



# Smoke-free Environment Amendment Regulation 2013

under the

Smoke-free Environment Act 2000

Her 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 objects of this Regulation are as follows:

- (a) to prescribe the offence under the *Smoke-free Environment Act 2000* of smoking in a smoke-free area (within the meaning of the Act) as a penalty notice offence and to prescribe the penalty amount for the offence if dealt with by penalty notice,
- (b) to prescribe the persons who (in addition to the Director-General of the Ministry of Health) may bring proceedings for an offence under the Act of smoking in a smoke-free area.

This Regulation is made under the *Smoke-free Environment Act 2000*, including sections 20 (2) (b), 20A and 23 (the general regulation-making power).

## **2013 No 547**

Clause 1            Smoke-free Environment Amendment Regulation 2013

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# **Smoke-free Environment Amendment Regulation 2013**

under the

Smoke-free Environment Act 2000

### **1 Name of Regulation**

This Regulation is the *Smoke-free Environment Amendment Regulation 2013*.

### **2 Commencement**

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

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## Schedule 1      Amendment of Smoke-free Environment Regulation 2007

### Clauses 8 and 9 and Schedule 1

Insert after clause 7:

#### 8 Proceedings for offences

For the purposes of section 20 (2) (b) of the Act:

- (a) the chief executive of a local health district may bring proceedings for an offence against section 7 (1) of the Act, and
- (b) the chief executive of:
  - (i) a statutory health corporation (within the meaning of the *Health Services Act 1997*), or
  - (ii) a public hospital controlled by the Crown (including the Minister for Health or the Health Administration Corporation, within the meaning of that Act),may bring proceedings for an offence against section 7 (1) of the Act that relates to a smoke-free area under section 6A (1) (k) of the Act.

#### 9 Penalty notice offences and penalties

- (1) For the purposes of section 20A of the Act:
  - (a) each offence created by a provision specified in Column 1 of Schedule 1 is an offence for which a penalty notice may be served, and
  - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.
- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

**2013 No 547**

Smoke-free Environment Amendment Regulation 2013

Schedule 1 Amendment of Smoke-free Environment Regulation 2007

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**Schedule 1 Penalty notice offences**

(Clause 9)

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty (\$)</b>
<b>Offences under the Act</b>	
Section 7 (1)	300