



New South Wales

Summary Offences Amendment (Display of Spray Paint Cans) Act 2006 No 36

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Summary Offences Amendment (Display of Spray Paint Cans) Act 2006 No 36

Act No 36, 2006

An Act to amend the *Summary Offences Act 1988* to regulate the display of spray paint cans in shops. [Assented to 31 May 2006]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Summary Offences Amendment (Display of Spray Paint Cans) Act 2006*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Summary Offences Act 1988 No 25

The *Summary Offences Act 1988* is amended as set out in Schedule 1.

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendment

(Section 3)

Section 10D

Insert after section 10C:

10D Unsecured display by retailers of spray paint cans

- (1) The occupier of any shop from which spray paint cans are sold must not display any such can in any part of the shop to which members of the public are permitted access unless the can is properly secured in accordance with subsection (2).
Maximum penalty: 10 penalty units.
- (2) A spray paint can is properly secured if it is displayed:
 - (a) in a locked cabinet, or
 - (b) within or behind a counter in such a manner that members of the public are not able to gain access to the can without the assistance of the occupier or an employee or agent of the occupier, or
 - (c) in any other manner prescribed by the regulations.
- (3) The regulations may provide that this section does not apply to or in relation to any specified class or description of spray paint can.
- (4) The Minister is to review the operation of this section as soon as possible after the period of 2 years following the date of commencement of this section.

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Schedule 1 Amendment

(5) In this section:

display includes store or keep.

occupier, in relation to a shop, means:

- (a) a person who has the right to occupy the shop to the exclusion of the owner, or
- (b) the person who is the owner of the shop if there is no person with a right to occupy the shop to the exclusion of the owner.

sell includes offer for sale or expose for sale.

shop includes any retail premises.

spray paint can means a spray can that contains spray paint.

[Second reading speech made in—
Legislative Assembly on 10 May 2006
Legislative Council on 24 May 2006]

BY AUTHORITY