

2023

The Parliament of the
Commonwealth of Australia¹

HOUSE OF REPRESENTATIVES

*(Introduced by Hon. Model-Forza OAM)
(Authored by Hon. Model-Forza OAM and barelycentrist)*

Presented and read a first time

Child Health and Safety (Energy Drinks) Bill 2023

No. , 2023

**A Bill for an Act to raise the legal age of energy drink
purchase to sixteen and for related purposes**

¹ This publication is a part of AustraliaSim (r/AustraliaSim), a reddit based simulation of Australian politics. This has no connection with the Australian Government, nor intends to imply such a connection.

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A Bill for an Act to raise the legal age of energy drink purchase to sixteen and for related purposes

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act is the *Child Health and Safety (Energy Drinks) Act 2023*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Presidential Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 Simplified Outline of the Act

The Act prohibits the sale of energy drinks directly to children.

It sets out due diligence rules that must be followed when energy drinks are being purchased or sold.

Penalties for offences for first time offenders are purely monetary, with imprisonment only considered for serial offenders (more than five convicted offences).

Schedule 1—Enactment

Part 2—Definitions and Interpretation

4 Definitions

In this Act:

energy drink is a drink focused on quickly stimulating the mind and body through the use of Caffeine and/or Guarana.

parent is a legal guardian to a child.

child is a person who is below the age of sixteen.

adult is a person who is at the age of eighteen or above.

legal age is sixteen or over.

Part 3—Enforcement and Offences

5 Enforcement

- (1) Valid ID must be presented at point of purchase. When checking an ID, a person must reasonably ensure:
 - (a) the ID is not fake; and
 - (b) the ID belongs to the person purchasing the energy drink; and
 - (c) the ID states on the day of purchase, the person purchasing the drink is of legal age; and
 - (d) any persons or parents purchasing the energy drink on behalf of a child are an adult.
- (2) No part of this act prohibits or criminalises allowing a child to consume an energy drink on private property and under the supervision of an adult or parent.

6 Offence

- (1) A person commits an offence if through failure to follow Section 5(1) they sell an energy drink to a child.
- (2) Subsection (1)(d) of Section 5 does not apply if the child is not reasonably with the parent or adult at the time of purchase. In this case, an offence has not been committed.
- (3) The penalty for an offence as defined in Section 6(1) shall be accumulative. For the first individual offence, the monetary penalty is to be applied once per infringement. If the same individual reoffends, the monetary penalty is to be multiplied by the number of offences the offender has committed, up until ten offences.
- (4) Imprisonment as a penalty may only be considered when an individual has committed an offence more than five times.

Penalty: Imprisonment for 3 months and/or 25 penalty units.

Part 4—Miscellaneous

7 Regulations

- (1) The Minister, by Legislative Instrument, may from time to time set out additional beverages to be specifically defined as an energy drink in addition to what is defined in this Act.