

2008

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

TOBACCO AMENDMENT BILL 2008

GOVERNMENT AMENDMENTS

SUPPLEMENTARY EXPLANATORY STATEMENT

Presented by
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Minister for Health

Tobacco Amendment Bill 2008

This supplementary explanatory statement relates to the government amendments moved by the Minister for Health.

Overview

There are two sets of amendments proposed.

The first set amends provisions related to the repeal of provisions that allowed expired retail tobacconist's licences to be revived. The dates of a transitional provision are required to be amended to coincide with the start of a new licence period.

The second amendments will amend the Bill to provide for the transitioning of the ban on point of sale displays. Point of sale displays will end for most tobacco licensees on 31 December 2009. For tobacco licensees whose main business is the retail sale of tobacco products, point of sale displays will end on 31 December 2010.

Detail of amendments

Amendment 1

Clause 2 of the Bill is to be amended to provide for the commencement of four sections the day after the Bill is notified. These provisions relate to the repeal of provisions that allowed expired retail tobacconist's licences to be revived. It is proposed these clauses be commenced to coincide with the start of the new licensing period commencing on 1 September 2008.

Amendments 2 to 4

The Bill has a transitional provision at clause 22 that was inserted to preserve for a period of time section 52 of the Act (revival of licences) after its repeal. The provision had been originally drafted on the basis that it would take effect during the licence period 1 September 2007 to 31 August 2008.

As the Bill is being debated very close to the start of a new licence period, clause 22 is proposed to be amended so that for persons who were the holder of a retail tobacconist's licence that expired on 31 August 2008, that right to section 52 continues. **Amendment 3** provides that the repealed section 52 will continue to apply to 30 November 2008. This will give licensees time to submit any overdue licence applications. **Amendment 4** provides that clause 22 expires on 30 November 2008. The section will then be removed from the *Tobacco Act 1927*.

Amendment 5

This amendment inserts a transitional provision for point of sale displays.

Tobacco licensees whose main business is the selling of smoking products and their premises are not part of other premises are proposed to be classified as "specialist tobacconists". Specialist tobacconists will be required to place their displays out of sight from 31 December 2010. On 31 December 2009 tobacco

licensees whose main business is not the selling of smoking products, for example, supermarkets, etc, ("Standard tobacconists") will be required to place their displays out of sight.

The transitional provision has the effect of suspending the application of the point of sale amendments until the relevant date for each category of tobacconists. The sections affected are:

- (a) section 4 (Meaning of *price ticket*);
- (b) part 2 (Points of sale), other than section 8 (Numbers of points of sale);
- (c) section 20 (Display of smoking products);
- (d) section 23 (Prohibited smoking advertising);
- (e) section 24 (Removal of smoking advertisements);
- (f) section 56 (Disciplinary action—general);
- (g) the dictionary, definition of price ticket.

The reason section 8 is excluded from the transitional provision is because it is a provision that currently applies in the Act (section 21). The Bill proposes that this be moved to new Part 2, Points of Sale, where it was more appropriate for it to be located. It is currently in Part 3, Supply of smoking products.