



Frank Zipfinger &lt;frank.zipfinger@gmail.com&gt;

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**SLOPES - No smoking in NSW National Parks - OEH response**


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SLOPES <slopes.au@gmail.com>  
 Bcc: frank.zipfinger@gmail.com

16 May 2016 at 17:22

Dear SLOPES Members and Associates

OEH has responded to our request for further information on this issue.

A copy of the OEH letter dated 16 May 2016 is attached.

In short OEH:

1. confirms the view expressed by SLOPES in our earlier email - the ban on smoking does **not** apply to Club lodges, and
2. corrects the earlier OEH letter in noting that the ban commenced on 1 May and not 1 March 2016.

Regards

Frank Zipfinger  
 President  
 SLOPES

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----- Forwarded message -----

From: **SLOPES** <slopes.au@gmail.com>  
 Date: 12 May 2016 at 15:18  
 Subject: SLOPES - No smoking in NSW National Parks  
 To:

Dear SLOPES Members and Associates

This email from OEH is forwarded for your information.

SLOPES has contacted OEH to clarify the operation of these changes in the context of our Club lodges.

Set out below is the text we sent OEH which summarises our understanding of the position.

We await a reply but thought it useful to at least provide this update in the interim.

We will keep you informed.

Regards

Frank Zipfinger  
 President  
 SLOPES

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**SLOPES SUBMISSION TO OEH TO CLARIFY POSITION**

The key concern for Clubs will be how this ban on smoking affects their lodges and leased areas.

Our reading of the letter is as follows:

1. smoking is banned in all NSW National Parks, including Kosciuszko National Park as it is now a "prohibited activity" under the 2009 Regulations

- 2. the ban commenced on 1 March 2016 (in passing we note your letter only arrived by email dated 4 May 2016)
- 3. an exemption applies for "accommodation areas"
- 4. relevant to Clubs, an "accommodation area" includes "an area used by visitors and tourists to a park that is within land leased or licensed from NPWS"
- 5. each of the 88 Clubs has a lodge within land leased from NPWS
- 6. each lodge is used by people falling within the description "tourists and visitors to a park" ie members, guests, visitors etc
- 7. accordingly, the exemption applies and the ban does NOT apply within the areas of land (including the lodges) leased to the Clubs
- 8. Clubs are free to allow or prohibit smoking within their lease areas and within their lodges as they each determine
- 9. no consent or approval from NPWS is required in connection with this issue in relation to Club lodges and leased areas.

Is this a correct summary?

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**OEH EMAIL**

From: **OEH NPWS DCE Mailbox** <[npws.dce@environment.nsw.gov.au](mailto:npws.dce@environment.nsw.gov.au)>  
 Date: Wed, May 4, 2016 at 3:09 PM  
 Subject: no smoking in NSW national parks  
 To: "[slopes.au@gmail.com](mailto:slopes.au@gmail.com)" <[slopes.au@gmail.com](mailto:slopes.au@gmail.com)>

Dear Mr Zipfinger

Please find attached correspondence from the Office of Environment and Heritage regarding no smoking in NSW national parks.

Regards,

**Office of the Deputy Chief Executive NPWS**

**Office of Environment and Heritage**

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This email is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please notify the sender and then delete it immediately. Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

**2 attachments**

5/6/2017

Gmail - SLOPES - No smoking in NSW National Parks - OEH response



**Attachment B5 Letter - SLOPES.PDF**

424K



**OEH smoking letter.pdf**

80K



DOC16/173817

Mr Frank Zipfinger  
The Ski Lodges Organisation of Perisher Smiggins and Guthega (SLOPES)  
frank.zipfinger@gmail.com  
slopes.au@gmail.com

Dear Mr Zipfinger

### **No smoking in NSW national parks**

On 16 November 2014 the previous Minister for the Environment announced a ban on smoking in all NSW national parks. Banning smoking in national parks increases the community's safety and enjoyment of these environments, reduces the risk of accidental fires caused by unextinguished cigarette butts, and reduces a primary source of litter, with cigarette butts comprising over a third of the measured litter in NSW.

To date, the ban has been implemented through signage in twelve high visitation national parks, including Kosciuszko National Park.

To implement the ban across all parks, the NSW Government has amended the National Parks and Wildlife Regulation 2009 to list smoking as a prohibited activity in a park. This will commence on 1 March 2016. Consistent with the initial announcement, the focus of the initiative is on community education rather than enforcement of compliance with the ban.

Exemptions to the ban will be provided for accommodation areas, or where the National Parks and Wildlife Service (NPWS) provides consent. An accommodation area is an area within a park where accommodation is used by residents, or an area used by visitors and tourists to a park that is within land leased or licensed from NPWS.

Any conditions of consent of a park authority must be consistent with the *Smoke-free Environment Act 2000* and the intention of the NPWS No Smoking in Parks Policy. This policy provides that the ban is to apply to ski lift areas, picnic areas, campgrounds, lookouts and walking tracks. The policy and other information regarding smoking in national parks can be found on the NSW national parks website at [www.nationalparks.nsw.gov.au/safety](http://www.nationalparks.nsw.gov.au/safety).

NSW is a world leader in phasing out smoking in public places and smoking is currently banned in certain outdoor areas under the *Smoke-free Environment Act*. This includes places such as outdoor dining areas, near children's play equipment, public swimming pools, sports grounds, public transport stops and within four metres of the entrance to a public building.

Information regarding government initiatives to reduce smoking in NSW can be found on the NSW Health website at [www.health.nsw.gov.au/tobacco](http://www.health.nsw.gov.au/tobacco).

If you would like to discuss this issue further, Ms Melinda Murray, Director Park Strategy and Services, NPWS, can be contacted on 9585 6305 or at [melinda.murray@environment.nsw.gov.au](mailto:melinda.murray@environment.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Wright', with a large, sweeping flourish extending to the right.

**MICHAEL WRIGHT**  
**Deputy Chief Executive**  
**National Parks and Wildlife Service**



DOC16/222413-1

Mr Frank Zipfinger  
The Ski Lodges Organisation of Perisher Smiggins and Guthega (SLOPES)  
[frank.zipfinger@gmail.com](mailto:frank.zipfinger@gmail.com)  
[slopes.au@gmail.com](mailto:slopes.au@gmail.com)

Dear Mr Zipfinger

**No smoking in NSW national parks**

Thank you for your email sent on 5 May requesting clarification of exemptions from the smoking ban for club lodges in Kosciuszko National Park. I apologise for the lateness of our advice about the new regulation's commencement.

I generally agree with your summary, however I note the new regulation commenced on 1 May 2016, not 1 March 2016. The ban was first announced by the Minister for the Environment in November 2014 and implemented in high visitation parks, including Kosciuszko National Park. This was communicated at the time, through media, internet and park signage. To formalise the ban and implement it in all parks, the National Parks and Wildlife Regulation 2009 was amended to include the new clause, which commenced on 1 May 2016.

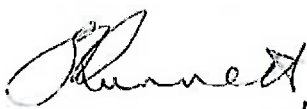
It is correct that club lodges, being accommodation areas, are exempt from the ban on smoking. Club lodges are free to allow or prohibit smoking within their leased areas or within their lodges as they choose, subject to the *Smoke-free Environment Act 2000*. No consent or approval from NPWS is required for the exemption from the smoking ban to apply to club lodges.

To ensure that lodges are aware of their obligations under that legislation, I suggest that you check NSW Health's web page on Smoke-free Laws for more information on the Smoke-free Environment Act 2000.

More information regarding smoking in national parks can be found on the NSW national parks website at <http://www.nationalparks.nsw.gov.au/safety>.

If you would like to discuss this issue further, please contact Claire Allen, Senior Team Leader, Strategy and Policy Team, NPWS on 9585 6420 or at [claire.allen@environment.nsw.gov.au](mailto:claire.allen@environment.nsw.gov.au).

Yours sincerely



16/5/16

**GARY DUNNETT**  
**Acting Director Park Strategy and Services**  
**National Parks and Wildlife Service**