mar 2016	18 Mar 2016– 31 July 2016	A2016-17	amendments by A2016-17
R7 1 Aug 2016	1 Aug 2016– 22 June 2021	A2016-20	amendments by A2016-20

© Australian Capital Territory 2021