

FIRST PRINT

**PUBLIC HEALTH (SALE OF TOBACCO TO JUVENILES)
AMENDMENT BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are:

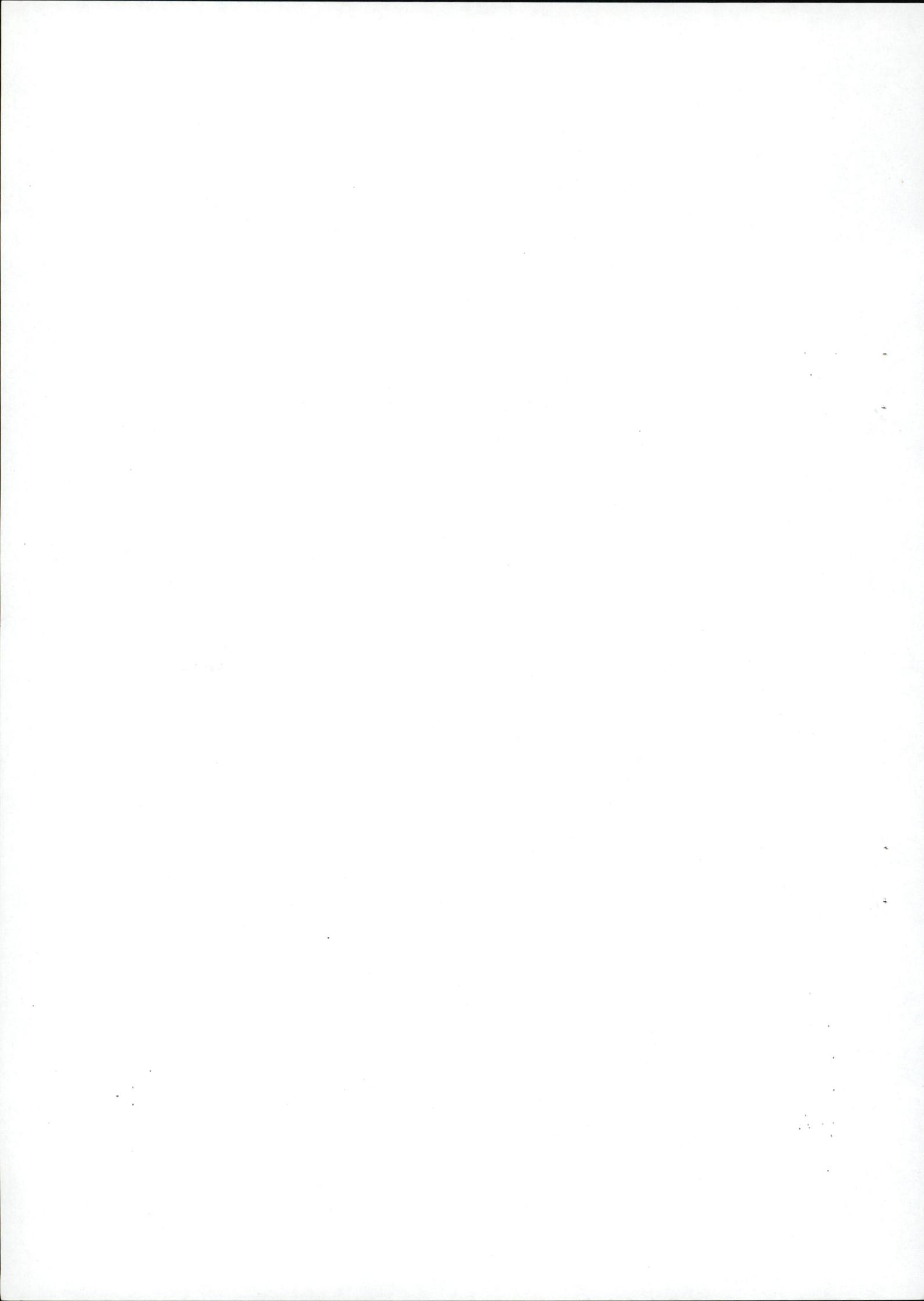
- (a) to amend the Public Health Act 1991 so as to increase the monetary penalty for the offence of selling tobacco to a person under 18 years from 50 penalty units (currently \$5,000) to 100 penalty units (currently \$10,000); and
- (b) to amend the Business Franchise Licences (Tobacco) Act 1987 so as to provide for the automatic cancellation of a tobacco retailer's licence or a group tobacco retailer's licence if the holder of the retailer's tobacco licence or a group member, in the case of a group tobacco retailer's licence, is convicted of the offence of selling tobacco to a person under 18 years and to prevent the grant of any such licence to the person convicted (or to a group of which the person convicted is a member) for a period of 6 months.

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 makes the amendment to the Public Health Act 1991 outlined above.

Clause 4 makes the amendment to the Business Franchise Licences (Tobacco) Act 1987 outlined above and provides that automatic cancellation of a licence is to apply only in respect of offences committed after the commencement of the proposed amendment.



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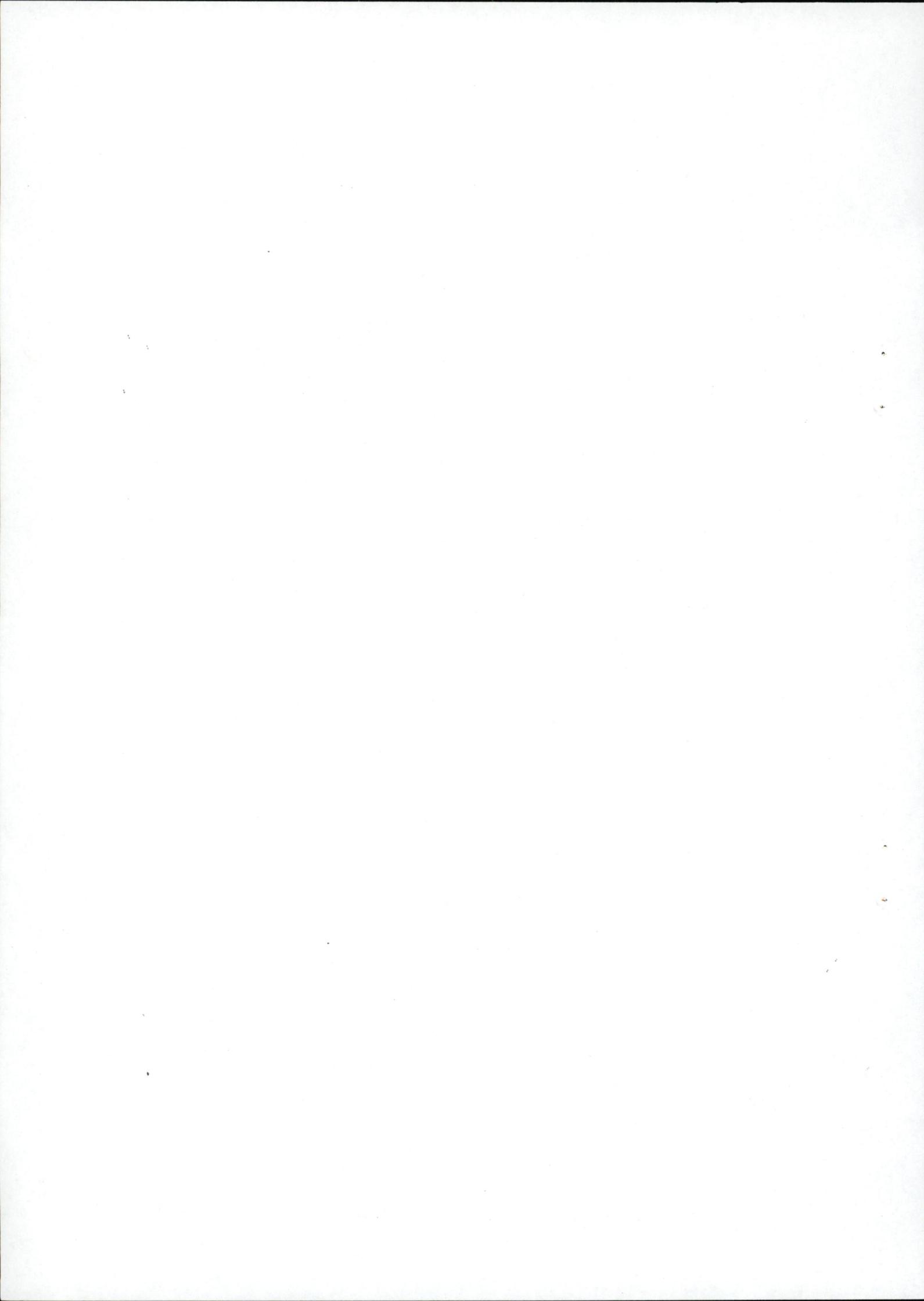
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TABLE OF PROVISIONS

1. Short title
 2. Commencement
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**PUBLIC HEALTH (SALE OF TOBACCO TO JUVENILES)
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No. , 1993

A BILL FOR

An Act to amend the Public Health Act 1991 and the Business Franchise Licences (Tobacco) Act 1987 to make further provision in relation to the offence of selling tobacco to juveniles.

Public Health (Sale of Tobacco to Juveniles) Amendment 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Public Health (Sale of Tobacco to Juveniles) Amendment Act 1993.

5 Commencement

2. This Act commences on the date of assent.

Amendment of Public Health Act 1991 No. 10, sec. 59 (Sale of tobacco to person under 18 prohibited)

3. The Public Health Act 1991 is amended by omitting from section 10 59 (1) the matter "50 penalty units" and by inserting instead the matter "100 penalty units".

Amendment of Business Franchise Licences (Tobacco) Act 1987 No. 93, sec. 50 (Cancellation of licence)

4. The Business Franchise Licences (Tobacco) Act 1987 is amended 15 by inserting at the end of section 50 the following subsections:

(2) After the commencement of the Public Health (Sale of Tobacco to Juveniles) Amendment Act 1993, the Chief Commissioner must, on being notified by a court of a conviction for an offence under section 20 59 of the Public Health Act 1991 committed by the holder of a retailer's licence or a member of a group in respect of which a group retailer's licence is held, cancel by notice served on the licensee any such licence currently held by the licensee from a date specified in the notice.

(3) Despite section 36, a retailer's licence or a group retailer's 25 licence must not be granted if, within the previous 6 months, any such licence held:

(a) in the case of an application for a retailer's licence—by the applicant; or

(b) in the case of an application for a group retailer's licence—by 30 any member of the group on behalf of which the application is made,

has been cancelled under subsection (2).

(4) Subsection (2) applies only to a conviction in respect of an 35 offence committed after the commencement of the Public Health (Sale of Tobacco to Juveniles) Amendment Act 1993.
