

[Act 2002 No 118]



New South Wales

## Summary Offences Amendment (Spray Paint Cans) Bill 2002

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the *Summary Offences Act 1988*:

- (a) to make it an offence to sell a spray paint can to a person under the age of 18 years, and
- (b) to authorise police officers to issue penalty notices in respect of that offence.

### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation. Commencement cannot be earlier than 6 months after the date of assent.

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**Clause 3** is a formal provision giving effect to the amendments to the *Summary Offences Act 1988* set out in Schedule 1.

## **Schedule 1 Amendments**

**Schedule 1 [1]** creates the offence of selling a spray paint can to a person under the age of 18 years. There is a defence for an offender who establishes that he or she believed on reasonable grounds that the person was of or above the age of 18 years. If an employee contravenes the provision, his or her employer is taken to have contravened it also (with a defence for an employer who had no knowledge of the contravention where due diligence would not have prevented the contravention).

**Schedule 1 [2] and [3]** amend an existing provision for the issue of penalty notices to authorise the issue of penalty notices by police officers for the proposed new offence. The penalty under a penalty notice will be fixed by the regulations.