South Australia

Tobacco and E-Cigarette Products Regulations 2019

under the *Tobacco and E-Cigarette Products Act 1997*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Tobacco and E-Cigarette Products Regulations 2019*.

3—Interpretation

(1) In these regulations, unless the contrary intention appears—

Act means the *Tobacco and E-Cigarette Products Act 1997*;

business name, in relation to a business, means the business name registered for the business on the Business Names Register under the *Business Names Registration Act 2011* of the Commonwealth;

capsule cigarette means a cigarette that contains a capsule designed to release flavour into the cigarette;

company name, in relation to a business that is a company, means the company name registered in relation to the business under the *Corporations Act 2001* of the Commonwealth;

fruit or confectionary flavoured cigarette means a cigarette—

(a) that possesses, or the smoke of which possesses, a distinctive fruity, sweet or confectionary-like character; and

(b) that is advertised in a way that might encourage young people to smoke,

but does not include a cigarette the flavouring of which is primarily of a menthol character;

outdoor dining area means an unenclosed public area in which tables, or tables and chairs, are permanently or temporarily provided for the purpose of public dining in the area, but does not include a part of the unenclosed public area that is separated from the part in which dining occurs by a wall or other solid barrier of not less than 2 m in height;

packet includes a tin or other container;

product line, in relation to a tobacco product or an e-cigarette product, means a particular retail line of the product, distinguishable from similar products by 1 or more of the following characteristics:

(a) the brand name, trade mark or other description of the product;

(b) the flavour of the product;

(c) in the case of a packet of cigarettes, cigars or cigarillos—the number or size of cigarettes, cigars or cigarillos in the packet;

(d) in the case of cigarette or pipe tobacco—the weight of the packet in which the tobacco is sold;

registered trade mark, in relation to a business, means the trade mark registered for the business under the *Trade Marks Act 1995* of the Commonwealth;

road means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles, and includes—

(a) the carriageway of the road; and

(b) the footpaths (if any) of the road; and

(c) a median strip, traffic island or other land separating carriageways of the road; and

(d) any other land adjoining or adjacent to the carriageway of the road that is land that has been reserved for the purposes of the road.

(2) For the purposes of these regulations—

(a) a reference to a ***tobacco product*** includes a reference to a part of a tobacco product; and

(b) text appearing on a sign, price board or price ticket will be taken to be in a ***standardised font*** if it is of a single style and size (whether or not handwritten).

3A—Prescribed e-cigarette product

(1) For the purposes of paragraph (f) of the definition of ***e-cigarette product*** in section 4(1) of the Act, products of the following kinds are prescribed:

(a) an e-cigarette liquid;

(b) a constituent substance of an e-cigarette liquid.

(2) In this regulation—

e-cigarette liquid means a liquid of a kind designed or intended for use in an e-cigarette.

3B—Prescribed packaging requirements

For the purposes of paragraph (b) of the definition of ***prescribed packaging requirements*** in section 4(1) of the Act, Parts 2 and 9 of the *Competition and Consumer (Tobacco) Information Standard* made under the *Competition and Consumer Act 2010* of the Commonwealth are prescribed.

3C—Possession of certain tobacco products—prescribed quantity

For the purposes of section 33(3) of the Act, the prescribed quantity of a prescribed tobacco product is—

(a) in the case of cigarettes—50 cigarettes; or

(b) in any other case—50 grams or more of a prescribed tobacco product.

Part 2—Restrictions on supply or promotion of tobacco products and e-cigarette products

Division 1—Sale or supply of tobacco products or e-cigarette products to children

4—Sale or supply of tobacco products or e-cigarette products to children

(1) For the purposes of section 38A(2) of the Act, the following kinds of evidence of age are prescribed:

(a) a current photographic driver's licence issued under the *Motor Vehicles Act 1959* or under a corresponding law of another State or a Territory;

(b) a current photographic Proof of Age card issued by the Registrar of Motor Vehicles or by a corresponding public authority of the Commonwealth or another State or a Territory;

(c) a current passport issued by the Commonwealth or under the law of another country, bearing a photograph of the person and enabling the age of the person to be determined;

(d) a current photographic Keypass identification card issued by—

(i) if the card was issued before 23 November 2013—Alfa Omega Nominees Pty Ltd, trading as Commonwealth Key and Property Register; or

(ii) if the card was issued on or after 23 November 2013—Australian Postal Corporation.

(2) For the purposes of section 38A(5) of the Act, the form of the notice set out in Schedule 1 is prescribed, subject to the following requirements:

(a) the notice must be A4 size;

(b) the dimensions of the letters, figures and symbols on the notice must be no smaller than they appear in the form in Schedule 1 (as if the form were A4 size);

(c) the following parts of the notice must be printed in red:

(i) the words "18 years of age" and "proof of age";

(ii) the circle and diagonal of the "under 18" symbol;

(iii) the lines under the following headings:

(A) SALE OF TOBACCO PRODUCTS AND E-CIGARETTE PRODUCTS;

(B) MAXIMUM PENALTY $40 000.

Division 2—Certain advertising prohibited

5—Preliminary

Section 40 of the Act prohibits certain advertising in relation to tobacco products and e-cigarette products, however, this Division sets out, for the purposes of section 40(3) of the Act, specific circumstances in which the prohibition will not apply.

6—Permitted signs outside premises

(1) For the purposes of section 40(3)(a) of the Act, signs outside premises of a business where tobacco products or e-cigarette products are sold by retail will only be displayed in accordance with the regulations if—

(a) the signs comprise 1 or both of the following:

(i) a sign or signs displaying—

(A) the business name or company name of the business; or

(B) the registered trade mark of the business (whether or not together with the business name or company name); and

(ii) either—

(A) a single sign outside the premises with only the words, in black text no larger than 40 mm high on a white background—

- tobacco products sold here; or
- cigarette cartons sold here; or
- cigarettes sold here; or
- e-cigarette products sold here; or
- e-cigarettes sold here; or
- tobacco products and e-cigarette products sold here; or

(B) no more than 1 such sign on each external wall of the premises that is visible to the public (or a window in such a wall); and

(b) each such sign is erected or displayed in accordance with any other Act or law relating to such signage.

(2) In this regulation—

sign includes every painted sign, mural or other sign, signboard, visual display screen, visual display image, visual display or projection device, other advertising device, lamp, globe, floodlight, banner, bunting, and streamer, including any background as well as any lettering and any advertising structure.

7—Permitted advertising (other than on or in vending machines)

(1) For the purposes of section 40(3)(c) of the Act, the following action is prescribed:

(a) the display of a single sign inside premises where tobacco products or e-cigarette products are sold by retail, provided that the sign contains only, in black text no larger than 40 mm high on a white background, the words—

(i) tobacco products sold here; or

(ii) cigarette cartons sold here; or

(iii) cigarettes sold here; or

(iv) e-cigarette products sold here; or

(v) e-cigarettes sold here; or

(vi) tobacco products and e-cigarette products sold here;

(b) the advertisement of a tobacco product or e-cigarette product in or on a periodical—

(i) that is printed outside Australia; and

(ii) that is not principally intended for distribution or use in Australia; and

(iii) in relation to which there is no notice in force under section 17(2) of the *Tobacco Advertising Prohibition Act 1992* of the Commonwealth;

(c) the advertisement of a tobacco product or e-cigarette product that is an accidental or incidental accompaniment to the publication of other matter;

(d) the sale or delivery of a product containing an advertisement—

(i) of a kind referred to in paragraph (b) or (c); or

(ii) of a tobacco product or e-cigarette product in or on a package containing the product (being a package in which the product is offered for sale in the ordinary course of business);

(e) the advertisement of a tobacco product or e-cigarette product consisting of, or reasonably incidental to, the display, at the request of a customer, of the product to the customer inside premises where the products are sold by retail;

(f) the advertisement of a tobacco product or e-cigarette product that is reasonably incidental to—

(i) the sale or delivery of the product;

(ii) the genuine restocking of an area in which the products are stored in accordance with the Act pending their sale;

(g) the advertisement of a tobacco product in premises where tobacco products are only sold by retail in cartons consisting of a single sign attached to or adjacent to a point of sale containing only, in black standardised font no larger than 40 mm high on a white background, the words "cartons only sold here";

(h) the advertisement of a tobacco product or an e-cigarette product on the premises of the business of a distributor or manufacturer of those products consisting of a sign or signs displaying—

(i) the business name or company name of the business; or

(ii) the registered trade mark of the business (whether or not together with the business name or company name),

erected or displayed in accordance with any other Act or law relating to such signage;

(i) the advertisement of a tobacco product or e-cigarette product to a group of people all of whom are involved in the manufacture, distribution or sale of those products;

(j) the advertisement of a tobacco product or e-cigarette product on a price board in premises where such products are sold by retail, provided that—

(i) there is only a single such price board in the premises; and

(ii) the total surface area of the visible parts of the board does not exceed—

(A) if the price board is in the premises of a specialist tobacconist or specialist e-cigarette retailer—1 m^2; or

(B) in any other case—0.5 m^2; and

(iii) the board consists of black text on a completely white background; and

(iv) the text on the board is a standardised font not exceeding 20 mm in height; and

(v) the information on the board does not relate to—

(i) fruit or confectionary flavoured cigarettes; or

(ii) capsule cigarettes; and

(vi) the information on the board is limited to any 1 or more of the following details:

(A) the names of particular product lines;

(B) the prices of particular product lines (displayed in a way that does not indicate that a particular product line has been discounted);

(C) the country of origin of particular product lines;

(D) a bar code or similar identification code used in the point of sale system of the retailer's business;

(E) in addition, in the case of e-cigarette products—

- the volume of liquid used in such products; or
- the wattage of such products;

(F) in addition, in the case of tobacco products—the packet size of particular product lines (by weight or number of tobacco products contained in the packet or carton);

(k) the advertisement of tobacco products or e-cigarette products by price tickets relating to particular product lines in premises where such products are sold by retail, provided that—

(i) all price tickets in the premises are of an approximately equal size (but in any case not exceeding 80 mm × 40 mm); and

(ii) each price ticket consists of black text on a completely white background; and

(iii) the text on each price ticket is a standardised font not exceeding 15 mm in height; and

(iv) the price ticket does not relate to—

(i) fruit or confectionary flavoured cigarettes; or

(ii) capsule cigarettes; and

(v) the information on each price ticket is limited to any 1 or more of the following:

(A) the name of the product line;

(B) the price of the product line (displayed in a way that does not indicate that the product line has been discounted);

(C) the country of origin of the product line;

(D) a bar code or similar identification code used in the point of sale system of the retailer's business;

(E) any other information reasonably required for the efficient conduct of the retailer's business;

(F) in addition, in the case of e-cigarette products—

- the volume of liquid used in such products; or
- the wattage of such products;

(G) in addition, in the case of tobacco products—the packet size (by weight or by number of tobacco products contained in the packet or carton).

(2) This regulation does not apply to advertisements on or in a vending machine.

(3) For the purposes of this regulation, premises will be taken to be the ***premises of a specialist e-cigarette retailer*** if—

(a) a person sells e-cigarette products by retail in the premises in the ordinary course of business; and

(b) during—

(i) in the case of a business that has been trading for a period of more than 1 financial year—the immediately preceding financial year; or

(ii) in any other case—the period for which the business has been trading,

the gross turnover of all e-cigarette products sold at the premises constitutes 80% or more of the gross turnover of all products sold at the premises during the relevant period; and

(c) in the case where the premises are situated within another shop—

(i) the premises are separated from the other shop by means of internal walls or doors; and

(ii) a person is not able to use the premises as a thoroughfare to gain entry to the other shop from outside the premises.

(4) For the purposes of this regulation, premises will be taken to be the ***premises of a specialist tobacconist*** if—

(a) a person sells tobacco products by retail in the premises in the ordinary course of business; and

(b) during—

(i) in the case of a business that has been trading for a period of more than 1 financial year—the immediately preceding financial year; or

(ii) in any other case—the period for which the business has been trading,

the gross turnover of all tobacco products sold at the premises constitutes 80% or more of the gross turnover of all products sold at the premises during the relevant period; and

(c) in the case where the premises are situated within another shop—

(i) the premises are separated from the other shop by means of internal walls or doors; and

(ii) a person is not able to use the premises as a thoroughfare to gain entry to the other shop from outside the premises.

(5) In this regulation—

periodical means an issue (however described) of a newspaper, magazine, journal, newsletter, or other similar publication, issues of which are published at regular or irregular intervals.

8—Permitted advertising of tobacco products on or in vending machines

(1) For the purposes of section 40(3)(c) of the Act, an advertisement of a tobacco product consisting of the display in accordance with this regulation of any 1 or more of the following details on or in a vending machine is prescribed:

(a) the name of the product;

(b) the price of the product;

(c) the packet size of the product (by weight or by number of products contained in the packet);

(d) the country of origin of the product.

(2) An advertisement will only be taken to be in accordance with this regulation if it complies with the following provisions:

(a) if the information referred to in subregulation (1) is displayed on price tickets—

(i) all price tickets must be of an approximately equal size (but in any case not exceeding 80 mm × 40 mm); and

(ii) each price ticket must consist of black text on a completely white background; and

(iii) the text on each price ticket must be in a standardised font not exceeding 15 mm in height;

(b) the advertisement must not be an advertisement for, or in relation to—

(i) fruit or confectionary flavoured cigarettes; or

(ii) capsule cigarettes;

(c) the number of product lines advertised in relation to a particular vending machine must not exceed 40;

(d) there must be no more than 1 price ticket in respect of a particular product line displayed in or on the vending machine;

(e) there must be no internal lighting in the vending machine;

(f) there must be no highlighting of the vending machine or a price ticket displayed in or on the vending machine in any way (for example, by the use of a sign or other device not forming part of the vending machine).

Part 3—Restrictions on smoking

9—No smoking signs in enclosed public places

(1) The occupier of an enclosed public place (being a place in which smoking is banned under section 46 of the Act) must display signs that contain—

(a) —

(i) the phrase "no smoking" or "smoking prohibited" in letters that are at least 20 mm in height; and

(ii) the smoking prohibited symbol with a diameter of at least 70 mm; or

(b) other words or symbols that indicate clearly that smoking (both of tobacco products and e-cigarettes) is not 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 place and within the place.

Maximum penalty: $2 500.

Expiation fee: $210.

(2) A sign required to be displayed under this regulation must be displayed in such a way that a person (other than the occupier or an employee of the occupier) cannot readily remove or relocate the sign.

Part 4—Smoking bans in public areas—longer term

10—Bowden Town Square

(1) For the purposes of section 52 of the Act, smoking is banned in the public area shown on the map in Schedule 2 Part 1 as the "declared public area", being the area in Bowden comprised of Lots 40, 42, 400 and 453, but excluding the car park.

(2) In this regulation—

car park means the area shown on the map in Schedule 2 Part 1 as the "car park", being the area within Lot 42 bounded by a line commencing at the intersection of the north-eastern and south-eastern boundaries of Lot 42, then north-westerly along the north-eastern boundary of Lot 42 to its intersection with the prolongation in a north-easterly direction of the south-eastern boundary of Plant 4, then south-westerly along that boundary to the point at which that boundary (or its prolongation) intersects the south-western boundary of Lot 42, then beginning south-easterly following the boundary of Lot 42 to the point of commencement;

Lot 40 means Lot 40 Deposited Plan 113083;

Lot 42 means Lot 42 Deposited Plan 112982;

Lot 400 means Lot 400 Deposited Plan 112982;

Lot 453 means Lot 453 Deposited Plan 112982;

Plant 4 means the built structure on Lot 42 commonly known as Plant 4;

prolongation means prolongation in a straight line.

11—Henley Square

(1) For the purposes of section 52 of the Act, smoking is banned in all public areas in Henley Square.

(2) In this regulation—

Henley Square means the following areas (being the area commonly referred to as Henley Square):

(a) the whole of Allotment 101 Deposited Plan 45601 (excluding any area used as a car park by members of the public and any premises);

(b) the area bounded as follows:

(i) on the north by Allotment 101 Deposited Plan 45601;

(ii) on the east by the western boundaries of the properties adjacent to the Esplanade, Henley Beach;

(iii) on the south by a line extending generally east from the south east corner of the Henley Surf Life Saving Club;

(iv) on the west by the sea wall.

12—Moseley Square Glenelg

(1) For the purposes of section 52 of the Act, smoking is banned in all public areas in Moseley Square, Glenelg, other than an area (not being an enclosed public place, workplace or shared area) to which an Outdoor Dining Permit issued by the City of Holdfast Bay pursuant to section 200 of the *Local Government Act 1999* applies.

Note—

Smoking is banned in enclosed public places, workplaces or shared areas under section 46 of the Act.

(2) In this regulation—

Moseley Square, Glenelg means the area in Glenelg bounded as follows: commencing at the point at which the southern boundary of Section 1510 Hundred of Noarlunga meets the eastern boundary of the Section (the western boundary of Colley Terrace), then southerly along the prolongation in a straight line of the eastern boundary of the Section to the point at which that prolongation intersects the prolongation in a straight line of the southern boundary of Lot 100 DP 76687, then westerly and southerly along that prolongation and boundary of Lot 100 to the point at which it meets the north-eastern boundary of Piece 102 DP 76687, then generally north-westerly, northerly and north-easterly along the western boundary of Lot 100 DP 76687 to the point at which it meets the southern boundary of Lot 107 DP 71400, then in a straight line by the shortest route to the south-western corner of Lot 106 DP 71400, then easterly along the southern boundary of Lot 106 and the adjoining Lots (the northern boundary of Lot 100 DP 76687) to the point of commencement.

13—Royal Adelaide Show

(1) For the purposes of section 52 of the Act, smoking is banned in the following public areas for the period each year during which the annual Royal Adelaide Show is being held:

(a) all public areas within the Adelaide show grounds, other than—

(i) an area (not being an enclosed public place, workplace or shared area) in respect of which a licence is in force under the *Liquor Licensing Act 1997*; or

Note—

Smoking is banned in enclosed public places, workplaces or shared areas under section 46 of the Act.

(ii) an area used as a car park by members of the public (other than an area designated under paragraph (b) as an area in which smoking is not permitted); or

(iii) any other area designated by the Society as an area in which smoking is permitted;

(b) any public area in the vicinity of a public entrance to the Adelaide show grounds designated by the Society as an area in which smoking is not permitted.

(2) In this regulation—

Adelaide show grounds has the same meaning as in the *Adelaide Show Grounds (Regulations and By-laws) Act 1929*;

Society means the Royal Agricultural and Horticultural Society of South Australia Incorporated.

14—The Parade Norwood

(1) For the purposes of section 52 of the Act, smoking is banned in the following public areas of Norwood:

(a) the public area bounded—

(i) on the north by the building line on the northern side of The Parade; and

(ii) on the south by the building line on the southern side of The Parade; and

(iii) on the east by the western edge of Portrush Road; and

(iv) on the west by the eastern edge of Osmond Terrace;

(b) the laneway adjacent to the Norwood Town Hall,

(being the area shown on the map in Schedule 2 Part 2 as the ***declared area***).

(2) In this regulation—

building line, in relation to the Parade, means the line formed by the facades of the buildings on the relevant side of The Parade (and includes, where 2 buildings are not contiguous, a straight line running between the closest points of the facades of the buildings);

laneway adjacent to the Norwood Town Hall means the laneway forming the whole of the land comprised in Certificate of Title Volume 6037 Folio 165.

15—Outdoor dining areas

(1) For the purposes of section 52 of the Act, smoking is banned in a public area consisting of an outdoor dining area at any time that food is being offered for purchase, or otherwise provided, by or on behalf of the occupier of the outdoor dining area for the purpose of consumption in the area (whether or not a person is, in fact, dining in the area).

Note—

For example, if a hotel offers meals between 12pm and 2pm in an outdoor dining area, then smoking will be banned in the area during that period, regardless of whether anyone is actually eating in the area.

(2) For the purposes of this regulation a person will be taken to be in an outdoor dining area if any part of the person is within the outdoor dining area.

(3) In this regulation—

food does not include snack food;

snack food means prepackaged food of a kind generally intended to be consumed between meals.

Example—

This would include foods such as potato crisps, nuts and chocolate bars, but would not include, for example, sandwiches or hot chips.

16—Further offence where smoking occurs in outdoor dining area

(1) If smoking occurs in an outdoor dining area in contravention of section 52(2) of the Act, the occupier of the outdoor dining area is guilty of an offence.

Maximum penalty: $2 500.

Expiation fee: $210.

(2) It is a defence to an offence against subregulation (1) if the defendant proves that—

(a) he or she was not aware, and could not reasonably be expected to have been aware, that the contravention was occurring; or

(b) he or she requested the person smoking to stop smoking and informed the person that the person was committing an offence.

17—No smoking at or in vicinity of premises at which early childhood services are provided

(1) For the purposes of section 52 of the Act, smoking is banned in all public areas—

(a) within premises at which early childhood services are provided; or

(b) within 10 m of the boundary of premises at which early childhood services are provided,

at all times during which those services are being provided at the premises.

(2) In this regulation—

early childhood services has the same meaning as in section 4 of the *Education and Early Childhood Services (Registration and Standards) Act 2011*.

18—No smoking at or in vicinity of education and children's services facility

(1) For the purposes of section 52 of the Act, smoking is banned in all public areas—

(a) within an education and children's services facility; or

(b) within 10 m of the boundary of an education and children's services facility.

(2) In this regulation—

education and children's services facility means—

(a) premises where services of a kind to which the *Education and Care Services National Law (South Australia)* applies are provided; or

(b) premises occupied by a children's services centre, a Government preschool, a Government school or a non-Government school all within the meaning of the *Education and Children's Services Act 2019*.

19—No smoking at or in vicinity of hospital

(1) For the purposes of section 52 of the Act, smoking is banned in all public areas—

(a) within a hospital; or

(b) within 10 m of the boundary of a hospital.

(2) In this regulation—

hospital means a site at which activities of an incorporated hospital or a private hospital (both within the meaning of the *Health Care Act 2008*) are undertaken.

20—No smoking at or in vicinity of residential aged care facility

(1) For the purposes of section 52 of the Act, smoking is banned in all public areas—

(a) within a residential aged care facility; or

(b) within 10 m of the boundary of a residential aged care facility.

(2) In this regulation—

residential aged care facility *means premises at which residential care is provided by an approved provider under the Aged Care Act 1997 of the Commonwealth.*

Editorial note—

Regulation 20 will come into operation on 7 December 2024.

21—No smoking near entrance to enclosed public place, workplace or shared area

(1) Subject to this regulation, for the purposes of section 52 of the Act, smoking is banned in all public areas at or within 10 m of any part of an entry point to an enclosed public place, workplace or shared area at all times during which the enclosed public place, workplace or shared area is open for use by persons who work at or otherwise use the enclosed public place, workplace or shared area.

(2) Subregulation (1) does not apply to an area (not being an enclosed public place, workplace or shared area)—

(a) in respect of which a licence is in force under the *Liquor Licensing Act 1997*; or

(b) that is at or within 10 m of any part of an entry point for an area referred to in paragraph (a) if the entry point leads directly to such a licensed area and not to an unlicensed area within the same premises; or

(c) that is at or within 10 m of any part of an entry point to a place that—

(i) is used solely for residential purposes; or

(ii) is used partly for residential purposes and partly for other purposes if the entry point is used solely for entry to or exit from that part of the place that is used for residential purposes.

Examples—

If an outdoor area that forms part of licensed premises under the *Liquor Licensing Act 1997* also lies within 10 m of an entry point to some other enclosed public place, workplace or shared area, the ban in subregulation (1) will not apply to that licensed outdoor area.

If a person is within 10 m of an entry point to residential premises and also within 10 m of an entry point to other premises that are an enclosed public place, workplace or shared area, the ban in subregulation (1) will not apply to the person.

(3) In this regulation—

entry point means an entrance to or exit from a place.

22—No smoking at major events venue

For the purposes of section 52 of the Act, smoking is banned in all public areas within a major event venue within the meaning of the *Major Events Act 2013*.

23—No smoking at or in vicinity of swimming facility, jetty or certain areas of beach

(1) For the purposes of section 52 of the Act, smoking is banned in all public areas—

(a) at an outdoor swimming facility; or

(b) at, or within 5 m of any part of, a jetty; or

(c) within a sanded area of beach that is—

(i) between red and yellow flags temporarily erected on behalf of Surf Life Saving South Australia Inc. or its affiliated surf life saving clubs marking the boundaries for safe swimming; or

(ii) within a 50 m radius of a red and yellow flag referred to in subparagraph (i).

(2) In this regulation—

outdoor swimming facility means premises where an outdoor swimming pool is available for use.

24—No smoking at underage sporting events

(1) For the purposes of section 52 of the Act, smoking is banned in all public areas at or within 10 m of a sporting venue at all times during which—

(a) an organised underage sporting event is being conducted; or

(b) a training or practice session to prepare for participation in an organised underage sporting event is being conducted.

(2) In this regulation—

organised underage sporting event means a sporting event that—

(a) is planned in advance; and

(b) is organised or intended for, or predominantly participated in by, persons under the age of 18 years; and

(c) is conducted according to established rules by a professional or amateur sporting body or by an educational institution; and

(d) may be a one-off event or part of a series of events;

sporting event means a match, game, tournament or other event that involves the playing of, or participation in, sport;

sporting venue includes any part of a public place at which a sporting event occurs, and includes—

(a) a playing field;

(b) a track;

(c) an arena;

(d) a court or rink;

(e) any permanent or temporarily erected seating at the venue;

(f) any seating, marshalling area, warm-up area, podium or other part of the venue reserved for the use of participants in the sporting event.

Schedule 1—Notice (regulation 4)

SALE OF TOBACCO PRODUCTS AND E-CIGARETTE PRODUCTS

It is against the law to sell or supply tobacco products or e-cigarette products to persons under 18 years of age.

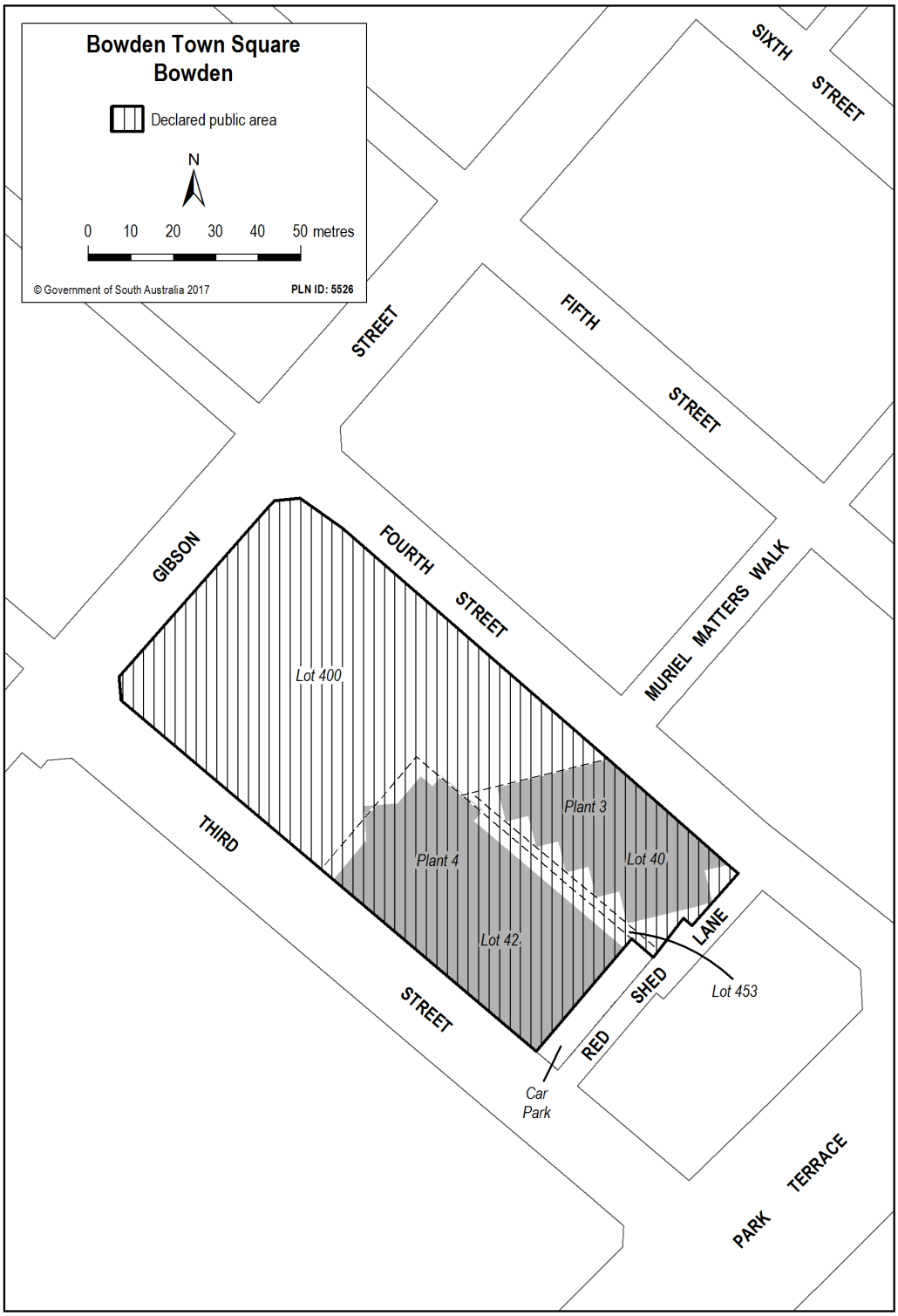
Retailers may require proof of age for purchase of these products.

MAXIMUM PENALTY $40,000

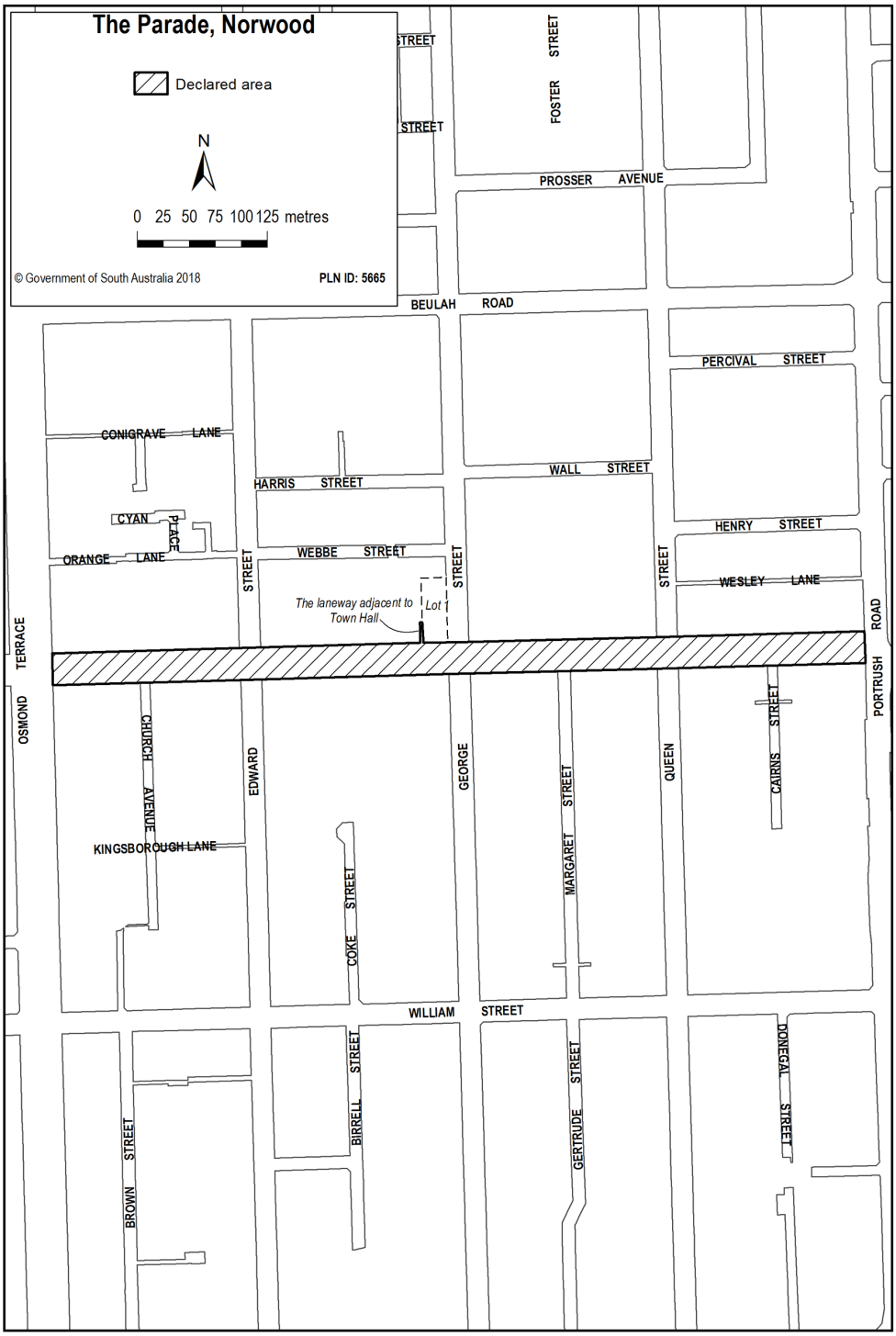
Section 38A, *Tobacco and E-Cigarette Products Act 1997*.
Offences may be reported to the Department for Health and Wellbeing.

Schedule 2—Maps of declared public areas

Part 1—Bowden Town Square declared public area (regulation 10)



Part 2—The Parade Norwood declared public area (regulation 14)



Legislative history

Notes

- In this version provisions that are uncommenced appear in italics.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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.

Legislation revoked by principal regulations

The *Tobacco and E-Cigarette Products Regulations 2019* revoked the following:

Tobacco Products Regulations 2004

Tobacco Products (Smoking Bans in Public Areas—Longer Term) Regulations 2012

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2019	8	*Gazette 31.1.2019 p376*	31.3.2019: r 2
2021	146	*Gazette 30.9.2021 p3649*	1.10.2021: r 2
2023	93	*Gazette 25.8.2023 p3121*	31.8.2023: r 2
2023	**119**	***Gazette 7.12.2023 p4053***	**1.3.2024 except r 4 insofar as it inserts r 20—7.12.2024: r 2**

Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
Pt 1		
r 2	*omitted under Legislation Revision and Publication Act 2002*	*1.10.2021*
r 3A	inserted by 146/2021 r 4	1.10.2021
rr 3B and 3C	inserted by 93/2023 r 3	31.8.2023
Pt 3		
r 9		
r 9(1)	**amended by 119/2023 r 3**	**1.3.2024**
Pt 4		
rr 17—19	**inserted by 119/2023 r 4**	**1.3.2024**
r 20	inserted by 119/2023 r 4	uncommenced—7.12.2024

rr 21—24	**inserted by 119/2023 r 4**	**1.3.2024**
Sch 3	*omitted under Legislation Revision and Publication Act 2002*	*1.10.2021*

Historical versions

1.10.2021

31.8.2023