

FIRST PRINT

**BUSINESS FRANCHISE LICENCES (TOBACCO) FURTHER
AMENDMENT BILL 1986**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Public Health (Tobacco) Amendment Bill 1986.

The object of this Bill is to enable the Chief Commissioner for Business Franchise Licences (Tobacco) to refuse or cancel a licence issued under the Business Franchise Licences (Tobacco) Act 1975 in respect of a person who is convicted of the offence of selling tobacco, including cigars and cigarettes, to a person under the age of 16 years.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on the commencement of section 4 of and Schedule 2 to the proposed Public Health (Tobacco) Amendment Act 1986.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

Schedule 1 (1) gives effect to the object of the Bill in relation to the refusal of a licence.

Schedule 1 (2) gives effect to the object of the Bill in relation to the cancellation of a licence.

**BUSINESS FRANCHISE LICENCES (TOBACCO)
FURTHER AMENDMENT BILL 1986**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 63, 1975

SCHEDULE 1—AMENDMENTS TO THE BUSINESS FRANCHISE LICENCES
(TOBACCO) ACT 1975

**BUSINESS FRANCHISE LICENCES (TOBACCO) FURTHER
AMENDMENT BILL 1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Business Franchise Licences (Tobacco) Act 1975 with respect to the refusal and cancellation of certain licences.

Business Franchise Licences (Tobacco) Further Amendment 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Business Franchise Licences (Tobacco) Further Amendment Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (3) of the Public Health (Tobacco) Amendment Act 1986.

Amendment of Act No. 63, 1975

15 3. The Business Franchise Licences (Tobacco) Act 1975 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

**20 AMENDMENTS TO THE BUSINESS FRANCHISE LICENCES
(TOBACCO) ACT 1975**

(1) Section 11 (Issue of licence)—

Section 11 (4)—

After section 11 (3A), insert:

25 (4) Without limiting any other power of the Chief Commissioner to refuse to grant a licence, the Chief Commissioner may refuse to grant a retail tobacconist's licence or a group retail tobacconist's licence where the applicant for the licence or a person who is a member of a group on behalf of whom
30 the application for the licence is made has been convicted of an offence under section 751 (1) of the Public Health Act 1902.

Business Franchise Licences (Tobacco) Further Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BUSINESS FRANCHISE LICENCES
(TOBACCO) ACT 1975—*continued*

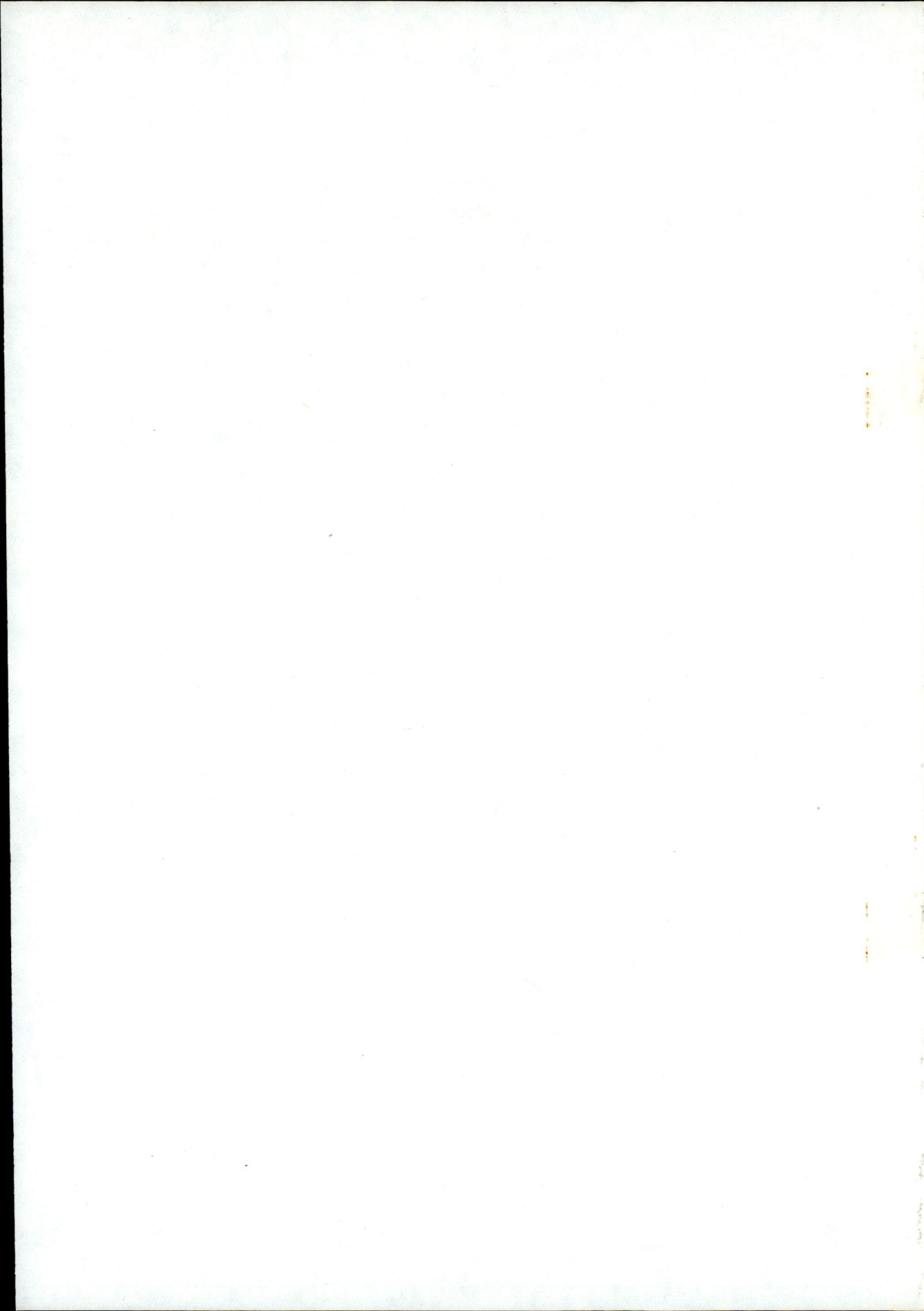
(2) Section 17 (**Surrender and termination of licences**)—

(a) Section 17 (3)—

After “licence” where firstly occurring, insert “or any member of a group in respect of which a licence is held”.

5 (b) Section 17 (3)—

10 After “regulations”, insert “, or, in the case of a retail tobacconist’s licence or a group retail tobacconist’s licence, that the holder of the licence or any member of the group in respect of which the licence is held has been convicted of an offence under section 751 (1) of the Public Health Act 1902,”.



**BUSINESS FRANCHISE LICENCES (TOBACCO) FURTHER
AMENDMENT ACT 1986 No. 165**

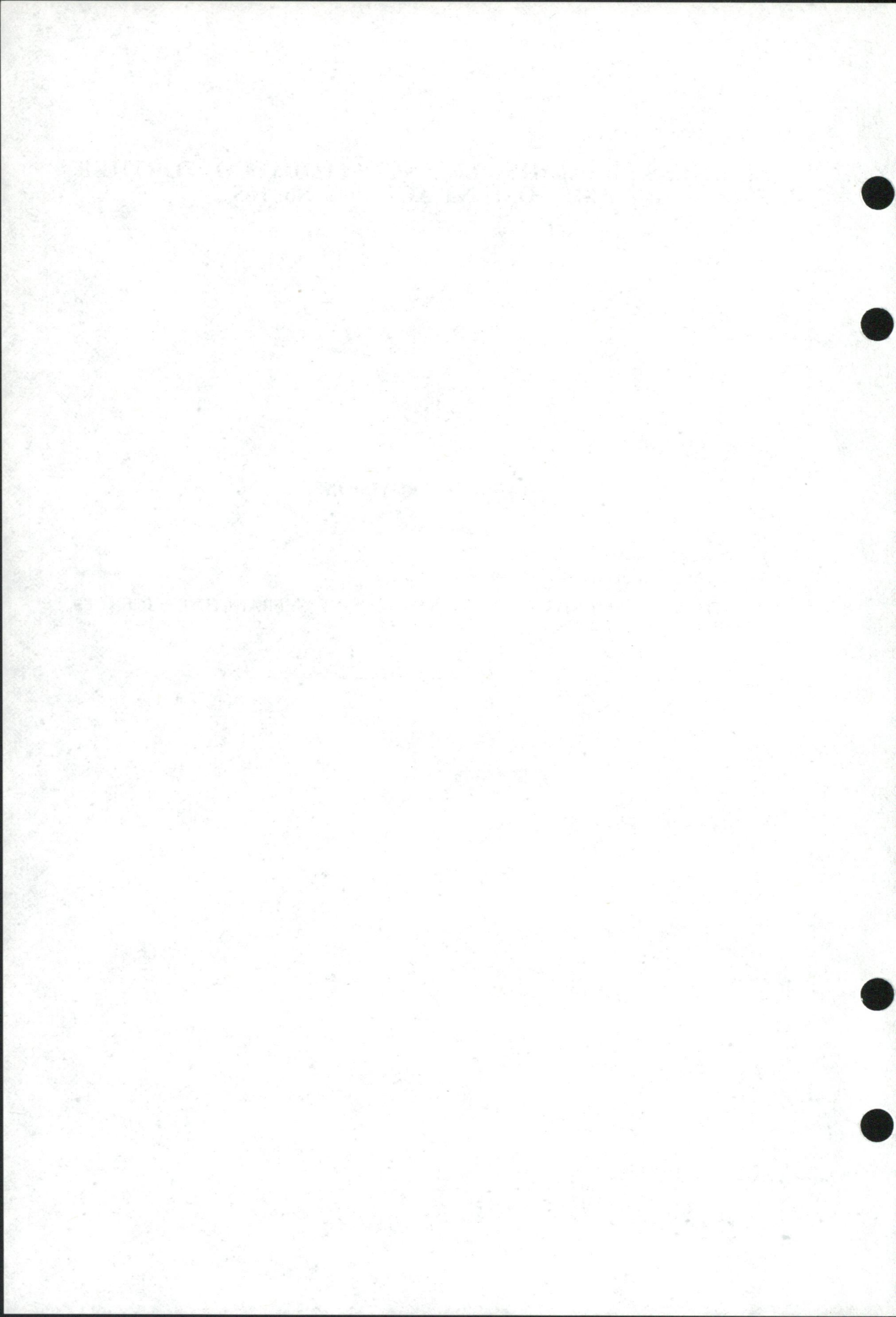
NEW SOUTH WALES



TABLE OF PROVISIONS

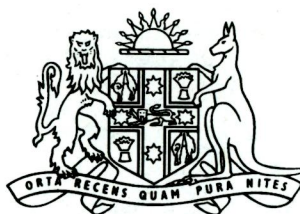
1. Short title
2. Commencement
3. Amendment of Act No. 63, 1975

**SCHEDULE 1—AMENDMENTS TO THE BUSINESS FRANCHISE LICENCES
(TOBACCO) ACT 1975**



**BUSINESS FRANCHISE LICENCES (TOBACCO) FURTHER
AMENDMENT ACT 1986 No. 165**

NEW SOUTH WALES



Act No. 165, 1986

An Act to amend the Business Franchise Licences (Tobacco) Act 1975 with respect to the refusal and cancellation of certain licences. [Assented to 17 December 1986]

Business Franchise Licences (Tobacco) Further Amendment 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Business Franchise Licences (Tobacco) Further Amendment Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (3) of the Public Health (Tobacco) Amendment Act 1986.

Amendment of Act No. 63, 1975

3. The Business Franchise Licences (Tobacco) Act 1975 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE BUSINESS FRANCHISE LICENCES
(TOBACCO) ACT 1975

(1) Section 11 (**Issue of licence**)—

Section 11 (4)—

After section 11 (3A), insert:

(4) Without limiting any other power of the Chief Commissioner to refuse to grant a licence, the Chief Commissioner may refuse to grant a retail tobacconist's licence or a group retail tobacconist's licence where the applicant for the licence or a person who is a member of a group on behalf of whom the application for the licence is made has been convicted of an offence under section 751 (1) of the Public Health Act 1902.

Business Franchise Licences (Tobacco) Further Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BUSINESS FRANCHISE LICENCES
(TOBACCO) ACT 1975—*continued*

(2) Section 17 (**Surrender and termination of licences**)—

(a) Section 17 (3)—

After “licence” where firstly occurring, insert “or any member of a group in respect of which a licence is held”.

(b) Section 17 (3)—

After “regulations”, insert “, or, in the case of a retail tobacconist’s licence or a group retail tobacconist’s licence, that the holder of the licence or any member of the group in respect of which the licence is held has been convicted of an offence under section 75(1) of the Public Health Act 1902,”.





