

TASMANIA

**ALCOHOL AND DRUG DEPENDENCY REPEAL
BILL 2019**

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**ALCOHOL AND DRUG DEPENDENCY REPEAL
BILL 2019**

*(Brought in by the Minister for Mental Health and Wellbeing,
the Honourable Jeremy Page Rockliff)*

A BILL FOR

An Act to repeal the *Alcohol and Drug Dependency Act 1968* and to amend certain Acts, and rescind or revoke certain legislative instruments, consequent on that repeal

Be it enacted by Her 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 *Alcohol and Drug Dependency Repeal Act 2019*.

2. Commencement

This Act commences on a day to be proclaimed.

Alcohol and Drug Dependency Repeal Act 2019
Act No. of 2019

s. 3 Part 2 – Community Protection (Offender Reporting) Act 2005 Amended

**PART 2 – COMMUNITY PROTECTION (OFFENDER
REPORTING) ACT 2005 AMENDED**

3. Principal Act

In this Part, the *Community Protection (Offender Reporting) Act 2005** is referred to as the Principal Act.

4. Section 10A amended (Magistrate may make community protection order on application from Commissioner)

Section 10A(3)(d) of the Principal Act is amended by omitting “alcohol as defined in the *Alcohol and Drug Dependency Act 1968*” and substituting “intoxicating liquor”.

*No. 61 of 2005

PART 3 – POISONS ACT 1971 AMENDED

5. Principal Act

In this Part, the *Poisons Act 1971** is referred to as the Principal Act.

6. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of *treatment centre* and substituting the following definition:

treatment centre means a place that is approved under section 59AB as a treatment centre;

7. Section 59AB inserted

After section 59A of the Principal Act, the following section is inserted in Part VA:

59AB. Treatment centres

- (1) The Secretary may, in writing, approve a place as a treatment centre.
- (2) The Secretary may, in writing, revoke the approval of a place as a treatment centre.
- (3) A place that was, immediately before the commencement of this section, a treatment centre, within the meaning of the *Alcohol and Drug Dependency Act*

*No. 81 of 1971

Alcohol and Drug Dependency Repeal Act 2019
Act No. of 2019

s. 7

Part 3 – Poisons Act 1971 Amended

1968 as then in force, is taken to be a treatment centre approved under subsection (1) until revoked under subsection (2), if at all.

- (4) An instrument in writing under this section –
- (a) is not a statutory rule for the purposes of the *Rules Publication Act 1953*; and
 - (b) is not subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

Alcohol and Drug Dependency Repeal Act 2019
Act No. of 2019

Part 4 – Road Safety (Alcohol and Drugs) Act 1970 Amended

s. 8

**PART 4 – ROAD SAFETY (ALCOHOL AND DRUGS)
ACT 1970 AMENDED**

8. Principal Act

In this Part, the *Road Safety (Alcohol and Drugs) Act 1970** is referred to as the Principal Act.

9. Section 19 amended (Special hardship orders)

Section 19 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “within the meaning of the *Alcohol and Drug Dependency Act 1968*”;
- (b) by inserting the following subsection after subsection (2):
 - (2A) For the purposes of subsection (2), a reference to a person suffering from alcohol dependency is a reference to a person –
 - (a) who has a tolerance to alcohol; and
 - (b) who shows withdrawal symptoms when the person stops or reduces his or her consumption of alcohol; and

*No. 77 of 1970

Alcohol and Drug Dependency Repeal Act 2019
Act No. of 2019

s. 9

Part 4 – Road Safety (Alcohol and Drugs) Act 1970 Amended

- (c) whose consumption of alcohol is such that –
 - (i) the person poses a serious danger to the health or safety of the person or another person; or
 - (ii) the person's ability to care for himself or herself is seriously diminished.

Alcohol and Drug Dependency Repeal Act 2019
Act No. of 2019

Part 5 – Legislation Repealed, Rescinded and Revoked

s. 10

**PART 5 – LEGISLATION REPEALED, RESCINDED
AND REVOKED**

10. Legislation repealed

The legislation specified in Schedule 1 is repealed.

11. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

12. Legislation revoked

The legislation specified in Schedule 3 is revoked.

Alcohol and Drug Dependency Repeal Act 2019
Act No. of 2019

s. 13

Part 6 – Concluding Provision

PART 6 – CONCLUDING PROVISION

13. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

Alcohol and Drug Dependency Repeal Act 2019
Act No. of 2019

sch. 1

SCHEDULE 1 – LEGISLATION REPEALED

Section 10

Alcohol and Drug Dependency Act 1968 (No. 61 of 1968)

Alcohol and Drug Dependency Repeal Act 2019
Act No. of 2019

sch. 2

SCHEDULE 2 – LEGISLATION RESCINDED

Section 11

Alcohol and Drug Dependency Regulations 2009 (No. 189 of
2009)

Alcohol and Drug Dependency Repeal Act 2019
Act No. of 2019

sch. 3

SCHEDULE 3 – LEGISLATION REVOKED

Section 12

Alcohol and Drug Dependency Amendment Order 2001 (No.
45 of 2001)

Alcohol and Drug Dependency (Treatment Centres) Order
2007 (No. 2 of 2007)