

**House of Assembly—No 31**

As received from the Legislative Council and read a first time, 20 June 2006

South Australia

**Tobacco Products Regulation (Prohibited Tobacco Products) 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 (Prohibited Tobacco Products) 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 34A**

After section 34 insert:

#### **34A—Prohibited tobacco products**

- 15 (1) The Minister may, by notice in the Gazette, declare that a class of tobacco products specified in the notice are prohibited tobacco products.
- (2) The Minister must not make a declaration under subsection (1) unless the Minister is satisfied that—
  - 20 (a) the tobacco products, or the smoke of the products, possesses a distinctive fruity, sweet or confectionary-like character; and
  - (b) the nature of the products, or the way they are advertised, might encourage young people to smoke.
- 25 (3) The Minister may, by further notice in the Gazette, vary or revoke a notice under this section.

- (4) A person must not sell a prohibited tobacco product by retail.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.