

Tobacco and Other Smoking Products Amendment Bill 2004

Explanatory notes for amendments to be moved during consideration in detail by The Honourable Gordon Nuttall MP, Minister for Health

Title of the Bill

The Tobacco and Other Smoking Products Amendment Bill 2004

Consultation

The Major Sports Facilities Authority supports the amendment to clarify that the smoking ban does not extend to car parks or general grounds (eg picnic areas) of a major sports facility.

Notes on Provisions

Clause 1 amends clause 40 of the Bill by inserting a replacement 26ZA(1) to allow an outdoor area of a casino that is licensed under the *Liquor Act 1992* to be set aside as a 'designated outdoor smoking area'. The Bill currently provides that an outdoor area of a hotel or licensed club may be set aside as a 'designated outdoor smoking area' by a licensee. The amendment provides for a consistent approach to designated outdoor smoking areas of casinos, hotels and licensed clubs.

Clause 2 amends clause 40 of the Bill by inserting a replacement 26ZE(2) to clarify that the smoking ban at a major sports facility does not extend to car parks or the general grounds of a major sports facility. The intent of the original 26ZE(2) was to exempt any outdoor areas of a facility that may always be accessed without payment of an entry fee (for example picnic areas within the grounds of the Sleeman Centre at Chandler). However,

some facilities do charge an entrance fee to the grounds, even if only the picnic area is being accessed. Therefore, without amendment, this provision would have the unintended consequence of banning smoking at the car parks and picnic areas of these facilities. The replacement 26ZE(2) specifically provides that a car park, road, parkland, picnic area or forecourt of a major sports facility is exempt from the ban on smoking.

Clause 3 amends clause 40 of the Bill by inserting a replacement 26ZJ(2)(c), which extends the exemption from the smoking ban within 4 metres of non-residential building entrances to entrances of casinos. The amendment provides for consistent application of the exemption across entrances to casinos, hotels and licensed clubs.