



## **SMOKING MANAGEMENT PLAN**

(Per Section 12 (3) (g) of the NT Tobacco Amendment regulation 2010)



Entire SKYCITY Darwin outdoor area excluding Car park and front lawns covered by Liquor license, per the attached Plan of Approved licensed Area's Map of SKYCITY Darwin Indicating the liquor licensed area, extending to the northern and western Fence line Boundaries of the property and delineated by the fence line adjacent to the tennis courts to casino drive, up and around the casino loop, along the perimeter of the building, then extending to the Southern boundary at the top of the car park.

<b>Business Name &amp; Address:</b>	SKYCITY DARWIN Pty Ltd Gilruth Avenue The Gardens Darwin Northern Territory 0800
<b>Postal Address:</b>	SKYCITY Darwin Pty Ltd GPO Box 3846 Darwin Northern Territory 0801
<b>Licensee: Registered licensee address:</b>	SKYCITY Darwin Pty Ltd As Above
<b>Nominee:</b>	Bradley Morgan
<b>Licence Number:</b>	80100141
<b>Licence Type:</b>	Authority- Public Hotel
<b>Extent of Licence:</b>	Please see attached diagram.
<b>For further information about this Plan, contact:</b>	Chris Potter Compliance and Host Responsibility Manager Phone: 08/ 8943 8820
<b>Licensee's Signature:</b>	Print Name:  <b>Date: 24 December 2010</b>

## REASON FOR PLAN

In accordance with the Changes to the Tobacco Control Regulations of the Tobacco Control Act by the Northern Territory Government as in force January 2010, banning smoking in all enclosed areas and most of the licensed outdoor areas of SKYCITY Darwin Hotel and Casino.

As a premises that holds a General Liquor license under the Liquor Act 2010, certain areas of SKYCITY Darwin Hotel and Casino that satisfy the conditions outlined in the Tobacco Control Regulations have been designated as an exempt area allowing patrons to smoke within these areas.

SKYCITY Darwin has developed this smoking management plan to comply with the legal requirements for having Outdoor Smoking Areas. This plan provides details of information on the O.S.A's including location and boundaries of the O.S.A's , how smoking is managed on the premises and measured for assisting compliance. This plan also promotes and supports SKYCITY Darwin's commitment to preventing children from smoking and minimising exposure of staff and patrons to environmental Tobacco smoke.

This plan is made to comply with the Tobacco Control Act Part 2 of the Tobacco Control Regulations 2010 and the Enclosed Area Guidelines.

## PATRON DESIGNATED OUTDOOR SMOKING AREAS

All food and beverage areas are smoke free, in and out doors. This includes the entire fenced area of the Poolside service area. Guests are permitted to smoke in the following areas:

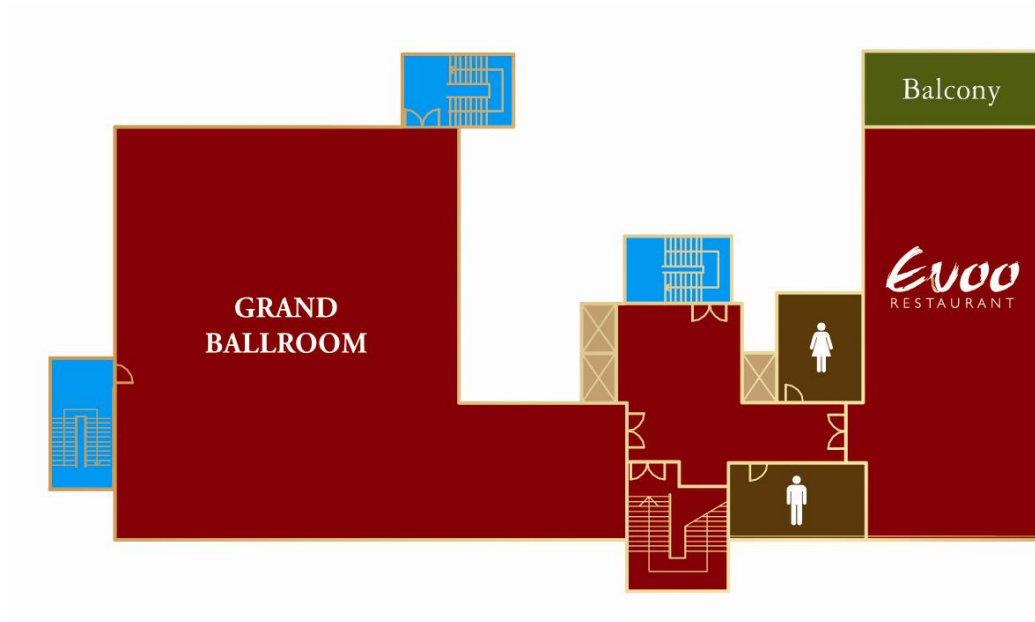
- Evoo Balcony- 3<sup>rd</sup> Floor
- International Room Balcony- 2<sup>nd</sup> Floor
- Southern Cross Smoking Balcony- Ground Floor  
Abuts main footpath from Car park to Entry a non licensed area of SKYCITY Darwin
- Barra Slots Smoking Balcony- Ground Floor  
Abuts main footpath at front of property, a non licensed area of SKYCITY Darwin
- Platinum Room Balcony- Ground Floor  
Elevated and separated from Concert lawns by a 25 meter Garden. Separated from Concert lawns service area by 10 meter garden and 3 meters of footpath.
- Sandbar Smoking Balcony- Ground Floor  
Elevated and separated from Concert lawns by a 25 meter Garden. Bi fold floor to ceiling glass doors separating OSA from indoor area.
- Casino Terrace Smoking Platform- Concert Lawns  
Situated at ground level behind Sandbar Balcony, separated from Concert Lawns by over 10 meters of Garden
- Hotel Terrace Smoking Platform- Back Lawns  
Situated at ground level behind Hotel, separated from Concert Lawns and pool area by ten meters of open space.
- Designated Area- Concert Lawns  
Will consist of a 2 meter wide area barrier, delineated by a picket fence and / or planter boxes or other such material as deemed appropriate and aesthetically pleasing given the nature of the event being hosted. Portable signage will indicate this areas as it will be situated according to the usage of the area.

## STAFF DESIGNATED SMOKING AREA

Staff are permitted to smoke in the following area:

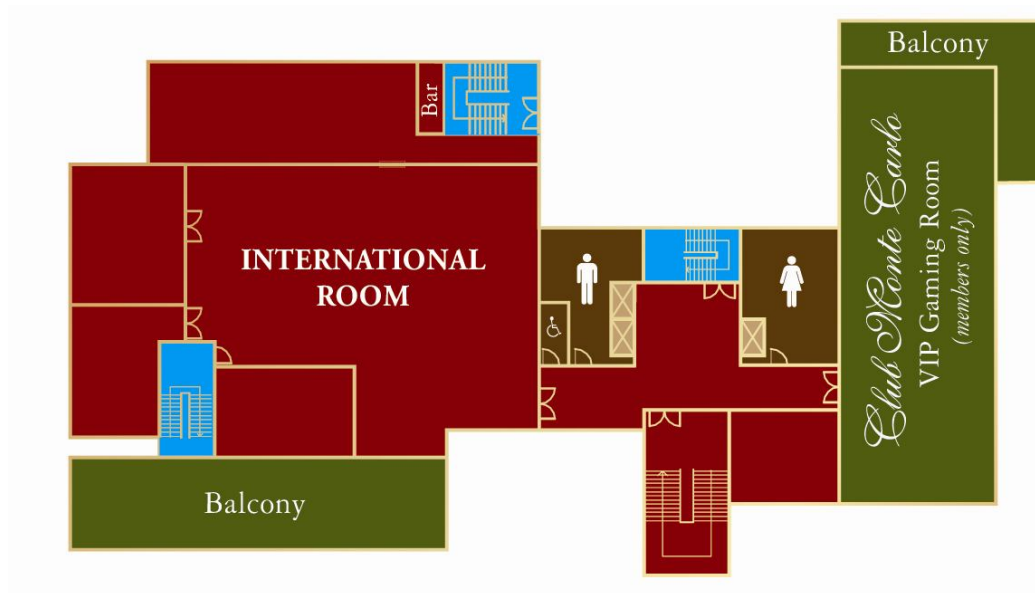
- First Floor Smoker's Balcony off staff Canteen

## MAPS OF DESIGNATED SMOKING AREAS



### 3rd Floor

Evoo Balcony



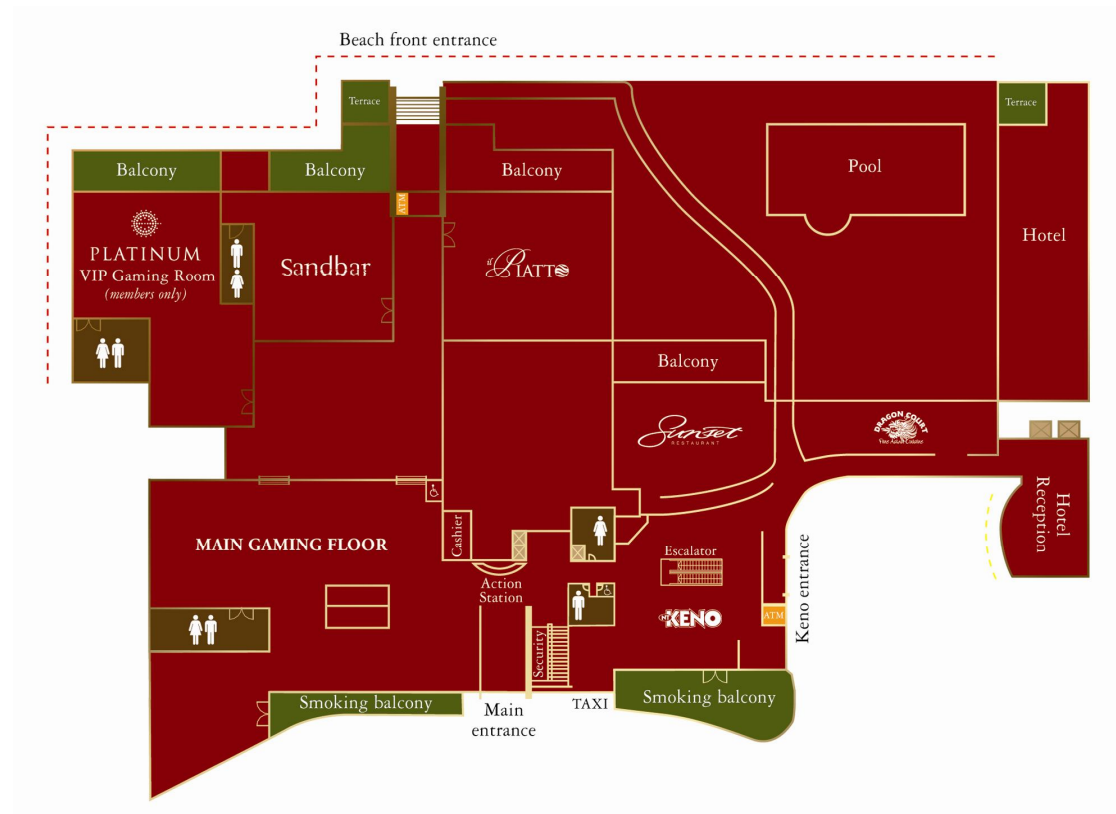
### 2nd Floor

Monte Carlo Room, Balcony & International Room Balcony



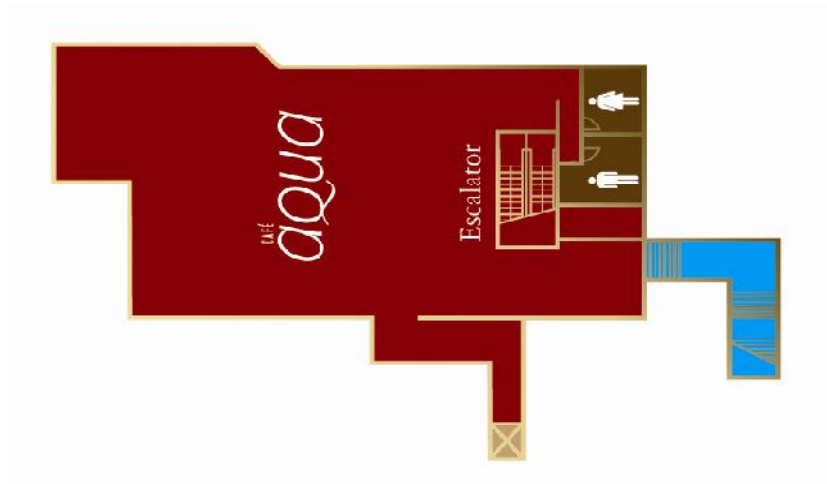
### 1st Floor

Staff Smoking Balcony



### Ground Floor

Platinum Room Balcony, Sandbar Balcony, Southern Cross Balcony & Barra Slots Balcony, Casino Smoking Terrace and Hotel Smoking Terrace, Buffer consists of Garden and footpath as illustrated above



### **Lower Ground Floor**

Entirely No Smoking

## **Out Door Dining Areas**

- Star B Que, Dry Season Dinner
- Back Lawns Stage Area, Concerts / Functions
- Little Mindil Lawns, Concerts / Functions
- Pool Deck

## SIGNAGE

TYPE OF SIGN	DISPLAY LOCATION
No-Smoking	All entrances to areas where smoking is not permitted
Diagram of designated smoking areas	Smoking Management Plan available at the Security Podium. All Managers have a copy available within their departments (attached to the Smoking Management Plan)
Notice of availability of Smoking Management Plan	Action Station, Casino Information Pamphlet SKYCITY Darwin Website

## DESIGNATED HIGH ROLLERS ROOMS

### **Monte Carlo Room** (1st Floor)

In accordance with Section 8A of the Northern Territory Tobacco Regulations the minister has declared the Monte Carlo Room to be High Rollers Room, as ratified in the Government Gazette No. S 76 notice 2/76 published 31<sup>st</sup> December 2009.

In accordance with Section 8 of the Northern Territory Tobacco Regulations & pursuant to Section 11(1) of the Act, SKYCITY Darwin has given notice given to the Director, designating this declared high roller room in the casino to be an exempt area.

### **International High Room** (1<sup>st</sup> Floor)

In accordance with Section 8A of the Northern Territory Tobacco Regulations the minister has declared the International Room to be High Rollers Room, as ratified in the Government Gazette No. S 76 notice 2/76 published 31<sup>st</sup> December 2009.

In accordance with Section 8 of the Northern Territory Tobacco Regulations & pursuant to Section 11(1) of the Act, SKYCITY Darwin has given notice to the Director, designating this declared high roller room in the casino to be an exempt area.

This exemption is enacted when the International Room is approved as a gaming area and used as a High Roller's Room in accordance with the Tobacco Act / Regulations and The Directions to the Casino Operator. It is not invoked when the Room is being used as a function facility.

## POINTS OF SALE

### **Restaurants and Bars**

Cigars are available at the Cockatoo Bar; they are stored and displayed in accordance with Tobacco Legislation. If they become available from other outlets within SCD, they will likewise, be displayed and stored in accordance with the current legislation.

### **Vending Machines**

SKYCITY Darwin has three vending machines for the sale of cigarettes they are located, in the airlocks leading to the Southern Cross and Barra Slots Smoking Balcony and on the Main Gaming Floor adjacent to the pedestrian traffic area leading to the concert lawns.

## CONCERT LAWNS

When a concert or an event takes place on the Concert (Back) Lawns, which includes the provision of Food or Beverage, SKYCITY may construct a designated smoking area, this area will be designated by signage and the barrier will consist of suitable aesthetically pleasing material in accordance with relevant legislation. The geographical position of this area may change from time to time dependant on the structure and configuration of the event taking place. (See Annex A)



## **Staff and Patron harm minimization in regard to environment tobacco smoke**

SKYCITY Darwin will:

- Establish OSA's where smoking and drinking is allowed, and banning smoking at all other designated licensed areas of the Hotel / Casino
- Instructing staff to direct patrons who wish to smoke to one of the OSAs
- Instructing staff who wish to smoke on their breaks to use the allocated staff OSA on the first floor balcony off the staff Canteen
- Ensuring that within each OSA there is no:
  - serving of food or drink
  - Consumption of food
  - Provision of entertainment
  - Gaming machines
- Ensuring as much as possible that ashtrays, smoker's bins and lighters are located only in the OSAs
- Providing training to staff at Orientation and then by Departmental Training if applicable, so that they are confident on how to immediately and adequately address Non-compliance
- Ensuring that tobacco retailing legal requirements is met, including not selling tobacco products to:
  - children (under the age of 18 years); always asking for identification unless satisfied the customer is an adult;
  - locating tobacco vending machines in the correct areas;
  - taking reasonable action to prevent access to tobacco vending machines by children
- Abiding by the Advertising Code of practice in relation to tobacco promotions that involve free product samples, product coupons redeemable for prizes or gifts, free merchandise and tobacco as a prize
- Making available information on smoking and passive smoking to patrons, upon request

## Staff Training

SKYCITY Darwin provides training and regular instruction to staff to ensure that the tobacco laws are met.

- Staff is made aware of where patrons and staff can and can't smoke on the premises upon commencement of employment their orientation.
- Staff is made aware if they or patrons smoke in a no-smoking area they can be fined
- Staff is made aware that the licensee of SKYCITY Darwin can be held responsible if a person smokes in a no-smoking area
- Staff is instructed that if they see a patron smoking in a no-smoking area they must:
  - a) Direct the patron to stop smoking immediately, and tell them that they are breaking the law if they don't stop smoking
  - b) Immediately cease food or drink service to the patron if the patron does not follow their direction to stop smoking
  - c) If the situation is escalated or the complaint is complex involve a member of the Security Department.
- Staff is instructed that if a patron consumes or takes food into an OSA the patron must be reminded of the OSA rules and to stop eating and step outside the OSA to eat
- At staff meetings there are discussions about how staff are coping with enforcing the no smoking rules, and practical ways to solve any problems arising from Tobacco Legislation
- Staff is trained in aspects of the Tobacco Act and Regulations, and a written record of this training is placed on their staff file.

## **Complaint Handling Procedure**

SKYCITY Darwin resolves complaints about smoking on the premises quickly and in a transparent manner.

The Security Shift Manager will have ultimate Responsibility for enforcing the legislation and this smoking management plan.

While all staff at SKYCITY Darwin enforce the tobacco laws by directing patrons to stop smoking in no-smoking areas, difficult situations and complaints are referred to the Security Department.

Upon receiving a complaint, the Security Officer determines the nature of the complaint. If it is legitimate, the following measures are taken:

- inform the patron about the legal requirements, including the penalties involved
- stop food or drink service while the patron is smoking in a no-smoking area
- keep a written record of the incident and action taken.

If the complaint has no basis the Security Shift Manager will take no further action. If the patron is not satisfied with the outcome, the Security Shift Manager will advise them of their ability to fill out a guest comment form and or direct the matter to the Northern Territory Department of Justice Licensing and Regulation Division and or the Australian Hotels Association (NT).

All written complaints shall be forward to the General Managers Personal Assistant for registration according to SKYCITY Darwin Policy.

## **Plan Review**

SKYCITY Darwin will know that this Smoking Management Plan is being implemented successfully by:

Obtaining regular feedback from staff at staff meetings, and by monitoring the number of incidents where patrons smoke in non-smoking areas.

The Smoking Management Plan will be reviewed on an annual basis or when the need arises.

**NORTHERN TERRITORY OF AUSTRALIA  
TOBACCO CONTROL ACT**

**9 Smoker commits offence**

(1) A person must not smoke in a smoke-free area.

Maximum penalty: 20 penalty units.

(2) It is a defense to a prosecution for an offence against subsection (1) if the defendant proves:

(a) That there were no prescribed signs in place indicating that the area was a smoke-free area; and

(b) That there was no other indication given by the occupier of the area that it was a smoke-free area; and

(c) That the defendant did not know, and could not reasonably have been expected to know, that the area was a smoke-free area.

(3) It is a defense to a prosecution for an offence against subsection (1) if the defendant proves that the defendant was taking part in a bona fide theatrical performance and did not continue to smoke for longer than was necessary for the purposes of the performance.

**10 Occupier commits offence**

(1) If a person smokes in a smoke-free area, the occupier of the smoke-free area commits an offence.

Maximum penalty: If the offender is an individual – 20 penalty units.

If the offender is a body corporate – 100 penalty units

(2) It is a defense to a prosecution for an offence against subsection (1) if the defendant proves:

(a) That the prescribed sign or signs had been displayed as required by section 8(1); and

(b) That the defendant and his or her employees and agents did not encourage smoking in the smoke-free area (including but not limited to by not providing ashtrays for the area); and Part 2 Smoke-free areas Tobacco Control Act 10

(c) That:

(i) The defendant and his or her employees and agents did not know, and could not reasonably have been expected to know, that the person was smoking; or

(ii) within a reasonable time of becoming aware that the person was smoking, the defendant or one of his or her employees or agents had asked the person to stop smoking or to move to an area in which smoking is not prohibited under this Act or the Regulations; and

(d) If applicable – that the defendant and his or her employees and agents had stopped providing the person smoking with goods and services.

(3) A person who is asked to stop smoking or to move in accordance with subsection (2)(c), or who is no longer being served in accordance with subsection

(2)(d), remains liable to pay for any goods and services that the person has already been provided with, or has already ordered, but has not yet paid for.

(4) It is a defense to a prosecution for an offence against subsection (1) if the defendant proves that the person smoking was taking part in a bona fide theatrical performance and did not continue to smoke for longer than was necessary for the purposes of the performance.