



Australian Capital Territory

Smoking (Prohibition in Enclosed Public Places) Amendment Regulation 2010 (No 1)

Subordinate Law SL2010-44

The Australian Capital Territory Executive makes the following regulation under the *Smoking (Prohibition in Enclosed Public Places) Act 2003*.

Dated 3 November 2010.

KATY GALLAGHER
Minister

SIMON CORBELL
Minister

J2010-451

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



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Contents

	Page
1 Name of regulation	1
2 Commencement	1
3 Legislation amended	1
4 Section 1	1
5 New part 3	2
6 Section 13 (1)	3
7 Dictionary, notes 2 and 3	3

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1 Name of regulation

This regulation is the *Smoking (Prohibition in Enclosed Public Places) Amendment Regulation 2010 (No 1)*.

2 Commencement

- (1) This regulation (other than section 6) commences on the commencement of the *Smoking (Prohibition in Enclosed Public Places) Amendment Act 2009*, section 3.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) Section 6 commences on 9 December 2011.

3 Legislation amended

This regulation amends the *Smoking (Prohibition in Enclosed Public Places) Regulation 2005*.

4 Section 1

substitute

1 Name of regulation

This regulation is the *Smoke-Free Public Places Regulation 2005*.

5 New part 3

insert

Part 3 Outdoor eating or drinking places

13 Height of screen or wall buffer for designated outdoor smoking area—Act, s 9F (6) (a)

- (1) The prescribed height is 1.8m above the highest point of the floor of the designated outdoor smoking area.
- (2) However, if at any point of the buffer it is not possible to comply with subsection (1) because of an overhead cover, the prescribed height at that point is the height of the overhead cover.

Note 1 The presence of a screen or wall buffer may make an area an enclosed public place—see pt 2 (Enclosed public places).

Note 2 Other legislation may apply in relation to a proposed structure:

- the structure may require building approval—see the *Building Act 2004*, div 3.3;
- use of the structure may require development approval—see the *Planning and Development Act 2007*, s 134;
- if the structure causes premises to not comply with certain requirements, the commissioner must decide that the premises are not suitable premises for a licence or permit—see the *Liquor Act 2010*, s 77.

14 Requirements for smoking management plan—Act, s 9J (2) (e)

The licensed premises plan under the *Liquor Regulation 2010*, section 6 is prescribed.

6 Section 13 (1)

omit

1.8m

substitute

2.1m

7 Dictionary, notes 2 and 3

substitute

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- Act
- for.

Note 3 Terms used in this regulation have the same meaning that they have in the *Smoke-Free Public Places Act 2003* (see Legislation Act, s 148). For example, the following terms are defined in the *Smoke-Free Public Places Act 2003*, dict:

- designated outdoor smoking area (see s 9F (2))
- public place.

Endnotes

1 Notification

Notified under the Legislation Act on 10 November 2010.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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