

Question on Notice
No. 1098
Asked on 28 September 2004

MR COPELAND asked the Minister for Health (MR NUTTALL):

QUESTION:

With reference to the *Tobacco and Other Smoking Products Act 1998* –

- (1) For each penalty provision of the Act, what is the breakdown of all convictions, penalties and fines handed down as per the relevant section of the Act, for the last two financial years and for the year to date?
- (2) For (1), how many have received the maximum penalty, for each of the last two financial years and for the year to date?

ANSWER:

Since July 2002, there have been 8 convictions under the *Tobacco and Other Smoking Products Act 1998*. 567 Infringement Notices (on-the-spot fines) have been issued.

Information on each conviction is as follows –

- 17 December 2003, a retailer - breach of s9A(1) a retailer must conduct employee training, and breach of s11(1) a retailer must ensure that employees don't sell a tobacco product to child (\$500)
- 23 December 2003, an employee - breach of s12(2) an employee must not sell a tobacco product to a child (\$200)
- 10 May 2004, an adult - breach of s19(1) an adult must not give tobacco products to a child (fine \$200)
- 10 May 2004, an adult - breach of s19(1) an adult must not give tobacco products to a child (fine \$200)
- 24 May 2004, a retailer - breach of s26L supply of an object that promotes a tobacco product (fine \$600)
- 15 July 2004, a retailer - breach of s10(1) a retailer must not sell a tobacco product to a child (fine \$400)
- 26 July 2004, a retailer - breach of s9A(1) a retailer must conduct employee training, and breach of s11(1) a retailer must ensure that employees don't sell a tobacco product to a child (fine \$400)
- 19 August 2004, licensee - breach of s26S a licensee must display a no smoking sign (fine \$100).

None of these convictions received the maximum penalty from the Magistrate.

The breakdown for the 567 Infringement Notices is -

- 172 fines for s26A - having illegal retail tobacco advertising and product displays (\$150 each)
- 159 fines for s26I(1) - failure to display quit smoking sign (\$75 each)

- 74 fines for s20(1) - failure to display sales to minors prohibition sign (\$75 each)
- 57 fines for 44E(1) - failure show written evidence of employee training (\$150 each)
- 44 fines for s26S - failure to display no smoking sign (\$75 each)
- 24 fines for s15(1) - tobacco vending machine in illegal location (\$150 each)
- 17 fines for s15A - failure to conduct employee training about child access to tobacco vending machines (\$150 each)
- 11 fines for s9A(1) - failure to conduct employee training about not selling tobacco products to children (\$150 each)
- 8 fines for s21 - failure to display sales to minors prohibition sign on vending machine (\$75 each)
- 1 fine for s23 - selling loose tobacco in a quantity less than 25grams (\$150).

All of the Infringement Notices involved their maximum penalty \$75 or \$150.