

FIRST PRINT

**PUBLIC HEALTH (JUVENILE SMOKING) AMENDMENT  
BILL 1986**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The Business Franchise Licences (Tobacco) (Juvenile Smoking) Amendment Bill 1986 is cognate with this Bill.

The objects of this Bill are to amend the Public Health Act 1902 to prohibit the sale of tobacco products to persons who are under the age of 16 years and to repeal the Juvenile Smoking Suppression Act 1903.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 amends the Principal Act to insert into that Act a new Part VIII<sub>A</sub>—Sale of Tobacco Products. The Part contains the following provisions:

Proposed section 75A is an interpretation provision for the purposes of the Part. It defines "tobacco product" to include cigars and cigarettes.

Proposed section 75B prohibits the sale of tobacco products to persons under the age of 16 years and imposes a maximum penalty of \$1,000. The proposed section provides a defence if the defendant proves that the person to whom the tobacco product was sold was of or above the age of 12 years and was, on reasonable grounds, believed by the defendant to be of or above the age of 16 years.

Proposed section 75C provides for the Chief Commissioner for Business Franchise Licences (Tobacco) to be notified of the conviction of a person under proposed section 75B where the person is the holder of a retail tobacconist's licence under the Business Franchise Licences (Tobacco) Act 1975 or a member of a group in respect of a group retail tobacconist's licence under that Act is held.

Proposed section 75D enables the making of regulations requiring the display of signs at places where tobacco products are sold.

Clause 4 repeals the Juvenile Smoking Suppression Act 1903.

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*Public Health (Juvenile Smoking) Amendment 1986*

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(2) It is a defence to a prosecution for an offence under subsection (1) if the defendant proves that the person to whom the tobacco product was sold was of or above the age of 12 years and was, on reasonable grounds, believed by the defendant to be of or above the age of 16 years.

**Notification of certain offences to Chief Commissioner for Business Franchise Licences (Tobacco)**

75C. Where a person, being—

(a) the holder of a retail tobacconist's licence under the Business Franchise Licences (Tobacco) Act 1975; or

(b) a member of a group in respect of which a group retail tobacconist's licence under that Act is held,

is convicted of an offence under section 75B (1), the court before which the person was convicted shall notify the Chief Commissioner for Business Franchise Licences (Tobacco) of the conviction.

**Regulations**

75D. The Governor may make regulations for or with respect to the form and contents and the display of signs at places where tobacco products are sold relating to the provisions of this Part.

**Repeal of Act No. 11, 1903**

4. The Juvenile Smoking Suppression Act 1903 is repealed.



# **PUBLIC HEALTH (JUVENILE SMOKING) AMENDMENT BILL 1986**

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## **TABLE OF PROVISIONS**

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**PUBLIC HEALTH (JUVENILE SMOKING) AMENDMENT  
BILL 1986**

NEW SOUTH WALES



No.       , 1986

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**A BILL FOR**

An Act to amend the Public Health Act 1902 with respect to the sale of tobacco products to persons under the age of 16 years and to repeal the Juvenile Smoking Suppression Act 1903.

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See also Business Franchise Licences (Tobacco) (Juvenile Smoking) Amendment Bill 1986.

*Public Health (Juvenile Smoking) Amendment 1986*

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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 "Public Health (Juvenile Smoking) 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 such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 30, 1902**

15 3. The Public Health Act 1902 is amended by inserting after Part VIII the following Part:

PART VIIIA  
JUVENILE SMOKING

**Interpretation**

20 75A. In this Part—

"tobacco product" means tobacco prepared for consumption and includes cigars, cigarettes and any mixture that contains tobacco and is intended to be consumed.

**25 Sale of tobacco products to persons under 16 prohibited**

75B. (1) A person shall not sell a tobacco product to a person who is under the age of 16 years.

Penalty: \$1,000.