

South Australia

## **Tobacco Products Regulations 1997**

under the *Tobacco Products Regulation Act 1997*

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Schedule 1—Notices under section 38(4) of the Act

Schedule 2—Notice under section 45(2) of the Act

Legislative history

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### **1—Short title**

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

### **2—Interpretation**

In these regulations—

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

### **3—Licence fee**

For the purposes of section 10(3) of the Act, the fee for a licence is \$2.55 multiplied by the number of months in the period for which the licence is to be in force or \$12.90 whichever is the lesser.

### **4—Sale of tobacco products and prescribed products to children (section 38(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.

### **5—Smoking in lifts (section 45(2))**

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.

### **6—Smoking in enclosed public dining or café areas (section 47)**

- (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 café 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.

## Schedule 1—Notices under section 38(4) of the Act

(Regulation 4)

Form 1—Notice in relation to tobacco products

# SALE OF TOBACCO PRODUCTS

It is an offence to sell or supply cigarettes or other tobacco products to any person under the age of 18 years.

Retailers may request proof of age for purchase of tobacco products.

# PENALTIES

Penalties for retailers can be a fine of up to \$5,000 and possible disqualification from applying for or holding a tobacco merchant's licence for up to six months.



Section 38 Tobacco Products Regulation Act, 1997.  
Offences may be reported to the Department of Human Services.

Form 2—Notice in relation to prescribed products

# SALE OF PRESCRIBED PRODUCTS DESIGNED FOR SMOKING

It is an offence to sell or supply prescribed products designed for smoking to any person under the age of **18 years**.

Authorised persons may request **proof of age** for purchase of such prescribed products.

## PENALTIES

Penalties for retailers can be a fine of up to \$5,000 and, if a tobacco merchant's licence is held, possible suspension or cancellation of the licence.




Section 38 Tobacco Products Regulation Act 1997  
Offences may be reported to the Department of Human Services



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**Schedule 2—Notice under section 45(2) of the Act**  
(Regulation 5)

**SMOKING IN LIFTS IS PROHIBITED**



**MAXIMUM PENALTY \$200**

SECTION 45 TOBACCO PRODUCTS REGULATION ACT 1997

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Revocation of regulations

The *Tobacco Products Regulations 1997* were revoked by Sch 3 of the *Tobacco Products Regulations 2004* on 6.12.2004.

### Principal regulations and variations

Year	No	Reference	Commencement
1997	145	<i>Gazette 5.6.1997 p2925</i>	5.6.1997: r 2
1998	33	<i>Gazette 23.4.1998 p1969</i>	1.5.1998: r 2
1998	52	<i>Gazette 28.5.1998 p2295</i>	1.7.1998: r 2
1998	178	<i>Gazette 27.8.1998 p694</i>	4.1.1999: r 4
1999	48	<i>Gazette 27.5.1999 p2789</i>	1.7.1999: r 2
1999	153	<i>Gazette 22.7.1999 p483</i>	22.7.1999: r 2
2000	18	<i>Gazette 9.3.2000 p1399</i>	9.3.2000: r 2
2000	52	<i>Gazette 25.5.2000 p2695</i>	1.7.2000: r 2
2001	104	<i>Gazette 31.5.2001 p2066</i>	1.7.2001: r 2
2002	119	<i>Gazette 20.6.2002 p2663</i>	1.7.2002: r 2
2003	56	<i>Gazette 29.5.2003 p2146</i>	1.7.2003: r 2
<b>2004</b>	<b>34</b>	<b><i>Gazette 27.5.2004 p1404</i></b>	<b>1.7.2004: r 2</b>

### Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>rr 2, 3,5—10, 13, 14, Sch 1</i>	<i>deleted by 33/1998 r 3</i>	<i>1.5.1998</i>
r 2	r 4 substituted by 18/2000 r 3	9.3.2000
	r 4 redesignated as r 2 by 33/1998 r 7	1.5.1998
r 3	inserted by 33/1998 r 4	1.5.1998
	varied by 52/1998 r 3	1.7.1998
	varied by 48/1999 r 3	1.7.1999
	varied by 52/2000 r 3	1.7.2000
	varied by 104/2001 r 3	1.7.2001
	varied by 119/2002 r 3	1.7.2002
	varied by 56/2003 r 4	1.7.2003
	<b>varied by 34/2004 r 4</b>	<b>1.7.2004</b>
r 4	r 11 redesignated as r 4 by 33/1998 r 7	1.5.1998

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	substituted by 18/2000 r 3	9.3.2000
r 5	r 12 redesignated as r 5 by 33/1998 r 7	1.5.1998
r 6	inserted by 178/1998 r 3	4.1.1999
Sch 1	Sch 2 redesignated as Sch 1 by 33/1998 r 7	1.5.1998
	substituted by 153/1999 r 3	22.7.1999
	varied by 18/2000 r 4	9.3.2000
Sch 2	Sch 3 redesignated as Sch 2 by 33/1998 r 7	1.5.1998

## Transitional etc provisions associated with regulations or variations

### *No 33 of 1998*

#### **7—Renumbering**

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).