

As in force at 1 July 2002.

South Australia

TOBACCO PRODUCTS REGULATIONS 1997

REGULATIONS UNDER THE TOBACCO PRODUCTS REGULATION ACT 1997

Tobacco Products Regulations 1997

being

No. 145 of 1997: *Gaz.* 5 June 1997, p. 2925¹

as varied by

- No. 33 of 1998: *Gaz.* 23 April 1998, p. 1969²
- No. 52 of 1998: *Gaz.* 28 May 1998, p. 2295³
- No. 178 of 1998: *Gaz.* 27 August 1998, p. 694⁴
- No. 48 of 1999: *Gaz.* 27 May 1999, p. 2789⁵
- No. 153 of 1999: *Gaz.* 22 July 1999, p. 483⁶
- No. 18 of 2000: *Gaz.* 9 March 2000, p. 1399⁷
- No. 52 of 2000: *Gaz.* 25 May 2000, p. 2695⁸
- No. 104 of 2001: *Gaz.* 31 May 2001, p. 2066⁹
- No. 119 of 2002: *Gaz.* 20 June 2002, p. 2663¹⁰**

- ¹ Came into operation 5 June 1997: reg. 2.
- ² Came into operation 1 May 1998: reg. 2.
- ³ Came into operation 1 July 1998: reg. 2.
- ⁴ Came into operation 4 January 1999: reg. 4.
- ⁵ Came into operation 1 July 1999: reg. 2.
- ⁶ Came into operation 22 July 1999: reg. 2.
- ⁷ Came into operation 9 March 2000: reg. 2.
- ⁸ Came into operation 1 July 2000: reg. 2.
- ⁹ Came into operation 1 July 2001: reg. 2.
- ¹⁰ **Came into operation 1 July 2002: reg. 2.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

SUMMARY OF PROVISIONS

1. Citation
2. Interpretation
3. Licence fee
4. Sale of tobacco products and prescribed products to children (s. 38(4))
5. Smoking in lifts (s. 45(2))
6. Smoking in enclosed public dining or cafe areas (s. 47)

SCHEDULE 1

*Notices under s. 38(4) of the Act
(reg. 4)*

SCHEDULE 2

*Notice under s. 45(2) of the Act
(reg. 5)*

APPENDIX LEGISLATIVE HISTORY

Citation

1. These regulations may be cited as the *Tobacco Products Regulations 1997*.

Interpretation

2. In these regulations—

"**the Act**" means the *Tobacco Products Regulation Act 1997*.

Licence fee

3. For the purposes of section 10(3) of the Act, the fee for a licence is \$2.35 multiplied by the number of months in the period for which the licence is to be in force or \$11.90 whichever is the lesser.

Sale of tobacco products and prescribed products to children (s. 38(4))

4. For the purposes of section 38(4) of the Act—

- (a) the form of notice set out in form 1 of Schedule 1 is prescribed in relation to tobacco products; and
- (b) the form of notice set out in form 2 of Schedule 1 is prescribed in relation to prescribed products; and
- (c) the dimensions of the notices and of the letters, figures and symbols comprised in the notices must be the same as those set out in the relevant form; and
- (d) the following parts of the notices must be printed in red:
 - (i) the passages "18 years" and "proof of age"; and
 - (ii) the circle and diagonal of the no smoking symbol; and
 - (iii) in the case only of a notice relating to tobacco products—the lines under the headings "SALE OF TOBACCO PRODUCTS" and "PENALTIES"; and
- (e) the lines under the headings "SALE OF PRESCRIBED PRODUCTS DESIGNED FOR SMOKING" and "PENALTIES" in the notice relating to prescribed products must be printed in green.

Smoking in lifts (s. 45(2))

5. For the purposes of section 45(2) of the Act—

- (a) the form of notice set out in schedule 2 is prescribed; and
- (b) the dimensions of the notice and of the letters, figures and symbols comprised in the notice must be the same as those of the notice set out in schedule 2; and
- (c) the notice must be made of metal or plastic.

Smoking in enclosed public dining or cafe areas (s. 47)

6. (1) For the purposes of section 47(3)(a)(ii) of the Act, a bar or lounge area is designated by the licensee as a smoking area if the licensee displays signs that—

- (a) contain the phrase "smoking permitted", "smoking area" or other words that indicate clearly that smoking is permitted in the area; and
- (b) indicate clearly where smoking is permitted,

in such numbers and in positions of such prominence that the signs are likely to be seen by persons at any public entrance to the area and within the area.

(2) For the purposes of section 47(4)(a) of the Act, an application for an exemption must be accompanied by a fee of \$200.

(3) For the purposes of section 47(6)(a) of the Act, the occupier of an enclosed public dining or cafe area must display signs that—

- (a) contain—
 - (i) the phrase "no smoking", "smoking prohibited" or "smoke-free zone" in letters that are at least 20 mm in height and the smoking prohibited symbol with a diameter of at least 70 millimetres; or
 - (ii) other words or symbols that indicate clearly that smoking is prohibited; and
- (b) indicate clearly where smoking is prohibited,

in such numbers and in positions of such prominence that the signs are likely to be seen by persons at any public entrance to the area and within the area.

(4) In this regulation—

"smoking prohibited symbol" means the symbol designated in Australian Standard 2899.1—1986 to indicate where smoking is prohibited.

5.

SCHEDULE 1

*Notices under s. 38(4) of the Act
(reg. 4)*

Form 1

Notice in relation to tobacco products

[Form appears in *Gaz.* 22 July 1999, p. 483]

Form 2

Notice in relation to prescribed products

[Form appears in *Gaz.* 9 March 2000, p. 1399]

SCHEDULE 2

*Notice under s. 45(2) of the Act
(reg. 5)*

[Schedule appears in *Gaz.* 5 June 1997, p. 2925]

APPENDIX

LEGISLATIVE HISTORY

Renumbering

(Renumbering provision from Regulation No. 33 of 1998, reg. 7)

7. When these regulations come into operation the principal regulations are to be renumbered in consecutive order (and any cross-reference in a provision of the principal regulations to a regulation that is renumbered is to be corrected accordingly).

Legislative History

(entries in bold type indicate amendments incorporated since the last consolidation)

(entries in italic type indicate regulations that have been revoked and therefore not renumbered)

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|-------------------------------|---|
| <i>Regulations 2 and 3:</i> | <i>revoked by 33, 1998, reg. 3</i> |
| Regulation 3: | substituted by 33, 1998, reg. 4; varied by 52, 1998, reg. 3; |
| (previously regulation 5) | 48, 1999, reg. 3; 52, 2000, reg. 3; 104, 2001, reg. 3; 119, 2002, reg. 3 |
| Regulation 4: | substituted by 18, 2000, reg. 3 |
| <i>Regulation 6:</i> | <i>revoked by 33, 1998, reg. 4</i> |
| Regulation 6: | inserted by 178, 1998, reg. 3 |
| <i>Regulations 7 - 10:</i> | <i>revoked by 33, 1998, reg. 4</i> |
| <i>Regulations 13 and 14:</i> | <i>revoked by 33, 1998, reg. 5</i> |
| <i>Schedule 1:</i> | <i>revoked by 33, 1998, reg. 6</i> |
| Schedule 1: | substituted by 153, 1999, reg. 3; varied by 18, 2000, reg. 4 |
| (previously Schedule 2) | |