

## Public Health Amendment (Juvenile Smoking) Bill 2002

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

The object of this Bill is to amend the *Public Health Act 1991* to create certain offences aimed at reducing the use of tobacco products and non-tobacco smoking products by persons under the age of 18 years.

#### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** is a formal provision giving effect to the amendments to the *Public Health Act 1991* set out in Schedule 1.

### Schedule 1 Amendments

**Schedule 1 [1]** inserts new sections 58 and 58A into the principal Act. Section 58 creates an offence for a person under the age of 18 years (a minor) to smoke a tobacco product or non-tobacco smoking product, or to purchase such a product from premises where such products are sold. A good behaviour bond (or a community service order or fine) may be imposed for a first such offence, and a community service order or fine for a second or subsequent such offence.

Section 58 also creates an offence for a person to send a minor to premises where tobacco products or non-tobacco smoking products are sold for the purpose of purchasing any such product.

Section 58A creates an offence for a person to purchase a tobacco product or non-tobacco smoking product on behalf of a minor from premises where such products are sold. A defence is provided to a person prosecuted under section 58A if the minor was over the age of 14 years and had produced to the defendant documentary evidence that might reasonably be accepted as proving that the minor was at least 18 years of age.

**Schedule 1 [2]** removes two provisions, consequential on the amendments made by Schedule 1 [3] and [4].

**Schedule 1 [3]** restates more simply an existing provision concerning evidence of age and relates it also to the defence created by proposed section 58A (2).

**Schedule 1 [4]** creates an offence for a minor to produce false evidence of the minor's age to any person in order to purchase any tobacco product or non-tobacco smoking product. Schedule 1 [4] also relocates an existing provision concerning confiscation of proof of age cards and removes a surplus reference from that provision.