



New South Wales

Public Health Amendment (Juvenile Smoking) Bill 2002 (No 2)

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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments.



New South Wales

Public Health Amendment (Juvenile Smoking) Bill 2002 (No 2)

Act No , 2002

An Act to amend the *Public Health Act 1991* with respect to the availability of tobacco products and non-tobacco smoking products to minors.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Public Health Amendment (Juvenile Smoking) Act 2002</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Public Health Act 1991 No 10	7
The <i>Public Health Act 1991</i> is amended as set out in Schedule 1.	8

Schedule 1 Amendments

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(Section 3)	3
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[1] Sections 58 and 58A	5
Insert before section 59:	6
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58 Seizure of tobacco products or non-tobacco smoking products in possession of minors	8
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(1) A police officer may seize a tobacco product or non-tobacco smoking product in the possession of a person in a public place if the officer suspects on reasonable grounds that the person is under the age of 18 years.	10
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(2) Any tobacco product or non-tobacco smoking product seized under subsection (1) is forfeited to the Crown.	14
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(3) A tobacco product or non-tobacco smoking product may be seized under subsection (1) from a person's possession even though the person is under the age of criminal responsibility.	16
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(4) The regulations may make provision for or with respect to the following:	19
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(a) the procedure to be followed as regards the seizure of tobacco products or non-tobacco smoking products under subsection (1),	21
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(b) without limiting paragraph (a), prescribing the circumstances in which, and the procedure by which, tobacco products or non-tobacco smoking products seized under this section are to be returned.	24
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58A Purchasing tobacco products or non-tobacco smoking products on behalf of minors	28
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(1) A person of or above the age of 18 years who purchases, on behalf of a person under the age of 18 years, a tobacco product or non-tobacco smoking product from premises where such products are sold is guilty of an offence.	30
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Maximum penalty: 20 penalty units.	34

(2)	It is a defence to a prosecution for an offence under this section if the court is satisfied that:	1 2
(a)	the person on whose behalf the relevant product was purchased was over the age of 14 years, and	3 4
(b)	at or before the time the relevant product was purchased there was produced to the defendant documentary evidence that might reasonably be accepted as applying to the person and as proving that the person was at least 18 years of age.	5 6 7 8 9
[2]	Section 59 Sale of tobacco products or non-tobacco smoking products to minors	10 11
	Omit section 59 (3) and (4).	12 13
[3]	Section 59AA	14
	Insert after section 59:	15 16
59AA	Evidence of age	17
	For the purposes of sections 58A (2) and 59 (2), documentary evidence includes evidence that is of a kind prescribed by the regulations for the purposes of section 117E (Reasonable evidence of age) of the <i>Liquor Act 1982</i> .	18 19 20 21
[4]	Section 60	22
	Insert after section 59A:	23 24
60	Confiscation of proof of age cards	25
	The following persons are authorised persons for the purposes of section 152A (Confiscation of proof of age cards) of the <i>Liquor Act 1982</i> :	26 27 28
(a)	any police officer,	29
(b)	any environmental health officer,	30
(c)	a person who sells tobacco products or non-tobacco smoking products and any employee of that person	31 32

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Amendments

Schedule 1

(being a person or employee of or above the age of 18 years), but only while on, or in the immediate vicinity of, the premises where the tobacco products or non-tobacco smoking products are sold. 1
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