

South Australia

Tobacco Products Regulation (Exemptions) Proclamation 2004

under section 71 of the *Tobacco Products Regulation Act 1997*

1—Short title

This proclamation may be cited as the *Tobacco Products Regulation (Exemptions) Proclamation 2004*.

2—Commencement

This proclamation will come into operation on 6 December 2004.

3—Interpretation

- (1) In this proclamation—

Act means the *Tobacco Products Regulation Act 1997*;

Regulations means the *Tobacco Products Regulations 2004*.

- (2) A term used in this proclamation that is defined in section 47 of the Act has the same meaning as in that section.

4—Application of proclamation

This proclamation applies —

- (a) to the licensee of licensed premises (not being the casino) that contain a gaming area in which gaming machines may be operated if the licensee would, in order to enjoy the full benefit of the exceptions to the smoking ban set out in section 47(2) and (3) of the Act, be required to remove or relocate gaming machines in the gaming area; and
- (b) to a person in such a gaming area.

5—Exemptions from section 46 of the Act

A person to whom this proclamation applies is exempt from the operation of section 46 of the Act subject to the following conditions:

- (a) the exemption applies only to the gaming area;
- (b) the exemption operates in the same way as the exceptions to the smoking ban set out in section 47(2) and (3) of the Act but with those provisions operating as if they were subject to the modifications set out in Schedule 1.

6—Exemption from regulation 8(3) of the Regulations

- (1) A licensee to whom this proclamation applies is exempt from the requirement under regulation 8(3) of the Regulations in relation to the gaming area if—
 - (a) —

- (i) until the end of October 2005—the licensee has affixed to the side of not less than 25 per cent of the gaming machines in the gaming area (but not so as to obscure an identification plate or manufacturing plate of a gaming machine) the sign referred to in regulation 8(3) of the Regulations;
 - (ii) from the end of October 2005 until the end of October 2007—the licensee has affixed to the side of not less than 50 per cent of the gaming machines in the gaming area (but not so as to obscure an identification plate or manufacturing plate of a gaming machine) the sign referred to in regulation 8(3) of the Regulations; and
 - (b) the licensee has affixed to the side of any other gaming machine at which smoking is not to be permitted (but not so as to obscure an identification plate or manufacturing plate of a gaming machine) the sign set out in Schedule 2;
- (2) The following requirements apply to the sign referred to in subclause (1)(b):
- (a) the dimensions of the sign must not exceed 150 mm x 105 mm; and
 - (b) the circle and diagonal of the no smoking symbol must be printed in red.

Schedule 1—Modifications

1—Modification of section 47(2)

Section 47(2)(b)(ii)—for subparagraph (ii) substitute:

- (ii) not less than 25 per cent of the gaming machines in the gaming area at which smoking is not permitted are separated from the designated smoking area by not less than the width of one gaming machine; and

2—Modification of section 47(3)

Section 47(3)(b)(ii)—for subparagraph (ii) substitute:

- (ii) not less than 50 per cent of the gaming machines in the gaming area at which smoking is not permitted are separated from the designated smoking area by not less than the width of one gaming machine; and

Schedule 2—Sign under clause 6(1)(b)



NO SMOKING

Made by the Governor

with the advice and consent of the Executive Council
on 2 December 2004

DHSC03/69CS