

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

EXPLANATORY MEMORANDUM

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

Subordinate Law No. 30 of 2000

Distributed by Authority of the Minister for Health and
Community Care

Michael Moore MLA

July 2000

Clause 1 Commencement

Clause 1 provides that the *Smoke-free Areas (Enclosed Public Places) Regulations Amendment* will commence 90 days after they have been notified in the Gazette.

The 90 day delay is provided in accordance with the requirements outlined in paragraph 5 (5) (a) of the *Smoke-free Areas (Enclosed Public Places) Act 1994*.

Clause 2 Regulations amended

Clause 2 provides that the *Smoke-free Areas (Enclosed Public Places) Regulations Amendment* amend the *Smoke-free Areas (Enclosed Public Places) Regulations*.

Clause 3 Substitution

Clause 3 provides that regulations 1 and 2 of the *Smoke-free Areas (Enclosed Public Places) Regulations* be repealed and replaced with new regulations that rename the regulations in light of current drafting practices. The new name will include the year in which the regulations were first made.

The effect of this clause is to change the title *Smoke-free Areas (Enclosed Public Places) Regulations* to *Smoke-free Areas (Enclosed Public Places) Regulations 1994*.

Clause 4 Addition

Clause 4 provides that the regulations are amended by adding a new regulation at the end of the existing regulations, Regulation 6.

Regulation 6 provides that the places mentioned in Schedule 1 of these regulations are exempt from the prohibition on smoking in enclosed public places set out in paragraph 5 (1) of the *Smoke-free Areas (Enclosed Public Places) Act 1994*. The regulation further provides that the places mentioned in Schedule 1 of these regulations are exempt from the prohibition on smoking in enclosed public places by the power provided in paragraph 4 (b) of the *Smoke-free Areas (Enclosed Public Places) Act 1994*.

Clause 4 further provides that a schedule, Schedule 1, be inserted after regulation 6. Schedule 1 exempts a designated University of Canberra building from the prohibition on smoking in an enclosed public place, if that smoking is carried out as a part of research as designated in writing by the Vice Chancellor, into the effects of smoking. The exemption will only apply if all of the persons taking part in the research are 18 years of age or older and the designated building area has air handling equipment installed that prevents the ingress of tobacco smoke to non-exempt areas of the building.

Schedule 1 exempts an enclosed car park from the prohibition on smoking in an enclosed public place, if that car park has air handling equipment installed that maintains the air quality in accordance with Australian Standard 1668.2.