

1994

LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY

**SMOKE-FREE AREAS (ENCLOSED PUBLIC PLACES)
REGULATIONS**

EXPLANATORY MEMORANDUM

**Circulated by the authority of Terry Connolly MLA
Minister for Health**

Smoke-free Areas (Enclosed Public Places) Regulations

Summary

The Act requires that occupiers of enclosed public places, where smoking is prohibited, display prescribed signage. These regulations prescribe the nature and location of signage within a public place, indicating the prohibition of smoking within that place or parts of that place.

Financial Implications

An initial supply of signs will be funded from within the ACT Department of Health budget.

Smoke-free Areas (Enclosed Public Places) Regulations

1. Citation

Clause 1: provides that the regulations may be known as the Smoke-free Areas (Enclosed Public Places) Regulations.

2. Commencement

Clause 2: provides that the regulations will commence on the date on which they are notified in the Gazette.

3. Interpretation

Clause 3: provides definitions for the Act, being the *Smoke-free Areas (Enclosed Public Places) Act 1994* and the term 'smoking prohibited symbol', being the symbol as specified in the Australian Standard 2899.1-1986.

4. Prescribed signs and the manner of display

Clause 4: prescribes the nature and location of signage. It should be noted that "place" has not been defined, as this term has been defined within the Act. Places required to display signage are those in which smoking is prohibited in all or part of that place under the Act.

Clause 4(1): prescribes the appearance of the sign being, either:

- a sign with the wording 'no smoking', 'smoking prohibited' or 'smoke-free zone' in letters which are at least 20 mm in height;
- the smoking prohibited symbol with a diameter of at least 70 mm; or
- other words and symbols which clearly indicate that smoking is prohibited.

These first two options provide a clear indication of the type signage which is required. The third option allows for other signage which may not conform with the requirements of the first two options, but still clearly conveys the information that, and where, smoking is prohibited.

Clause 4(2): prescribes the location of signage so that signs are visible to persons when they enter a place from a public entrance and when they are inside the place where smoking is prohibited under the Act. It requires that signage be displayed in such numbers and in positions of prominence to meet this requirement.

Clause 4(3): provides that the previous two subsections do not apply in places where persons within the place could be reasonably expected to be aware that smoking is prohibited in such places and that people do not usually smoke in such places. This may be the case, for example, in churches.

5. Signs citing the Act

Clause 5: requires that an occupier of an enclosed public place shall not display a sign which prohibits smoking and includes a reference to the Act, unless smoking is prohibited in that place under the Act. Penalties are \$500 for an individual and \$2,500 for a corporation.

This provision does not prevent an occupier of a place, where smoking is not prohibited under the Act, from prohibiting smoking and displaying smoking prohibited signs. However, those signs must not make reference to the Act.