

South Australia

## **Tobacco Products Regulation (Exemption) Proclamation 2009**

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 2009*.

### **2—Interpretation**

In this proclamation—

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

*prescribed production* means the stage production of *Three Dog Night* produced by Auspicious Arts Project Inc and performed during the period ending 30 April 2009.

### **3—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 Adelaide Festival Centre;
- (c) an employer with responsibility for a workplace consisting of the Adelaide Festival Centre in relation to the prescribed production.

### **4—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.
- (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 5 February 2009

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