Australian Capital Territory

Tobacco (Compliance Testing Procedures) Approval 2014 (No 1)

Disallowable instrument DI2014–308

made under the

Tobacco Act 1927, s42D (Approval of compliance testing procedures)

EXPLANATORY STATEMENT

Section 42D (1) of the *Tobacco Act 1927* (the Act) provides that the Minister may approve procedures for carrying out an approved program of compliance testing. The procedures are a disallowable instrument.

Compliance testing is a strategy to test the compliance of tobacco sellers in relation to section 14 (Supply of smoking products to under 18 year olds) of the Act. It involves a trained young person (a purchase assistant) under the supervision of an authorised officer attempting to purchase cigarettes or other tobacco products from the seller.

The procedures stipulate that before a young person can be used as a purchase assistant, the authorised officer must have obtained in writing the informed consent of the young person and at least one of the person(s) with parental responsibility for the young person, as defined in the *Children and Young People Act 2008.*

These procedures replace procedures approved in 2011 (DI2011-194). The procedures were reviewed to take into account issues that arose in the course of the Office of Regulatory Services conducting compliance testing in late 2012 and early 2013. An evaluation of the program indicated changes that could be made to the procedures. The procedures now outline those matters excluded from an approved compliance testing program and rewrites some unnecessarily prescriptive provisions. For example, Appendix 4 (Agreement Form) of the previous procedures has been combined with the Consent Form.

The definition of agency has been amended to refer to the Registrations and Fair Trading Unit of the Office of Regulatory Services. Previously the agency was defined as the Office of Regulatory Services. This change will allow a young person, who is the relative of a person employed by the Office of Regulatory Services but not assigned to the Unit, to volunteer as a purchase assistant.