

Public Health Amendment (Smoking in Vehicles) Bill 1999

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 prohibit the smoking of tobacco in motor vehicles in which persons under the age of 18 years are present. A consequential amendment is made to the *Fines Act 1996*.

Outline of provisions

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

Clause 2 provides that the proposed Act is to commence 30 days after the date of assent, unless an earlier commencement date is proclaimed.

Clause 3 is a formal provision that gives effect to the Schedule amending the *Public Health Act 1991*.

Clause 4 makes a consequential amendment to the *Fines Act 1996*.

Schedule 1

The Schedule inserts a new Part, Part 6A (Smoking in motor vehicles), into the Principal Act.

The Part contains the following proposed sections:

Proposed section 61Q defines the terms *motor vehicle* and *tobacco* used in the Part.

Proposed section 61R makes it an offence for a person to smoke tobacco in a motor vehicle in which a person under the age of 18 years is present. The offence may occur only if the motor vehicle is on a road or road related area. It is a defence to a prosecution for an offence under the section that the defendant believed, on reasonable grounds, that no person in the motor vehicle was under 18 years of age. The section does not apply to the driver of a bus providing a public passenger service if the driver smokes in a driving cabin that is separated from the area in which the passengers travel.

Proposed section 61S provides that a police officer may serve a penalty notice on a person for an offence under section 61R.