



New South Wales

Smoke-free Environment Amendment (Smoke-free Areas) Regulation 2015

under the

Smoke-free Environment Act 2000

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Smoke-free Environment Act 2000*.

JILLIAN SKINNER, MP
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Smoke-free Environment Regulation 2007*:

- (a) to prescribe an outdoor public place that is a public thoroughfare, footpath or street within 4 metres of the entrance to or exit from a courtyard or garden that adjoins a building as a smoke-free area if the courtyard or garden is substantially surrounded by a fixed fence, wall or other similar structure, is set aside for persons using the adjoining building and does not form part of any public thoroughfare, and
- (b) to exempt the area around the entrance to a building adjoining such a courtyard or garden from being a smoke-free area.

This Regulation is made under the *Smoke-free Environment Act 2000*, including sections 6A and 23 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Smoke-free Environment Amendment (Smoke-free Areas) Regulation 2015*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Smoke-free Environment Regulation 2007

Clauses 5A and 5B

Insert after clause 5:

5A Outdoor public places that are smoke-free areas

For the purposes of section 6A (1) (l) of the Act, an outdoor public place that is a public thoroughfare, footpath or street within 4 metres of an entrance to or exit from a courtyard or garden that adjoins a building is prescribed as a smoke-free area if:

- (a) the courtyard or garden is substantially surrounded by a fixed fence, wall or other similar structure, and
- (b) the courtyard or garden is set aside for persons using the adjoining building, and
- (c) the courtyard or garden does not form part of any public thoroughfare that is generally used by pedestrians, other than persons using the adjoining building.

5B Outdoor public places that are exempt from being smoke-free areas

For the purposes of section 6A (4) of the Act, an outdoor public place that is within 4 metres of a pedestrian access point to a building, and is not a smoke-free area by virtue of section 6A (1) (a)–(h), (j) or (k) of the Act, is exempt from being a smoke-free area if a courtyard or garden adjoins the building and that courtyard or garden:

- (a) has an entrance to or exit from a public thoroughfare, footpath or street, and
- (b) is substantially surrounded by a fixed fence, wall or other similar structure, and
- (c) is set aside for persons using the adjoining building, and
- (d) does not form part of any public thoroughfare that is generally used by pedestrians, other than persons using the adjoining building.