

**Legislative Council—No 67**

As introduced and read a first time, 16 November 2006

South Australia

**Tobacco Products Regulation (Smoking in Cars)  
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 (Smoking in Cars) 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—Insertion of section 48**

After section 47 insert:

#### **48—Smoking in motor vehicle if child present**

- 15 (1) A person must not smoke in a motor vehicle if a child is also present in the motor vehicle.  
Maximum penalty: \$200.  
Expiation fee: \$75.
- 20 (2) In proceedings for an offence against this section an allegation in the complaint that a child was present in a motor vehicle at a specified time will be accepted as proved in the absence of proof to the contrary.
- 25 (3) In this section—  
*child* means a person under 16 years of age;  
*motor vehicle* has the same meaning as in the *Motor Vehicles Act 1959*.