

Explanatory Statement

TOBACCO CONTROL AMENDMENT BILL 2018

SERIAL NO. 56

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

MINISTER FOR HEALTH

EXPLANATORY STATEMENT

GENERAL OUTLINE

This Bill amends the *Tobacco Control Act* and the *Tobacco Control Regulations*.

The Bill regulates the sale, supply, promotion and use of e-cigarettes and e-cigarette accessories, heat not burn and heat not burn accessories and similar devices and treats them as conventional tobacco products; implements a 10 metre smoke free buffer from the boundary and entry area of community events and community facilities; prohibits employees under the age of 18 from selling tobacco products in retail outlets and prohibits cigarette vending machines (currently restricted for use in licensed premises only) from outlets that allow under 18 year olds on premises.

NOTES ON CLAUSES

Part 1 Preliminary matters

Clause 1 Short title

This is a formal clause which provides for the citation of the Bill. The Bill, when assented to, will be cited as the *Tobacco Control Legislation Amendment Act 2018* (the Act).

Clause 2 Commencement

This clause provides the Act will commence on the date fixed by the Administrator. The commencement date will be published by **Gazette** notice.

Part 2 Amendment to Tobacco Control Act

Clause 3 Act amended

This clause provides for amendments to the Act

Clause 4 Section 4A inserted

This clause inserts a new section in the Act to identify electronic cigarettes and electronic cigarette accessories as if they were tobacco products.

Clause 5 Section 5 amended (Definitions)

This clause inserts definitions of electronic cigarettes; electronic cigarette accessories; entry and boundary area and vaping.

Clause 6 Section 7 amended (Smoke-free area)

This clause provides for smoke free area at educational facility entry and boundary area of the facility

This clause includes a new smoke free area as the entry and boundary area of a community event or community facility prescribed by the Regulations.

Clause 7 Section 26 amended (Vending machine restrictions)

This clause amends Section 26 to restrict cigarette vending machines to be located in a child free area of liquor licensed premises.

Clause 8 Part 5 heading amended (Sale or supply to children)

This clause amends the Part 5 heading to read Sale by children and sale to children prohibited.

Clause 9 Section 42 amended (Sale to children prohibited)

This clause removes offences by children to sell and obtain cigarettes that now overlap with new Section 42A.

Clause 10 Section 42A inserted

This clause inserts a new section in the Act to exclude a child employee from selling tobacco products and provided for penalties for the employer of the child.

Part 3 Amendment of Tobacco Control Regulations

Clause 11 Regulations amended

This clause provides for amendments to the Regulations.

Clause 12 Regulation 5A inserted

This clause inserts a schedule of prescribed community events and community facilities where a smoke free area can be observed at the entry and boundary area of the event or facility.

Clause 13 Regulation 6 amended (Form of signs)

This clause provides for a no smoking sign to be display at the smoke free area at the entry or boundary area of the event or facility. The sign to include the wording "within 10 metres of the entry or boundary".

Clause 14 Regulation 27 amended (When infringement notice may be served)

This clause amends the reference for the existing infringement notice schedule to be Schedule 2.

Clause 15 Regulation 28 amended (Prescribed amount)

This clause amends the reference for the existing infringement notice schedule to be Schedule 2

Clause 16 Schedule 1 inserted

This clause describes the community events and community facilities that will be subject to the smoke-free entry and boundary area.

Clause 17 Schedule amended (Infringement notices prescribed offences and amounts)

This clause amends the name of the existing infringement notice schedule to Schedule 2.

This clause further removes an obsolete penalty from Schedule 2.

Part 4 Repeal of Act

Clause 18 Repeal of Act

This is a formal clause which provides for the repeal of the Act on the day after it commences.