

TOBACCO PRODUCTS CONTROL AMENDMENT BILL 2008 (EM017)

(Introduced by Dr Janet Woollard MLA)

EXPLANATORY MEMORANDUM

Smoking is Western Australia's largest preventable cause of death and disease, causing over 1400 deaths annually and costing the State \$2.4bn a year. Both major parties have supported legislation to control supply and use of tobacco, but other States are now more advanced. This Bill will enable Western Australian legislation to be more in line with best practice legislation. Tobacco control issues addressed in other States include -

- Smoking prohibited in cars if child is present: legislation passed in South Australia, Tasmania, New South Wales and Queensland;
- Point-of-sale tobacco advertising through product displays, restricted in all States; prohibiting legislation passed in New South Wales and Tasmania;
- Smoking in outdoor locations such as al fresco areas, beaches and children's playgrounds, sport and play areas prohibited in Queensland, and by many local governments around Australia.

In Western Australia, Fremantle, Cockburn, Rockingham, City of Perth, Vincent and Joondalup have introduced or announced restrictions on smoking in public places, including al fresco areas, and other local governments are considering similar approaches.

This bill amends the *Tobacco Products Control Act 2006* to -

- prohibit smoking in cars if a young person (as defined in the principal Act) is present;
- prohibit the display of tobacco products at point of sale;
- prohibit smoking in al fresco areas, outdoor playing areas and safe swimming areas.

Clause 1 Short title.

Clause 2 Commencement clause - this clause provides that -

- (a) sections 1 and 2 come into effect when the Act receives the Royal Assent;
- (b) the rest of the Act comes into operation within 6 months after sections 1 and 2 receive the Royal Assent.

Clause 3 Identifies the principal Act to be amended.

Clause 4 Introduces new definitions into the principal Act.

Clause 5 Prohibits the display of tobacco products at point of sale.

Clause 6 By way of inserting new sections 106A to 106D into the principal Act, prohibits smoking in:

- Passenger cars in which young persons (as defined in the principal Act) are present (new section 106A)
- Outdoor eating or drinking places (new section 106B)
- Outdoor playing areas (new section 106C)
- Safe swimming areas (new section 106D)

Clause 7 Makes amendments to the penalties provisions in the principal Act.