



Australian Capital Territory

Smoke-free Areas (Enclosed Public Places) Regulations 1994 No 37

made under the

Smoke-free Areas (Enclosed Public Places) Act 1994

Republication No 4

Effective: 19 December 2003 – 1 November 2004

Republication date: 19 December 2003

Last amendment made by A2003-56

Uncommenced repeal: see endnote 3

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Smoke-free Areas (Enclosed Public Places) Regulations 1994*, made under the *Smoke-free Areas (Enclosed Public Places) Act 1994* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 19 December 2003. It also includes any amendment, repeal or expiry affecting the republished law to 19 December 2003.

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 does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

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 *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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R4
19/12/03

Smoke-free Areas (Enclosed Public Places)
Regulations 1994
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1 Name of regulations

These regulations are the *Smoke-free Areas (Enclosed Public Places) Regulations 1994*.

3 Meaning of *smoking prohibited symbol*

In these regulations:

smoking prohibited symbol means the symbol designated in Australian Standard 2899.1—1986 to indicate where smoking is prohibited.

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

4 Prescribed signs and manner of display

- (1) For the Act, section 16 (3) a prescribed sign is a sign that—
 - (a) contains—
 - (i) the phrase ‘no smoking’, ‘smoking prohibited’ or ‘smoke-free zone’ in letters that are at least 20mm in height; or
 - (ii) the smoking prohibited symbol with a diameter of at least 70mm; or
 - (iii) other words or symbols that indicate clearly that smoking is prohibited; and
 - (b) indicates clearly where smoking is prohibited.
- (2) For the Act, section 16 (3) the prescribed manner of displaying signs within a place is—
 - (a) in such numbers; and
 - (b) in positions of such prominence;

that such a sign is likely to be seen by a person at a public entrance to, or within, the place.

- (3) Subregulations (1) and (2) do not apply in relation to an enclosed public place if—
- (a) persons within the place could reasonably be expected to know, by custom or otherwise, that smoking is not permitted in the place; and
 - (b) persons do not usually smoke in the place.

5 Signs citing Act

An occupier of an enclosed public place shall not, without reasonable excuse, display within that place a sign—

- (a) indicating that smoking is prohibited; and
- (b) that includes a reference to the Act;

unless smoking is prohibited under the Act in that place.

Maximum penalty: 5 penalty units.

6 Prescribed places where smoking allowed

For the Act, section 5 (4) (b) a place mentioned in schedule 1 is prescribed in the circumstances mentioned in the schedule for the place.

Schedule 1 Places exempted in certain circumstances

(see reg 6)

column 1 item	column 2 place	column 3 circumstance
1	an area in a building occupied by the University of Canberra that is designated in writing by the Vice-Chancellor of the university as a place where research may be carried out into the effects of smoking	if all the persons taking part in the research are at least 18 years old and the building has equipment that will prevent air moving from the designated area to another area occupied by the university where smoking is not allowed
2	enclosed car parks	if the car park is fitted with equipment that can maintain air quality in accordance with Australian Standard 1668.2.

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 and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

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.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 **Legislation history**

The *Smoke-free Areas (Enclosed Public Places) Regulations 1994* were originally the *Smoke-free Areas (Enclosed Public Places) Regulations*. They were renamed by the *Smoke-free Areas (Enclosed Public Places) Regulations Amendment 2000* No 30 (see reg 3).

Smoke-free Areas (Enclosed Public Places) Regulations 1994 No 37

notified 9 November 1994 (Gaz 1994 No S246)
commenced 9 November 1994 (reg 2)

as amended by

Smoke-free Areas (Enclosed Public Places) Regulations Amendment 2000 No 30

notified 20 July 2000 (Gaz 2000 No 29)
reg 1, reg 2 commenced 20 July 2000
remainder commenced 19 October 2000 (reg 1)

Legislation (Consequential Amendments) Act 2001 No 44 pt 365

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 365 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Statute Law Amendment Act 2002 No 30 pt 3.77

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.77 commenced 17 September 2002 (s 2 (1))

Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.24

notified LR 5 December 2003
s 1, s 2 commenced 5 December 2003 (LA s 75 (1))
sch 3 pt 3.24 commenced 19 December 2003 (s 2)

as repealed by

Smoking (Prohibition in Enclosed Public Places) Act 2003 A2003-51 s 19

notified LR 25 November 2003

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

s 19 commences 1 December 2006 (s 2 (1))

4 Amendment history

Name of regulations

reg 1 sub 2001 No 30 reg 3

Commencement

reg 2 om 2000 No 30 reg 3

Meaning of *smoking prohibited symbol*

reg 3 am Act 2001 No 44 amdt 1.3906

def **Act** om Act 2001 No 44 amdt 1.3905

Prescribed signs and manner of display

reg 4 am A2003-56 amdt 3.229

Signs citing Act

reg 5 am Act 2002 No 30 amdt 3.787

Prescribed places where smoking allowed

reg 6 ins 2000 No 30 reg 4

Places exempted in certain circumstances

sch 1 ins 2000 No 30 reg 4

Endnotes

5 Earlier republications

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. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	SL 2000 No 30	30 November 2000
2	Act 2001 No 44	21 January 2002
3	A2002-30	3 October 2002

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