



House of Representatives

Supplementary Order Paper

Wednesday, 3 September 2003

Smoke-free Environments Amendment Bill

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Proposed amendments

Steve Chadwick, in Committee, to move the following amendments:

Clause 8

To omit *clause 8* (lines 9 to 14 on page 25), and substitute the following clause:

- 8 Exemptions for retailers and vending machines**
Section 23(1) of the principal Act is amended by—
- (a) omitting the words “all or any”, and substituting the words “either or both”; and
 - (b) repealing paragraph (a).

Clause 8A

To insert in proposed *new section 23A* of the principal Act, before *subsection (1)* (after line 18 on page 25), the following subsection:

- “(1A) A retailer of tobacco products must not expose a tobacco product for sale inside the retailer’s place of business unless its exposure—
- “(i) complies with this section; and
 - “(ii) complies with any regulations for the time being in force under **section 39(1)(ia)**.

Clause 10

To insert, after *subclause (1)* (after line 26 on page 37), the following subclause:

- (1A) Section 36 of the principal Act is amended by inserting, after subsection (1), the following subsection:
- “(1A) A retailer of tobacco products who, without reasonable excuse, exposes a tobacco product for sale inside the retailer’s place of business otherwise than in compliance with

section 23A commits an offence and is liable to a fine not exceeding \$10,000.”

Explanatory note

These amendments relate to the display of tobacco products in shops.

At present, the principal Act assumes that the “exposure for sale” of a tobacco product in a retail shop is the publication of a “tobacco product advertisement”. So section 22(1) prohibits the publication of tobacco product advertisements, but is subject to an exception stated in section 23(1)(a), which allows the exposure of a tobacco product for sale inside a retailer’s place of business so long as the product is not visible from outside the place.

Clauses 8 and 8A of the Bill have the effect of linking this exception to much more detailed requirements for the display of tobacco products in shops.

The amendments in this Supplementary Order Paper now have the effect that the display of tobacco products in shops is not to be treated as an exception to the prohibition of the publication of tobacco product advertisements. Instead—

- there is inserted into proposed *new section 23A* a *new subsection (1A)*, which directly prohibits the exposure of tobacco products for sale inside a retailer’s place of business otherwise than in compliance with the requirements of that section; and
 - there is inserted into *clause 10* a new subclause, which in turn inserts into section 36 of the principal Act a new subsection making it an offence (subject to the same penalty at present applicable to the unlawful publication of tobacco product advertisements) to contravene the *new section 23A(1A)*; and
 - consequentially, the exception stated in section 23(1)(a) of the principal Act is, by the replacement of *clause 8* with a redrafted clause, repealed.
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