

# **Tobacco Sale Restrictions (Smokefree Generations) Bill 2023**

## **Explanatory Memorandum/statement of compatibility with human rights**

### **Outline**

### **A Bill for an Act to create smokefree generations, and for related purposes**

- All people born on or after January 1, 2009, will be permanently disallowed from purchasing tobacco products, or being given tobacco products in public.
- This law makes it an offence for a person to sell a tobacco product to a person born on or after the above date.
- This law makes it an offence for a person to, after having sold tobacco product to a person of any age, deliver that product to a person born on or after the above date.
- This law makes it an offence to supply a person born after the above date with a tobacco product in a public place. It also makes it an offence to supply a tobacco product to a person with the intention that it will then be supplied (directly or indirectly) to a person born after the above date.
- This law does not make it an offence to supply a tobacco product to a person born after the above date in a private setting.
- This will create generations of Australians known as the ‘smokefree generations’ who are not allowed to purchase tobacco products, and will subsequently raise the general physical health of these generations.

**Date of effect:** The day after this Bill receives Presidential Assent. In practice, this Bill will have a noticeable impact from January 1, 2027, which is when those born on January 1, 2009 otherwise would have been able to legally purchase tobacco products.

**Financial Impact:** The proposed Bill will have no financial impact until January 1, 2027, from which tobacco excises may reduce.

**Human rights implication:** This bill does not raise any human rights issues.

### **Statement of Compatibility with Human Rights**

Prepared in accordance with part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

This bill is compatible with human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

### **Human Rights Implications:**

This bill does not engage in any of the applicable rights or freedoms.

### **Conclusion**

This bill is compatible with human rights because it does not otherwise raise any human rights or freedom issues.