



SMOKING IN ENCLOSED AREAS - APPLICATION FOR EXEMPTION FOR ARTISTIC PERFORMANCES

When to apply for an exemption

Under Section 46(1) of the *Tobacco Products Regulation Act 1997* "Smoking is banned in an enclosed public place, workplace or shared area". His Excellency the Governor may, by Proclamation, exempt a person or class of persons, from a provision of the Act. The intention of Section 46(1) is to provide protection to others from the harm of second hand smoke and is not intended to prevent the depiction of smoking. It is not necessary to apply for an exemption from Section 46(1) unless an act of smoking will be occurring (see definition of *smoke* below). If an exemption is granted, it will be a condition of the exemption that only herbal cigarette products are smoked.

Applications for exemption are required to be submitted at least twelve weeks prior to the date of the performance. This is to enable sufficient time for Ministerial consideration of the applications and if recommended, the preparation of documentation to seek the issuing of a Proclamation by His Excellency the Governor. **Applications received less than twelve weeks prior to the requested exemption period may be rejected due to insufficient time available to process the application.**

Definitions

Under the *Tobacco Products Regulation Act 1997*, Section 4 - Interpretation:

'smoke means smoke, hold, or otherwise have control over, an ignited tobacco product;'

'tobacco product means—

- (a) a cigarette; or*
- (b) a cigar; or*
- (c) cigarette or pipe tobacco; or*
- (d) tobacco prepared for chewing or sucking; or*
- (e) snuff; or*
- (f) any other product containing tobacco of a kind prescribed by regulation; or*
- (g) any product that does not contain tobacco but is designed for smoking,*

and includes any packet, carton, shipper or other device in which any of the above is contained;'

*'A place or area is **enclosed** if it is fully enclosed or is at least partially covered by a ceiling and has walls such that the total area of the ceiling and wall surfaces exceeds 70 per cent of the total notional ceiling and wall area;'*

Enquiries

Contact the Tobacco Control Unit,
Drug and Alcohol Services South Australia,
on telephone (08) 8274 3333.

Further information about smoking, the rules
and regulations, can be obtained from the [SA
Health website](#)

Please send your application to:

Tobacco Control Unit
Drug and Alcohol Services South Australia
161 Greenhill Rd, PARKSIDE SA 5063

Fax: (08) 8274 3399

Email: tobacco.control@sa.gov.au



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Applicant's Name:

Position:

Postal Address:

Telephone:

Fax:

Email:

Name of the Production:

Name of the production company/employer:

Address at which it is proposed that the act of smoking will occur:

Performance Venue:

Rehearsal Venue: *(if smoking will be occurring)*

Performance dates: *(note: exemptions automatically include any extension to the performance season)*

Commences on:

Finishes on:

<input type="text"/>	<input type="text"/>
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Rehearsal dates: *(if smoking will be occurring during rehearsals)*

Commences on:

Finishes on:

<input type="text"/>	<input type="text"/>
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Briefly explain the context in which smoking occurs during the performance & its relevance to the production:

Explain why the act of smoking is considered an essential part of the production; what alternative options have been considered and why these are not considered appropriate.

Please note that contractual obligations to present the performance as it was written may not be considered as sufficient reason, as these arrangements cannot compel producers to contravene a law.

Describe how the venue will provide sufficient ventilation to limit the amount of smoke that reaches the audience.

Provide details of how will the audience be informed that the act of smoking will be occurring during the performance *(eg warning will be included in advertising material, notices in foyer)*

Signature:

Date: