

# Road Traffic (Smoking in Motor Vehicles) Amendment Bill 2006

## Explanatory Memorandum

*(Introduced by Hon Dr Kim Hames MLA)*

### Part 1 – Preliminary

#### Clause 1 Short Title

Provides for the Act to be cited as the *Road Traffic (Smoking in Motor Vehicles) Amendment Bill 2006*.

#### Clause 2 Commencement

Provides for this Act to come into operation on a day fixed by proclamation.

### Part 2 – Amendment of *Road Traffic Act 1994*

#### Clause 3 The Act amended

Provides that amendments in this Part are to the *Road Traffic Act 1994*.

#### Clause 4 Section 62B inserted

Adds section 62B to the *Road Traffic Act 1994*.

**Section 62B(1)** makes it an offence, punishable by a penalty of 2 penalty units, for a person to smoke inside a motor vehicle, whether in motion or at rest, when any other person inside the motor vehicle has not yet attained the minimum age of 17 years.

The object of the provision is to prohibit persons inside motor vehicles from exposing young people, who do not have the practical ability to organise their own alternative transport, to second-hand smoke. Therefore, the minimum age of the person exposed to the second-hand smoke under the offence created by section 62B(1) coincides with the minimum age for a person to obtain a driver's licence under the *Road Traffic Act 1994*.

Given that the object of the provision is to improve health by limiting the exposure of young people to second-hand smoke, the provision applies to any person smoking in the motor vehicle and not only the driver and whether or not the motor vehicle is in motion.

**Section 62B(2)** defines 'smoke' for the purpose of the offence under section 62B(1) consistently with the definition of 'smoke' under section 289E of the *Health Act 1911* for the purpose of the second-hand smoke provisions under the *Health Act* in respect of public places.