

Smoke-free Environment Regulation 2000

[2000-556]



New South Wales

Status Information

Currency of version

Historical version for 4 March 2005 to 30 June 2005 (accessed 18 September 2024 at 23:30)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**
[Statute Law \(Miscellaneous Provisions\) Bill 2005](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 8 June 2005

Smoke-free Environment Regulation 2000



New South Wales

Contents

1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 Signs displayed in smoke-free zones	3
5 Exemption from requirement to display signs	4
6 Exempt areas—prescribed requirements	4
7 Authorisation for second room to be part of exempt area	4

Smoke-free Environment Regulation 2000



New South Wales

1 Name of Regulation

This Regulation is the *Smoke-free Environment Regulation 2000*.

2 Commencement

This Regulation commences on 6 September 2000.

3 Definition

(1) In this Regulation:

the Act means the *Smoke-free Environment Act 2000*.

(2) The explanatory note does not form part of this Regulation.

4 Signs displayed in smoke-free zones

(1) For the purposes of section 9 (1) of the Act, signs that are clearly legible and contain:

- (a) the smoking prohibited symbol with a diameter of at least 90 mm, and
- (b) the words "NO SMOKING" in letters of at least 20 mm in height, and
- (c) a reference to the name of the Act, and
- (d) the words "Penalties may apply",

are prescribed.

(2) For the purposes of section 9 (1) of the Act, the prescribed manner of displaying signs within a smoke-free area is:

- (a) in such numbers, and
- (b) in positions of such prominence,

that they are likely to be seen by a person at a public entrance to, or within, the area.

(3) In this clause:

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

5 Exemption from requirement to display signs

In accordance with section 9 (2) of the Act, any public place:

- (a) in respect of which persons would reasonably be expected to know, by custom or otherwise, that smoking is not permitted, and
- (b) in which persons do not usually smoke,

is exempt from section 9 (1) of the Act.

6 Exempt areas—prescribed requirements

The occupier of premises that contain an exempt area is required:

- (a) to separate the exempt area from any other part of the premises that is a smoke-free area by the use of partitions or other similar barriers, or
- (b) to ensure that a space of at least 1.5 metres is maintained between the exempt area and any other part of the premises that is a smoke-free area.

7 Authorisation for second room to be part of exempt area

(1) The Minister may grant an authorisation under section 11B (6) of the Act to set aside a second room or part of a second room of a club, hotel, nightclub or casino as part of an exempt area only if an application is made in accordance with subclause (2) and the Minister is satisfied that:

- (a) all public places that are part of the premises in respect of which the exemption is being sought are enclosed, and
- (b) the existing exempt area is a gaming machine room the area of which is less than 15% of the total area of all the rooms in the club, hotel, nightclub or casino, and
- (c) the second room or part of a second room that is proposed to be set aside is as close as possible to the existing exempt area, and
- (d) the area of the second room or part of a second room that is proposed to be set aside, when added to the existing exempt area, will be less than 25% of the total area of all the rooms in the club, hotel, nightclub or casino.

(2) An application for an authorisation to set aside a second room or part of a second room of a club, hotel, nightclub or casino as part of an exempt area:

- (a) is to be made by, or on behalf of, the licensee, secretary or casino operator, as the case may be, and

- (b) is to be lodged with the Director-General, and
- (c) is to be in the form of a written statement setting out the reasons why the exemption should be granted taking into account the requirements of the Act and this Regulation, and
- (d) is to be accompanied by a floor plan of the premises in respect of which the exemption is sought showing the location, dimensions and area of:
 - (i) the exempt area, and
 - (ii) the second room or part of a second room that is proposed to be set aside as part of the exempt area, and
 - (iii) each other room of the club, hotel, nightclub or casino, and
- (e) is to be accompanied by an application fee of \$500.

Note—

Section 307A of the [Crimes Act 1900](#) provides for a maximum penalty of 2 years imprisonment, or a fine of 200 penalty units (\$22,000), or both for an offence of making a false or misleading application.

- (3) Words and expressions used in this clause have the same meanings as they have in Part 3 of the Act, including the definition of **room** in section 11B.