

Smoke-free Environment Regulation 2000

[2000-556]



New South Wales

Status Information

Currency of version

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Provisions in force

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

Authorisation

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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) Notes included in this Regulation do 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.