

House of Assembly—No 103

As received from the Legislative Council and read a first time, 14 March 2007

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*.