



**TOBACCO PRODUCTS REGULATION (SMOKING IN UNLICENSED  
PREMISES) AMENDMENT ACT 1999**

**No. 26 of 1999**

**SUMMARY OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of s. 47—Smoking in enclosed public dining or cafe areas
4. Further amendments of principal Act

**SCHEDULE**

*Further Amendments of Principal Act*



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**ELIZABETHAE II REGINAE**

**A.D. 1999**

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**No. 26 of 1999**

**An Act to amend the Tobacco Products Regulation Act 1997.**

*[Assented to 1 April 1999]*

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Tobacco Products Regulation (Smoking in Unlicensed Premises) Amendment Act 1999*.

(2) The *Tobacco Products Regulation Act 1997* is referred to in this Act as "the principal Act".

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Amendment of s. 47—Smoking in enclosed public dining or cafe areas**

3. Section 47 of the principal Act is amended—

(a) by inserting after the definition of "meal" in subsection (1) the following definition:

"**unlicensed premises**" means unlicensed premises within the meaning of the *Liquor Licensing Act 1997*;

(b) by inserting after paragraph (d) of subsection (3) the following paragraph:

(da) an area within unlicensed premises (whether being the whole or part of an enclosed public area) that—

- (i) is not primarily and predominantly used for the consumption of meals; and
- (ii) is for the time being exempted by the Minister for Human Services;;

- (c) by inserting in subsection (4) "or unlicensed premises" after "licensed premises";
- (d) by striking out from subsection (4)(a) and (c) "by the licensee";
- (e) by inserting in subsection (4)(b)(iii) ", or other area in which smoking will be permitted," after "lounge area";
- (f) by inserting in subsection (5) ", in the case of decisions relating to licensed premises," after "but".

#### Further amendments of principal Act

4. The principal Act is further amended as set out in the Schedule.

### SCHEDULE

#### *Further Amendments of Principal Act*

Provision Amended	How Amended
Section 4(1) Definition of "health warning"	Strike out "Health" and substitute "Human Services".
Section 32	Strike out "Health" and substitute "Human Services".
Section 37	Strike out " <i>Liquor Licensing Act 1985</i> " and substitute " <i>Liquor Licensing Act 1997</i> ".
Section 47(1) Definition of "entertainment area"	Strike out " <i>Liquor Licensing Act 1985</i> " and substitute " <i>Liquor Licensing Act 1997</i> ".
Section 47(1) Definition of "licensed premises"	Strike out " <i>Liquor Licensing Act 1985</i> " and substitute " <i>Liquor Licensing Act 1997</i> ".
Section 47(3)(b)(ii)	Strike out "Health" and substitute "Human Services".
Section 47(4)(a)	Strike out "Health" and substitute "Human Services".
Section 47(4)(c)	Strike out "Health" and substitute "Human Services".
Section 47(5)	Strike out "Health" and substitute "Human Services".
Section 71(3)(a)	Strike out "Recreation and Sport" and substitute "Recreation, Sport and Racing".
Section 71(3)(c)	Strike out "Health" and substitute "Human Services".
Section 71(4)	Strike out "Recreation and Sport" and substitute "Recreation, Sport and Racing".

Provision Amended	How Amended
Section 71(4)(a)	Strike out "Health" and substitute "Human Services".
Section 87(2)(d)	Strike out "Health" and substitute "Human Services".
Section 87(2)(e)	Strike out "Health" and substitute "Human Services".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor