

TASMANIA

PUBLIC HEALTH AMENDMENT (TOBACCO-FREE GENERATION) BILL 2014

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PUBLIC HEALTH AMENDMENT (TOBACCO-FREE GENERATION) BILL 2014

(Brought in by the Honourable Ivan Dean)

A BILL FOR

An Act to amend the *Public Health Act 1997*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Public Health Amendment (Tobacco-free Generation) Act 2014*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Public Health Act 1997** is referred to as the Principal Act.

*No. 86 of 1997

4. Part 4, Division 1B inserted

After section 67H of the Principal Act, the following Division is inserted in Part 4:

Division 1B – Tobacco-free generation

67I. Interpretation of this Division

In this Division –

member of the tobacco-free generation means a person born on or after 1 January 2000.

67J. Sale of cigarettes, &c., to member of tobacco-free generation

- (1) A person must not sell, or offer to sell, any tobacco product to a member of the tobacco-free generation.

Penalty: Fine not exceeding –

- (a) for a first offence, 50 penalty units; and
(b) for a subsequent offence, 100 penalty units.

- (2) A person who is the holder of a tobacco seller's licence must not permit the sale, loan, gift or supply of any tobacco product to a member of the tobacco-free generation.

Penalty: Fine not exceeding –

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- (a) for a first offence, 50 penalty units; and
 - (b) for a subsequent offence, 100 penalty units.
- (3) In any proceedings for an offence by a person under subsection (1) or (2) in relation to a member of the tobacco-free generation, it is a defence for the person to prove that proof of age was provided to the person by the member of the tobacco-free generation.
- (4) Subsections (1) and (2) do not apply to a person who has taken reasonable steps to prevent the supply of tobacco products to members of the tobacco-free generation.
- (5) A person in charge of any premises from which any tobacco product is sold must provide to persons employed at the premises information according to the relevant guidelines about the sale and supply from such premises of tobacco products to members of the tobacco-free generation.

Penalty: Fine not exceeding 5 penalty units.

- (6) An allegation in proceedings for an offence under this section that on a specified date a person was a member of the tobacco-free generation is evidence of that fact.

67K. False proof of age to tobacco sellers, &c., must not be provided

A member of the tobacco-free generation who attempts to purchase a tobacco product from premises must not purport to provide, to the person from whom the member attempts to purchase the tobacco product, proof of age to that person if the member knows, or ought reasonably be expected to know, that the purported proof of age is false.

Penalty: Fine not exceeding 10 penalty units.

67L. Review of this Division

- (1) The Director is to conduct by 30 July 2021 a first review, and by 30 July 2025 a second review, as to whether this Division is operating effectively and efficiently so as to discourage or prevent the consumption of tobacco products by members of the tobacco-free generation.
- (2) The Director is to –
 - (a) submit to the Minister, by 1 December 2021, a report in relation to the first review; and
 - (b) submit to the Minister, by 1 December 2025, a report in relation to the second review.

- (3) A report may contain recommendations as to whether, and the manner in which, this Division may be amended so as to increase the effective and efficient operation of this Division.
- (4) The Minister is to cause a report submitted to the Minister under this section to be tabled in both Houses of Parliament within 10 sitting-days after the report is submitted to the Minister.

5. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.