



New South Wales

# Smoke-free Environment Amendment (Motor Vehicle Prohibition) Bill 2005

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Smoke-free Environment Act 2000* (the *Principal Act*) to prohibit smoking in motor vehicles (maximum penalty: 5 penalty units or \$550).

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** is a formal provision that gives effect to the amendments to the Principal Act set out in Schedule 1.

## Schedule 1 Amendments

**Schedule 1 [1]** inserts a definition of *motor vehicle* into the Principal Act.

**Schedule 1 [2]** inserts proposed Part 1A into the Principal Act, having the effect described above in the overview.

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**Schedule 1 [3] and [4]** contain consequential amendments.



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New South Wales

# Smoke-free Environment Amendment (Motor Vehicle Prohibition) Bill 2005

No. , 2005

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## **A Bill for**

An Act to amend the *Smoke-free Environment Act 2000* to prohibit smoking in motor vehicles.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Smoke-free Environment Amendment (Motor Vehicle Prohibition) Act 2005</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent.	6
<b>3 Amendment of Smoke-free Environment Act 2000 No 69</b>	7
The <i>Smoke-free Environment Act 2000</i> is amended as set out in Schedule 1.	8 9

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<b>Schedule 1</b>	<b>Amendments</b>	1
	(Section 3)	2
<b>[1]</b>	<b>Section 4 Definitions</b>	3
	Insert in alphabetical order:	4
	<i>motor vehicle</i> has the same meaning as it has in the <i>Road Transport (General) Act 1999</i> .	5 6
<b>[2]</b>	<b>Part 1A</b>	7
	Insert after Part 1:	8
	<b>Part 1A Prohibition on smoking in motor vehicles</b>	9
	<b>5A Offence of smoking in motor vehicle</b>	10
	A person must not smoke in a motor vehicle at any time.	11
	Maximum penalty: 5 penalty units.	12
<b>[3]</b>	<b>Section 21A Compensation not payable</b>	13
	Insert “or the <i>Smoke-free Environment Amendment (Motor Vehicle Prohibition) Act 2005</i> ” after “ <i>Smoke-free Environment Amendment Act 2004</i> ” in section 21A (1) (a).	14 15 16
<b>[4]</b>	<b>Schedule 2 Savings, transitional and other provisions</b>	17
	Insert at the end of clause 1 (1):	18
	<i>Smoke-free Environment Amendment (Motor Vehicle Prohibition) Act 2005</i>	19 20