

Legislative Council—No 49

As introduced and read a first time, 27 September 2006

South Australia

**Tobacco Products Regulation (Retail Display)
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 (Retail Display) Amendment Act 2006*.

5 2—Commencement

This Act will come into operation 3 months after the date of assent.

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—Substitution of section 37

Section 37—delete the section and substitute:

37—Sale of tobacco products by vending machine

- 15 (1) A person must not sell cigarettes or any other tobacco product by means of a vending machine unless—
 - (a) the machine is situated—
 - 20 (i) in an area delineated under a gaming machine licence under the *Gaming Machines Act 1992* as the area in which gaming machines may be operated pursuant to the licence and no other such vending machine is situated in the gaming area or any other part of the premises in respect of which the licence is in force under the *Liquor Licensing Act 1997*; or

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- (ii) in some other part of premises in respect of which a licence is in force under the *Liquor Licensing Act 1997* and can only be operated by obtaining a token from, or with some other assistance from, the holder of the licence or an employee of the holder of the licence and no other such vending machine is situated in the premises in respect of which the licence is in force; or
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- (iii) in a part of the casino in which the public are permitted to engage in gambling activities under the *Casino Act 1997* and no other such vending machine is situated in the casino; and
- (b) at least 1 notice that has been supplied by the Minister for the purposes of this section is displayed—
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- (i) in a manner and position that is likely to attract the attention of persons using the machine; and
- (ii) in accordance with any other requirements specified by the regulations.

Maximum penalty: \$5 000.

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- (2) The Minister must, at the request of a person who wishes to sell cigarettes or any other tobacco product by means of a vending machine, supply the person with a notice for the purposes of this section that—
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- (a) is not less than 210 millimetres in width and 297 millimetres in length; and
- (b) includes a colour photographic image depicting physical damage that can be caused to a person by smoking.

5—Insertion of section 44

After section 43 insert:

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44—Storage and display of products etc in tobacco retail premises

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- (1) Subject to this section, if any tobacco product, packaging material for tobacco products or information relating to tobacco products is stored or displayed in premises where tobacco products are sold by retail so as to be visible to persons outside the premises or potential customers inside the premises, the proprietor of the business and any manager in charge of the premises are each guilty of an offence.

Maximum penalty: \$5 000.

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- (2) It is not an offence to display a price list for tobacco products in premises where tobacco products are sold by retail if—
- (a) the price list complies with the requirements prescribed by regulation; and

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- (b) at least 1 notice that has been supplied by the Minister for the purposes of this section is displayed—
- (i) in a manner and position that is likely to attract the attention of customers wishing to purchase tobacco products; and
- (ii) in accordance with any other requirements specified by the regulations.
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- (4) The Minister must, at the request of a person who wishes to display a price list for tobacco products in premises where tobacco products are sold by retail, supply the person with a notice for the purposes of subsection (2)(b) that—
- (a) is not less than 210 millimetres in width and 297 millimetres in length; and
- (b) includes a colour photographic image depicting physical
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- (5) Nothing in this section prevents the exposure of products or packaging materials to view for so long as is necessary for the movement of stock into, within or from the premises or the delivery of products to purchasers.