

Tobacco and Other Smoking Products Amendment Bill 2023

Statement of Compatibility

for

Amendments to be Moved During Consideration in Detail by The Honourable Shannon Fentiman MP, Minister for Health, Mental Health and Ambulance Services and Minister for Women

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, the Honourable Shannon Fentiman, Minister for Health, Mental Health and Ambulance Services and Minister for Women, make this statement of compatibility with respect to amendments to be moved in consideration in detail to the Tobacco and Other Smoking Products Amendment Bill 2023.

In my opinion, the amendments are compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Amendments

The amendments will correct two drafting errors identified in the Bill.

Clause 40 of the Bill amends section 26Y of the *Tobacco and Other Smoking Products Act 1998*. Clause 40(4) makes a technical amendment to section 26Y(2), to replace the words ‘a direction to stop the contravention’ with ‘the direction’. This will simplify the Act. However, due to a drafting error, the word ‘the’ before the word ‘contravention’ was not included in the words to be replaced.

The amendment will correct this drafting error, by including the missing word within the words to be omitted from the provision.

Clause 47 amends section 26ZKD of the Act. Clause 47(3) omits section 26ZKD(2) and replaces it with an expanded subsection (2). This will ensure the existing no-smoking buffer zone around an under-age sporting event also applies to an organised children’s activity. However, due to a drafting error, the existing penalty (of 20 penalty units) for contravening subsection (2) was not included in the replacement subsection (2).

The amendment will correct this drafting error, by including the penalty in the replacement provision.

Human Rights Issues

Human rights relevant to the Amendments (Part 2, Division 2 and 3 *Human Rights Act 2019*)

There are no human rights implications related to these amendments as they are technical in nature.

Conclusion

In my opinion, the Tobacco and Other Smoking Products Amendment Bill 2023 is compatible with human rights under the *Human Rights Act 2019* because it does not limit a human right.

SHANNON FENTIMAN MP
MINISTER FOR HEALTH, MENTAL HEALTH AND AMBULANCE SERVICES
AND MINISTER FOR WOMEN

© The State of Queensland 2023