TASMANIA

PUBLIC HEALTH AMENDMENT BILL 2008

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PUBLIC HEALTH AMENDMENT BILL 2008

(Brought in by the Minister for Health, the Honourable Larissa Tahireh Giddings)

A BILL FOR

An Act to amend the Public Health Act 1997

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the Public Health Amendment Act 2008.

2. Commencement

(1) Except as provided in this section, this Act commences on the day on which this Act receives the Royal Assent.

(2) Part 3 is taken to have commenced on 16 June 2000.
PART 2 – PUBLIC HEALTH ACT 1997 AMENDED

3. Principal Act

In this Part, the Public Health Act 1997* is referred to as the Principal Act.

4. Section 14 amended (Emergency declaration)

Section 14 of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsection:

(1) The Director, by any means the Director considers appropriate, may declare that a public health emergency exists if satisfied that the situation requires it.

(b) by inserting the following subsection after subsection (2):

(3) The Director is to notify the State Controller, within the meaning of the Emergency Management Act 2006, if the existence of a public health emergency is declared under this section.

*No. 86 of 1997
5. **Section 15 amended (Duration of emergency declaration)**

Section 15 of the Principal Act is amended as follows:

(a) by omitting from subsection (1)(a) “2 days” and substituting “7 days”;

(b) by omitting from subsection (2) “Director,” and substituting “Director”;

(c) by omitting from subsection (2) “2 days” and substituting “7 days”.

6. **Section 64 amended (Sale to children)**

Section 64 of the Principal Act is amended by omitting subsection (4).

7. **Section 65 repealed**

Section 65 of the Principal Act is repealed.

8. **Section 67 amended (Warnings and information)**

Section 67 of the Principal Act is amended by omitting subsection (5).
9. **Part 4, Division 2: Heading amended**

Division 2 of Part 4 of the Principal Act is amended by omitting “Display, advertising and packaging” from the heading to that Division and substituting “Display, advertising, packaging, &c.”.

10. **Section 68A amended (Restrictions regarding toys and confections, &c.)**

Section 68A of the Principal Act is amended by omitting “sell or supply” and substituting “display, sell or supply”.

11. **Section 69A inserted**

After section 69 of the Principal Act, the following section is inserted in Division 2:

69A. **Notice to be displayed**

A person who sells any tobacco or tobacco product must display a notice in the approved form in a conspicuous position in the place where it is sold.

Penalty: Fine not exceeding –

(a) for a first offence, 50 penalty units; and

(b) for a subsequent offence, 100 penalty units.
12. **Section 70A inserted**

After section 70 of the Principal Act, the following section is inserted in Division 2:

**70A. Vending machines**

The owner or lessee of premises at which a tobacco product vending machine is situated must ensure that the machine is not able to be operated by a member of the public without the owner’s or lessee’s assistance or the assistance of a person acting on his or her behalf.

Penalty: Fine not exceeding 25 penalty units.

13. **Section 74AA inserted**

After section 74 of the Principal Act, the following section is inserted in Division 2:

**74AA. Incorrect information relating to health effects of tobacco or tobacco products**

A manufacturer or supplier of any tobacco or tobacco product must not provide incorrect information regarding the health effects of tobacco or tobacco products.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 2 500
penalty units for the first offence and 10 000 penalty units for a subsequent offence; or

(b) a natural person, a fine not exceeding 250 penalty units for the first offence and 500 penalty units for a subsequent offence.
PART 3 – PUBLIC HEALTH ACT 1997 FURTHER AMENDED

14. Principal Act

In this Part, the Public Health Act 1997* is referred to as the Principal Act.

15. Section 74K amended (Notification of additional premises)

Section 74K of the Principal Act is amended by inserting after subsection (1) the following subsection:

(1A) A notification under this section is to be accompanied by the prescribed fee.

*No. 86 of 1997