

SMOKING (PUBLIC HEALTH)(AMENDMENT) BILL 2005

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for  
Health, Welfare and Food

Clause

Amendment Proposed

11

By deleting paragraph (b) and substituting -

"(b) by repealing subsection (3) and substituting -

"(3) Any manufacturer of tobacco products or his agent, or any wholesale distributor of tobacco products, who sells, offers for sale or possesses for the purpose of sale any tobacco product to which section 8 or 9 applies commits an offence if any packaging of the product (including any packet, retail container, wrapping, and any label attached to or printed on the packaging or the product) -

(a) bears any term,  
descriptor, trademark,  
figurative or any other  
sign that is likely to  
create an erroneous  
impression that the

product is less harmful to health than other tobacco products the packaging of which does not bear such term, descriptor, trademark, figurative or sign; or

- (b) promotes the product by any other means that is false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions.

(4) A person who commits an offence under subsection (3) is liable on summary conviction to a fine at level 5."."

19 By deleting the clause and substituting -

**"19. Regulations and Orders**

Section 18 is amended -

- (a) by repealing subsection (2) and substituting -

"(2) Subject to the regulations, the Secretary may by

order in the Gazette prescribe all or any of the following matters -

(a) the form (including specifications) of -

(i) any notice

that

smoking is

prohibited;

(ii) any health

warning;

and

(iii) any

indication

of tar and

nicotine

yields;

~~(iv) any~~

~~notation;~~

(b) the manner in which

any of the matters

referred to in

paragraph (a) is to

be displayed.";

(b) by repealing subsection (2)(a)(i)

(as substituted by paragraph (a) of

this section).".