

Legislative Council—No 68A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 15 March 2007

South Australia

Tobacco Products Regulation (Miscellaneous Offences) Amendment Bill 2006

A BILL FOR

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

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Tobacco Products Regulation (Miscellaneous Offences) Amendment Act 2006*.

5 2—Commencement

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

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Tobacco Products Regulation Act 1997*

4—Amendment of section 6—Requirement for licence

Section 6—after the penalty provision insert:

Expiation fee: \$315.

5—Amendment of section 9—Licence conditions

Section 9(5)—after the penalty provision insert:

Expiation fee: \$315.

6—Amendment of section 30—Sale of tobacco products by retail

5 (1) Section 30(1)—after the penalty provision insert:

Expiation fee: \$315.

(2) Section 30(2)—after the penalty provision insert:

Expiation fee: \$315.

(3) Section 30(3)—after the penalty provision insert:

10 Expiation fee: \$315.

(4) Section 30(4)—after the penalty provision insert:

Expiation fee: \$315.

7—Amendment of section 31—Importing and packing of tobacco products

(1) Section 31(1)—after the penalty provision insert:

15 Expiation fee: \$315.

(2) Section 31(2)—after the penalty provision insert:

Expiation fee: \$315.

8—Amendment of section 34—Information as to tar, nicotine etc content of cigarettes

20 (1) Section 34(1)—after the penalty provision insert:

Expiation fee: \$315.

(2) Section 34(2)—after the penalty provision insert:

Expiation fee: \$105.

9—Amendment of section 35—Sale of sucking tobacco

25 Section 35—after the penalty provision insert:

Expiation fee: \$315.

10—Amendment of section 37—Sale of tobacco products by vending machine

Section 37—after the penalty provision insert:

Expiation fee: \$315.

30 **11—Amendment of section 38—Carrying tray etc of tobacco products for making of successive retail sales**

Section 38(1)—after the penalty provision insert:

Expiation fee: \$315.

12—Amendment of section 40—Certain advertising prohibited

(1) Section 40(1)—after the penalty provision insert:

Expiation fee: \$315.

(2) Section 40(2)—after the penalty provision insert:

Expiation fee: \$315.

13—Amendment of section 41—Prohibition of certain sponsorships

(1) Section 41(1)—after the penalty provision insert:

Expiation fee: \$315.

(2) Section 41(2)—after the penalty provision insert:

Expiation fee: \$315.

14—Amendment of section 45—Business promotions to attract smokers

Section 45—after the penalty provision insert:

Expiation fee: \$315.

15—Insertion of section 70A

Before section 71 insert:

70A—Confiscation of tobacco products from children

(1) A prescribed person who becomes aware that tobacco products are in the possession of a child may confiscate the products from the child.

(2) Subsection (1) does not apply to tobacco products that are in the possession of a child in the ordinary course of his or her employment or otherwise for the purpose of sale by retail in accordance with this Act.

(3) If tobacco products are confiscated under subsection (1)—

(a) the products are forfeited by the child; and

(b) the products must be destroyed as soon as is reasonably practicable by the prescribed person; and

(c) no compensation is payable in relation to the confiscation of the products.

(4) In this section—

prescribed person, in relation to a child, means—

(a) a member of the police force; or

(b) any other authorised officer under Part 5; or

(c) an authorised person under Chapter 12 Part 3 of the *Local Government Act 1999*; or

(d) a teacher at a school attended by the child.