

[Act 1997 No 16]



New South Wales

Smoking Regulation Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

Overview of Bill

The object of this Bill is to regulate smoking in public places (including public places that are places of employment).

* Amended in committee—see table at end of volume.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act 6 months after the date of assent or on an earlier day appointed by proclamation.

Clause 3 defines *public place* and other words and expressions used in the proposed Act.

Clause 4 states the object of the proposed Act.

Clause 5 states that the proposed Act binds the Crown.

Clause 6 prohibits smoking in an enclosed public place, with certain specified exceptions. The regulations may prescribe other exceptions.

Clause 7 makes it an offence to fail to obey the direction of an inspector, or of the occupier of premises, to stop smoking in contravention of the proposed Act.

Clause 8 makes the occupier of an enclosed public place guilty of an offence if any person smokes in contravention of the proposed Act, subject to certain defences.

Clause 9 requires the occupier of an enclosed public place to display certain signs.

Clause 10 requires:

- (a) the occupier of an enclosed public place to take reasonable steps to stop smoke entering the place from another part of the same premises where smoking is not prohibited, and
- (b) the occupier of a part of premises where smoking is not prohibited to take reasonable steps to prevent smoke from that part from spreading to an enclosed public place on the same premises.

Clause 11 provides for the appointment of inspectors for the purposes of the proposed Act.

Clause 12 empowers inspectors to enter enclosed public places and to give certain directions in relation to offences.

Clause 13 prohibits obstruction and impersonation of an inspector.

Clause 14 provides that proceedings for offences under the proposed Act are to be taken before a Local Court.

Clause 15 states that the proposed Act neither creates nor preserves a right to smoke in an enclosed public place.

Clause 16 requires the Director-General of the Department of Health to publicise the proposed Act.

Clause 17 allows regulations to be made in aid of the proposed Act.

Clause 18 is a provision requiring a review of the proposed Act after 3 years' operation.

Schedule gives examples of enclosed public places where smoking is prohibited.

Schedule 2 sets out a list of places that are exempted from the ban on smoking in certain circumstances.