



House of Representatives

Supplementary Order Paper

Wednesday, 13 August 2003

Smoke-free Environments Amendment Bill

Proposed amendments

Sue Kedgley, in Committee, to move the following amendments:

Clause 2(1)

To insert, after the definition of **taxi** (lines 19 to 21 on page 7), the following definition:

“**toy tobacco product** means an object that—

- “(a) looks like a tobacco product or a smoker’s pipe, and can be used to simulate smoking; but
- “(b) cannot be smoked, and has a primary purpose other than to help people stop smoking

Clause 7

To omit proposed new *section 17(10)* of the principal Act (lines 9 to 11 on page 21).

To omit proposed new *section 17A(5)* of the principal Act (lines 34 and 35 on page 21).

To omit proposed new *sections 17B to 17D* of the principal Act (lines 1 to 36 on page 22 and lines 1 to 25 on page 23).

New clause 7C

To insert, after *clause 7B* (lines 3 to 6 on page 24) the following clause:

7C Purpose of this Part

Section 21(a) of the principal Act is amended by adding the following subparagraph:

- “(iii) prohibiting the sale of toy tobacco products to people younger than 18 years; and”.

New clause 10A

To insert, after *clause 10* (after line 6 on page 39), the following clause:

10A New section 36A inserted

The principal Act is amended by inserting, after section 36, the following section:

“36A Toy tobacco products

- “(1) No person may sell a toy tobacco product to a person younger than 18 years.
- “(2) Every person who sells a toy tobacco product to a person younger than 18 years in contravention of **subsection (1)** commits an offence, and is liable to a fine not exceeding \$2000.
- “(3) It is a defence to a charge in respect of a contravention of **subsection (1)** if the person charged proves that the contravention occurred without his or her knowledge and that he or she took reasonable precautions and exercised due diligence to prevent the contravention of that subsection.
- “(4) For the purposes of **subsection (3)**, a person charged in respect of a contravention of **subsection (1)** who proves that he or she sighted an evidence of age document (within the meaning of section 2A of the Sale of Liquor Act 1989) of the person to whom the product concerned was sold, indicating that the person was of or over the age of 18 years, proves that the contravention occurred without his or her knowledge and that he or she took reasonable precautions and exercised due diligence to prevent the contravention of that subsection.
- “(5) **Subsection (4)** does not affect the generality of **subsection (3)**.
- “(6) It is not a defence to a charge in respect of a contravention of **subsection (1)**—
- “(a) that the person to whom the product concerned was sold was buying it for or on behalf of, or as agent for, a person of or over the age of 18 years; or
- “(b) that the person charged believed on reasonable grounds that the person to whom the product concerned was sold was buying it for or on behalf of, or as agent for, a person of or over the age of 18 years.”

Explanatory note

This Supplementary Order Paper supersedes Supplementary Order Paper No 88.

The amendment to *clause 2* inserts a definition of **toy tobacco product**.

The amendments to *clause 7* omit all proposed provisions relating to the commission of offences by individual smokers.

Proposed *new clause 7C* amends the purpose provision of Part II of the principal Act to take account of proposed *new section 36A* of the principal Act.

Proposed *new clause 10A* inserts into the principal Act a *new section 36A*, which prohibits the sale of toy tobacco products to people younger than 18 years.
