



Australian Capital Territory

Smoke-free Areas (Enclosed Public Places) Act 1994

A1994-63

Republication No 10

Effective: 1 May 2006 – 30 November 2006

Republication date: 1 May 2006

Last amendment made by A2006-2

Uncommenced repeal: see endnote 3

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Smoke-free Areas (Enclosed Public Places) Act 1994* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 May 2006. It also includes any amendment, repeal or expiry affecting the republished law to 1 May 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Smoke-free Areas (Enclosed Public Places) Act 1994

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R10
01/05/06

Smoke-free Areas (Enclosed Public Places) Act 1994
Effective: 01/05/06-30/11/06

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Australian Capital Territory

Smoke-free Areas (Enclosed Public Places) Act 1994

An Act to prohibit or restrict smoking in enclosed public places, and for other purposes

1 Name of Act

This Act is the *Smoke-free Areas (Enclosed Public Places) Act 1994*.

2 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

Australian Standard 1668.2 means Australian Standard 1668.2 as in force on 5 October 1994.

drug means a controlled drug within the meaning of the Criminal Code, chapter 6 (Serious drug offences).

enclosed, in relation to a public place, means a public place that has a ceiling or roof and is, except for doors and passageways, completely or substantially enclosed by walls or windows.

equipment means mechanical ventilation and airconditioning equipment.

licensed premises means—

- (a) premises licensed under the *Liquor Act 1975*, being premises where liquor is served; or
- (b) premises licensed under the *Casino Control Act 2006*;

other than any part of those premises that is a restaurant.

occupier, in relation to an enclosed public place, means a person having the management or control, or otherwise being in charge, of that place.

public area means—

- (a) in relation to licensed premises—the part of the premises normally frequented by patrons, other than a corridor, stairway, lift, toilet, lobby or waiting area; and
- (b) in relation to a restaurant—the part of the restaurant set aside for the consumption of food or drinks by patrons.

public place means a place which the public, or a section of the public, is entitled to use or which is open to, or is being used by, the public or a section of the public (whether on payment of money, by virtue of membership of a body, or otherwise).

register means the register established and maintained under section 6.

restaurant means a public place or part of a public place used primarily for the consumption of food or non-alcoholic drinks purchased on the premises that—

- (a) is within enclosed licensed premises; or
- (b) in the case of a public place—is enclosed.

smoke—see section 4.

3 Object of Act

The object of this Act is to promote public health by reducing exposure to environmental smoke caused by the smoking of tobacco and other substances prepared for human consumption.

4 Meaning of *smoke*

- (1) In this Act:
smoke includes—
- (a) directly inhale or puff the smoke of an ignited substance prepared for human consumption (including a substance containing a drug or tobacco, a herb or other plant matter); and
 - (b) hold or have control over such a substance while it is ignited.
- (2) For the definition of *smoke*, paragraph (a), a person directly inhales if the smoke is inhaled through a device designed for the inhalation of smoke by a smoker.

Examples

- 1 A cigarette-holder.
- 2 A pipe (including a water pipe or bong).

5 Smoke-free areas

- (1) Smoking is prohibited in an enclosed public place.
- (2) Without limiting subsection (1), smoking is prohibited in any part of premises or a place of a kind described in schedule 1, part 1.1 that is an enclosed public place (irrespective of the name by which the particular premises or place is known).
- (3) Subsections (1) and (2) do not apply to a restaurant or part of licensed premises in respect of which a certificate of exemption has been granted under section 8 to the extent that the certificate exempts the restaurant or part from the operation of those subsections.
- (4) Subsections (1) and (2) do not apply in relation to—
- (a) a part of premises of a kind specified in schedule 1, part 1.2 at the times or in the circumstances so specified in relation to that part; or

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- (b) a prescribed enclosed public place at the times or in the circumstances prescribed in relation to that place.
- (5) Regulations made for subsection (4) (b) take effect—
- (a) 90 days after the day they are notified under the *Legislation Act 2001*; or
- (b) as provided in the regulations;
- whichever is later.
- (6) In this section:
- certificate of exemption* does not include a certificate that is under suspension.

6 Register

The Minister shall establish and maintain a register to be known as the register of exempted premises.

7 Application for certificate of exemption

The occupier of a restaurant or licensed premises may apply for a certificate of exemption in respect of the restaurant or a specified part of the licensed premises.

Note 1 A fee may be determined under s 22 (Determination of fees) for this section.

Note 2 If a form is approved under s 23 (Approved forms) for an application, the form must be used.

8 Grant of certificate

- (1) On receiving an application in accordance with this Act, the Minister shall—
- (a) if the application relates to a restaurant—grant a certificate for the restaurant; or

- (b) if the application relates to part of licensed premises—grant a certificate of exemption for that part.
- (2) The Minister shall not grant a certificate under subsection (1) (a) unless—
 - (a) satisfied that—
 - (i) smoking is to be prohibited in not less than 75% of the public area of the restaurant; and
 - (ii) the restaurant is fitted with equipment capable of maintaining air quality in accordance with Australian Standard 1668.2; and
 - (b) the occupier agrees to allow inspectors to—
 - (i) regularly inspect the equipment; and
 - (ii) monitor air quality within the premises.
- (3) The Minister shall not grant a certificate under subsection (1) (b) unless—
 - (a) satisfied that the part of the premises to which the application relates—
 - (i) is not greater than 50% of the public area of the premises; and
 - (ii) is clearly defined in the application and is (or, if the application is approved, will be) a clearly defined area in the licensed premises; and
 - (iii) is within premises that are fitted with equipment capable of maintaining air quality in accordance with Australian Standard 1668.2; and
 - (b) the occupier agrees to allow inspectors to—
 - (i) regularly check the equipment; and
 - (ii) monitor air quality within the premises.

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- (4) Where the Minister grants a certificate of exemption under this section, he or she shall enter the details of the exemption in the register.

9 Annual fees

- (1) An occupier of a restaurant or licensed premises shall, on or before the first and second anniversary of the grant of a certificate of exemption, pay to the Territory the annual fee determined under section 22 (Determination of fees).
- (2) Where a fee payable under subsection (1) is not paid in accordance with that subsection, the certificate is, by virtue of this subsection, suspended.
- (3) A suspension under subsection (2)—
- (a) takes effect on the day after the anniversary of the grant of the certificate on or before which the fee should have been paid; and
 - (b) ceases when the annual fee is paid or the certificate is cancelled, whichever first occurs.
- (4) The Minister may cancel a certificate that has been suspended by virtue of subsection (3) for a period of not less than 3 months.
- (5) The Minister shall not cancel a certificate under subsection (4) unless, at least 1 month before doing so, he or she gives to the occupier of the relevant restaurant or licensed premises a written notice stating that, unless the annual fee is paid, the licence may be cancelled on or after a specified day.
- (6) Despite subsections (1) to (5), for a certificate of exemption that ceases to have effect less than 2 years after it is granted—
- (a) the occupier must pay to the Territory the fees determined for this subsection under section 22 within the time determined by the Minister; and

- (b) if a fee payable under this section is not paid in accordance with the determination, the Minister may cancel the certificate.

10 Conditions of certificate of exemption

The conditions of a certificate of exemption are as follows:

- (a) the premises exempted under the certificate shall at all times be fitted with equipment capable of maintaining air quality in accordance with Australian Standard 1668.2;
- (b) air quality in the premises shall comply with Australian Standard 1668.2;
- (c) the occupier shall keep such records, in relation to the equipment on the premises, as are specified on the certificate of exemption and relate to maintenance on and the operation of the equipment;
- (d) inspectors are allowed to—
 - (i) regularly inspect equipment on the premises; and
 - (ii) monitor the air quality within the premises; and
 - (iii) inspect the records referred to in paragraph (c);
- (e) if the certificate is for a restaurant—smoking is prohibited in not less than 75% of the public area of the restaurant;
- (f) if the certificate is for licensed premises—smoking is prohibited in not less than 50% of the public area of the premises.

10A Variation of exemptions

- (1) The occupier of a restaurant or licensed premises for which a certificate of exemption is in effect may apply to the Minister for the exemption to be varied.
- (2) The Minister must vary the exemption unless—

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- (a) for a restaurant—a certificate could not be granted for the exemption as varied under section 8 (2); or
 - (b) for part of licensed premises—a certificate could not be granted for the exemption as varied under section 8 (3); or
 - (c) the restaurant or licensed premises are being rebuilt or relocated.
- (3) If the Minister varies the exemption, the Minister must enter the details of the variation in the register.

11 Duration of certificates of exemption

- (1) A certificate of exemption ceases to have effect 3 years after the day the certificate is granted.
- (2) However, a certificate of exemption that is granted after the notification day for the *Smoking (Prohibition in Enclosed Public Places) Act 2003* ceases to have effect on the earlier of—
 - (a) 3 years after the day the certificate is granted; and
 - (b) 1 December 2006.

12 Revocation of certificate of exemption

- (1) The Minister may revoke a certificate of exemption if satisfied on reasonable grounds that—
 - (a) the occupier to whom the certificate was granted has not complied, or is not complying, with a condition of the certificate; or
 - (b) the premises to which the certificate relates do not comply with a condition of the certificate.
- (2) Where a certificate is revoked under subsection (1), that revocation takes effect on the day on which the occupier granted the certificate is given notice of the revocation in accordance with section 20 (b).

- (3) Where a certificate of exemption is revoked, the Minister shall amend the register accordingly.

13 Inspectors

- (1) The Minister may, by instrument, appoint persons to be inspectors for this Act.
- (2) An inspector shall perform such duties as the Minister directs for the purpose of promoting compliance with this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (3) The Minister shall issue to each inspector an identity card that specifies the name and appointment of the inspector and on which appears a recent photograph of the inspector.
- (4) A former inspector shall not, without reasonable excuse, fail to return his or her identity card to the Minister.

Maximum penalty (for subsection (4)): 1 penalty unit.

14 Powers of inspectors

- (1) Subject to subsections (2) and (3), an inspector has power to do all things necessary or convenient to be done in the performance of his or her duties.
- (2) For the purpose of performing his or her duties, an inspector may at all reasonable times enter an enclosed public place that he or she is not, but for this subsection, entitled to enter.
- (3) An inspector who enters an enclosed public place under subsection (2) is not entitled to remain in that place if, on request by the occupier of that place, the inspector does not produce his or her identity card.

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- (4) Where an inspector has reason to believe that a person is committing or has committed an offence against this Act, he or she may, on producing his or her identity card—
- (a) if the person is contravening section 15—direct the person to cease the contravention; and
 - (b) require the person to furnish his or her name and usual address.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

15 Offences by smokers

- (1) A person must not smoke in an enclosed public place if smoking in the place is prohibited by section 5 (1) or (2).

Maximum penalty: 5 penalty units.

- (2) It is a defence to a prosecution under subsection (1) if the defendant establishes that he or she held or had control of the ignited substance prepared for human consumption for the purpose only of extinguishing or removing it from the enclosed public place (or, if smoking is prohibited in a part of the enclosed public place, removing it from that part of the place).
- (3) A person who is contravening subsection (1) must not, without reasonable excuse, fail to comply with a direction to cease the contravention given by—
- (a) an inspector; or
 - (b) an occupier of the enclosed public place, or the part of such a place, where the contravention is occurring; or
 - (c) an employee or agent of such an occupier.

Maximum penalty: 5 penalty units.

16 Offence by occupier

- (1) If a person contravenes section 15 (1), an occupier of the enclosed public place, or the part of such a place, where the contravention occurred commits an offence.

Maximum penalty: 10 penalty units.

- (2) It is a defence to a prosecution under subsection (1) if the defendant establishes that he or she did not provide an ashtray, matches, a lighter or any other thing designed to facilitate smoking where the contravention of section 15 (1) occurred and that—

(a) he or she was not aware, and could not reasonably be expected to have been aware, that the contravention was occurring; or

(b) he or she—

(i) requested the person contravening to stop smoking; and

(ii) informed the person that the person was committing an offence; or

(c) the person who contravened section 15 (1) held or had control of the ignited substance prepared for human consumption for the purpose only of extinguishing or removing it from the enclosed public place (or, if smoking is prohibited in a part of the enclosed public place, removing it from that part of the place).

- (3) An occupier of an enclosed public place shall not, without reasonable excuse, fail to display, in the prescribed manner (if any), the prescribed signs within that place.

Maximum penalty: 5 penalty units.

- (4) Where smoking is prohibited in a part of an enclosed public place, the occupier shall not, without reasonable excuse, fail to take reasonable steps to prevent smoke from penetrating that part from another part of the public place where smoking is not prohibited.

Maximum penalty: 10 penalty units.

17 Responsibility of neighbouring occupier

The occupier of premises where smoking is not prohibited under this Act shall not, without reasonable excuse, fail to take reasonable steps to prevent smoke from those premises from penetrating premises where smoking is prohibited under this Act.

Maximum penalty: 10 penalty units.

18 Failing to comply with requirement of inspector

A person must not, without reasonable excuse, fail to comply with a requirement under section 14 (4) (b).

Maximum penalty: 5 penalty units.

19 No right to smoke

Nothing in this Act shall be construed as creating or preserving the right of a person to smoke in an enclosed public place.

20 Review of decisions

Application may be made to the administrative appeals tribunal for review of a decision of the Minister—

- (a) under section 8 (1) to refuse to grant a certificate of exemption;
or
- (b) under section 10A (2) to refuse to vary an exemption; or
- (c) under section 12 (1) to revoke a certificate of exemption.

21 Notice of decisions

- (1) The Minister must—
 - (a) for a decision under section 8 (1) or 10A (2)—give notice in writing of the decision to the applicant; or
 - (b) for a decision under section 12 (1)—give notice in writing of the decision to the occupier of the premises to which the certificate relates.
- (2) The notice must comply with the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

22 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).
- (2) Without limiting subsection (1) a determination may provide for the amount of a fee to be worked out using a formula that has as a component the area of the public place for which a fee is payable.
- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

23 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

24 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
- (a) the display of signs in enclosed public places about smoking; and
 - (b) the content, dimensions and location of the signs; and
 - (c) the requirements to be complied with by occupiers of enclosed public places to facilitate compliance with this Act.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Schedule 1
Part 1.1

Examples of premises or places in public parts of which smoking is prohibited

Schedule 1

(See s 5)

Part 1.1

Examples of premises or places in public parts of which smoking is prohibited

- 1 shopping centres, malls and plazas
- 2 restaurants, cafeterias and other eating places
- 3 clubs
- 4 schools, colleges and universities
- 5 professional, trade, commercial and other business premises
- 6 community centres or halls and places of worship
- 7 theatres, cinemas, libraries and galleries
- 8 omnibuses, taxis and boats
- 9 hostels, nursing homes and other multi-unit residential premises
- 10 hotels and motels
- 11 sporting and recreational facilities

Part 1.2 Places exempted at certain times or in certain circumstances

| item | place | time or circumstance |
|------|--|--|
| 1 | a stage or performance area (other than an area that includes members of the public) | if the smoking is by a performer during a performance |
| 2 | a common area of a hotel, motel, hostel, nursing home or other multiple-unit residential premises other than— (a) a common area consisting of a lobby, hall, stairway, elevator or dining area; or (b) any area in premises that are licensed premises | if a similar area of a comparable standard in which smoking is not permitted is provided |

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|--|--|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | pt = part |
| exp = expires/expired | r = rule/subrule |
| Gaz = gazette | renum = renumbered |
| hdg = heading | reloc = relocated |
| IA = Interpretation Act 1967 | R[X] = Republication No |
| ins = inserted/added | RI = reissue |
| LA = Legislation Act 2001 | s = section/subsection |
| LR = legislation register | sch = schedule |
| LRA = Legislation (Republication) Act 1996 | sdiv = subdivision |
| mod = modified/modification | sub = substituted |
| o = order | SL = Subordinate Law |
| om = omitted/repealed | <u>underlining</u> = whole or part not commenced or to be expired |

3 Legislation history

Smoke-free Areas (Enclosed Public Places) Act 1994 No 63

notified 5 October 1994 (Gaz 1994 No S196)

ss 1-4 commenced 5 October 1994 (s 2 (1))

s 5 commenced 6 December 1994 (s 2 (2), (3) and Gaz 1994 No S211)

remainder commenced 5 October 1994 (s 2 (2) and Gaz 1994 No S211)

as amended by

Smoke-free Areas (Enclosed Public Places) (Amendment) Act 1994 No 92

notified 2 December 1994 (Gaz 1994 No S279)

commenced 6 December 1994 (s 2)

Smoke-free Areas (Enclosed Public Places) (Amendment) Act 1997 No 21

notified 29 May 1997 (Gaz 1997 No S136)

commenced 6 June 1997 (s 2)

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)

s 1, s 2 commenced 27 November 1998 (s 2 (1))

sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Smoking Products Legislation Amendment Act 2000 No 53 pt 4 and sch 2

notified 5 October 2000 (Gaz 2000 No 40)

commenced 5 October 2000 (s 2 (1))

Legislation (Consequential Amendments) Act 2001 No 44 pt 364

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 364 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Statute Law Amendment Act 2002 (No 2) No 49 pt 1.4 and pt 3.26

notified LR 20 December 2002

s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))

pt 1.4 and pt 3.26 commenced 21 December 2002 (s 2 (3))

Endnotes

4 Amendment history

Smoking (Prohibition in Enclosed Public Places) Act 2003 A2003-51 pt 4

notified LR 25 November 2003
s 1, s 2 commenced 25 November 2003 (LA s 75 (1))
pt 4 commenced 26 November 2003 (s 2 (2))

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.86

notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.86 commenced 9 April 2004 (s 2 (1))

Justice and Community Safety Legislation Amendment Act 2005 A2005-5 pt 13

notified LR 23 February 2005
s 1, s 2 commenced 23 February 2005 (LA s 75 (1))
pt 13 commenced 6 March 2005 (s 2 (1) and see Criminal Code (Serious Drug Offences) Amendment Act 2004 A2004-56, s 2 and LA s 79)

Casino Control Act 2006 A2006-2 sch 1 pt 1.4

notified LR 22 February 2006
s 1, s 2 commenced 22 February 2006 (LA s 75 (1))
sch 1 pt 1.4 commenced 1 May 2006 (s 2 and CN2006-6)

as repealed by

Smoking (Prohibition in Enclosed Public Places) Act 2003 A2003-51 s 18

notified LR 25 November 2003
s 1, s 2 commenced 25 November 2003 (LA s 75 (1))
s 18 commences 1 December 2006 (s 2 (1))

4 Amendment history

Title

title sub 2000 No 53 s 14

Name of Act

s 1 sub 2000 No 53 sch 2

Definitions for Act

s 2 hdg sub 2000 No 53 s 15
s 2 orig s 2 om 2000 No 53 sch 2

pres s 2 (prev s 3) renum and am 2000 No 53 s 15
 def **Australian Standard 1668.2** ins 2002 No 49 amdt 1.4
 def **determined fee** ins 1994 No 92 s 4
 om 2001 No 44 amdt 1.3888
 def **drug** ins 2000 No 53 s 15
 sub A2005-5 s 45
 def **equipment** ins 1994 No 92 s 4
 def **licensed premises** am A2006-2 amdt 1.17
 def **public area** ins 1994 No 92 s 4
 def **restaurant** sub 1994 No 92 s 4
 def **smoke** sub 2000 No 53 s 15
 def **tobacco product** om 2000 No 53 s 15
 def **tribunal** ins 1997 No 21 s 4
 om 2000 No 53 s 15

Object of Act

s 3 ins 2000 No 53 s 16

Meaning of smoke

s 4 sub 2000 No 53 s 16

Smoke-free areas

s 5 am 1994 No 92 s 5; 2001 No 44 amdt 1.3889

Application for certificate of exemption

s 7 am 1994 No 92 s 6; 2001 No 44 amdts 1.3890-1.3892

Grant of certificate

s 8 am 1994 No 92 s 7; 2001 No 44 amdts 1.3893-1.3895; 2002
 No 49 amdt 3.236, amdt 3.237

Annual fees

s 9 (prev s 8A) ins 1994 No 92 s 8
 renum R4 LRA (see 2000 No 53 s 17)
 am 2001 No 44 amdt 1.3896, amdt 1.3897; A2003-51 s 16

Conditions of certificate of exemption

s 10 (prev s 9) am 1994 No 92 s 9
 renum R4 LRA (see 2000 No 53 s 17)
 am 2002 No 49 amdt 3.238

Variation of exemptions

s 10A ins 2002 No 49 amdt 1.5

Duration of certificates of exemption

s 11 (prev s 9A) ins 1994 No 92 s 10
 renum R4 LRA (see 2000 No 53 s 17)
 sub A2003-51 s 17

Revocation of certificate of exemption

s 12 (prev s 10) renum R4 LRA (see 2000 No 53 s 17)

Endnotes

4 Amendment history

Inspectors

s 13 (prev s 11) am 1998 No 54 sch; 2000 No 53 s 13 sch 2
renum R4 LRA (see 2000 No 53 s 17)
am 2001 No 44 amdt 1.3898, amdt 1.3899

Powers of inspectors

s 14 (prev s 12) renum R4 LRA (see 2000 No 53 s 17)
am 2001 No 44 amdt 1.3900, amdt 1.3901

Offences by smokers

s 15 (prev s 13) am 1998 No 54 sch
sub 2000 No 53 sch 2
renum R4 LRA (see 2000 No 53 s 17)

Offence by occupier

s 16 (prev s 14) am 1994 No 92 s 11; 1998 No 54 sch; 2000 No 53
sch 2
renum R4 LRA (see 2000 No 53 s 17)

Responsibility of neighbouring occupier

s 17 (prev s 14A) ins 1994 No 92 s 12
am 1998 No 54 sch
renum R4 LRA (see 2000 No 53 s 17)

Failing to comply with requirement of inspector

s 18 hdg sub A2004-15 amdt 2.176
s 18 (prev s 15) am 1998 No 54 sch
sub 2000 No 53 sch 2
renum R4 LRA (see 2000 No 53 s 17)
am 2001 No 44 amdt 1.3902, amdt 1.3903; A2004-15
amdt 2.177, amdt 2.178

No right to smoke

s 19 orig s 19 om 2000 No 53 sch 2
pres s 19 (prev s 16) renum R4 LRA (see 2000 No 53 s 17)

Review of decisions

s 20 (prev s 17) sub 2000 No 53 sch 2
renum R4 LRA (see 2000 No 53 s 17)
am 2002 No 49 amdt 3.239; pars renum R6 LA (see 2002
No 49 amdt 3.240)

Notice of decisions

s 21 orig s 21 am 1994 No 92 s 14
exp R4 LRA
pres s 21 (prev s 18) am 1996 No 51
sub 2000 No 53 sch 2
renum R4 LRA (see 2000 No 53 s 17)
am 2002 No 49 amdt 3.241

Determination of fees

s 22 orig s 22 ins 1997 No 21 s 5
 exp R4 (LR s 15 (1) (o) (iv))
 pres s 22 (prev s 19A) ins 1994 No 92 s 13
 sub 2000 No 53 s 13 sch 2
 renum R4 LRA (see 2000 No 53 s 17)
 sub 2001 No 44 amdt 1.3904

Approved forms

s 23 hdg (prev s 20 hdg) sub 2000 No 53 sch 2
 s 23 (prev s 20) am 1998 No 54 sch; 2000 No 53 sch 2
 renum R4 LRA (see 2000 No 53 s 17)
 sub 2001 No 44 amdt 1.3904

Regulation-making power

s 24 ins 2001 No 44 amdt 1.3904

sch 1 am 1994 No 92 s 15; 1997 No 21 s 6
 renum R5 LA

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication No | Amendments to | Republication date |
|------------------|----------------|--------------------|
| 1 | Act 1994 No 92 | 6 December 1994 |
| 2 | Act 1997 No 21 | 31 December 1997 |
| 3 | Act 1998 No 54 | 1 March 1999 |
| 4 | Act 2000 No 53 | 30 November 2000 |
| 5 | Act 2001 No 44 | 24 January 2002 |
| 6 | A2002-49 | 21 December 2002 |
| 7 | A2003-51 | 26 November 2003 |
| 8 | A2004-15 | 9 April 2004 |

Endnotes

6 Renumbered provisions

9

A2005-5

6 March 2005

6 Renumbered provisions

This Act was renumbered under the *Legislation (Republication) Act 1996*, in R4 (see Act 2000 No 53 s 17). Details of renumbered provisions are shown in endnote 4 (Amendment history). For a table showing the renumbered provisions, see R5.

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