

HE302*

Health Act 1911

Health (Smoking in Enclosed Public Places) Amendment Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Health (Smoking in Enclosed Public Places) Amendment Regulations 2004*.

2. The regulations amended

The amendments in these regulations are to the *Health (Smoking in Enclosed Public Places) Regulations 2003**.

[* *Published in Gazette 14 November 2003, p. 4703-20.*
For amendments to 19 November 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 171.]

3. Regulation 3 amended

Regulation 3 is amended in the definition of “smoking prohibited symbol” by deleting “the Standards Association of” and inserting instead —

“ Standards ”.

4. Regulation 5 amended

- (1) Regulation 5(2) is repealed and the following subregulation is inserted instead —

“

- (2) Despite subregulation (1), regulation 4(1) applies to an enclosed public place that is located in premises comprising more than 2 enclosed public places of a kind referred to in item 1, 2, 3, 4 or 5 of Schedule 1, but that is not —

- (a) one of the 2 enclosed public places referred to in regulation 7(2); or
(b) the enclosed public place referred to in regulation 7(3).

”.

- (2) Regulation 5(4) is repealed.

- (3) Regulation 5(5) is amended by deleting “1 January 2007.” and inserting instead —
“ 1 November 2005. ”.
- 5. Regulation 7 amended**
- (1) Regulation 7(1) is amended by deleting “Subregulation (2) applies” and inserting instead —
“ Subregulations (2) and (4) apply ”.
- (2) Regulation 7(2) is amended by deleting “31 December 2006,” and inserting instead —
“ 31 October 2005, ”.
- (3) Regulation 7(3) is repealed.
- (4) Regulation 7(4) is amended as follows:
(a) by deleting “1 January 2007,” and inserting instead —
“ 1 November 2005, ”;
(b) by deleting “(3)” and inserting instead —
“ (1) ”.
- 6. Regulation 8 amended**
- Regulation 8(4) is amended by deleting “1 January 2007.” and inserting instead —
“ 1 November 2005. ”.
- 7. Schedule 1 amended**
- Schedule 1 item 4 is amended in column 2 by deleting conditions 2 and 3 and inserting the following instead —
“
2. 80% of the floorspace of the cabaret
or nightclub is set aside as a
non-smoking area.
”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
