

South Australia

Tobacco Products Regulation (Exemption) Proclamation 2010

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

1—Short title

This proclamation may be cited as the *Tobacco Products Regulation (Exemption) Proclamation 2010*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Interpretation

In this proclamation—

Act means the *Tobacco Products Regulation Act 1997*;

prescribed period means the period commencing on 24 February 2010 and ending on 24 March 2010;

prescribed production means that part of the stage production of *NIDA: Sex Wars* comprised of the play *Motel* produced by the National Institute of Dramatic Art.

4—Application of proclamation

This proclamation applies to the following persons:

- (a) a person employed by, or in relation to, the prescribed production;
- (b) an occupier of the Bakehouse Theatre at 255 Angas Street, Adelaide;
- (c) an employer with responsibility for a workplace consisting of the Bakehouse Theatre in relation to the prescribed production.

5—Exemption from section 46 of the Act

- (1) A person to whom this proclamation applies is exempt from the operation of section 46 of the Act in relation to smoking occurring in the course of a performance or rehearsal of the prescribed production during the prescribed period.
- (2) An exemption under this clause is subject to the following conditions:
 - (a) smoking may only occur on a stage on which the prescribed production is being performed or rehearsed, or in a rehearsal room used in relation to the prescribed production;
 - (b) the area in which smoking may occur under the exemption must be well ventilated;
 - (c) a person may only smoke a tobacco product of a kind contemplated by paragraph (g) of the definition of *tobacco product* in section 4 of the Act.

- (3) If a person contravenes or fails to comply with a condition of an exemption specified in subclause (2), the exemption does not, while the contravention or non-compliance continues, operate in that person's favour.

Made by the Governor

with the advice and consent of the Executive Council
on 4 February 2010

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