

Explanatory Statement

Smoke-free Areas (Enclosed Public Places) (Fees) Determination 2004 (No 1)

Disallowable instrument DI2004-22

made under the

Smoke-free Areas (Enclosed Public Places) Act 1994, s 22 (Determination of fees)

The *Smoke-free Areas (Enclosed Public Places) Act 1994* prohibits or restricts smoking in enclosed public places.

Section 22 of the *Smoke-free Areas (Enclosed Public Places) Act 1994* provides the Minister with the power to determine fees for the purposes of the Act or its regulations.

Part 4 of the recently passed *Smoking (Prohibition in Enclosed Public Places) Act 2003* amends sections 9 and 11 of the *Smoke-free Areas (Enclosed Public Places) Act 1994* to:

- prohibit smoking in enclosed public places from 1 December 2006. This means that all certificates of exemption automatically expire on that date; and
- require the occupier of a premises where the certificate of exemption expires less than two years after it is granted to pay the determined fees.

Where an exemption lasts for two years or less, the occupier of the premises to which the fee relates would pay a pro-rata annual fees based on the proportion of the time period remaining, using the following formula:

$$\text{Pro-rata fee} = \text{annual fee} \times \frac{\text{whole months for which certificate of exemption is granted}}{12}$$

This instrument revokes all previous determination of fees instruments and redetermines the fees for the *Smoke-free Areas (Enclosed Public Places) Act 1994*.