

TASMANIA

PUBLIC HEALTH AMENDMENT BILL 2006

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PUBLIC HEALTH AMENDMENT BILL 2006

*(Brought in by the Minister for Health and Human Services,
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:

1. Short title

This Act may be cited as the *Public Health Amendment Act 2006*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

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

*No. 86 of 1997

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4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting “tobacco or a” after “containing” in the definition of “packet”;
- (b) by inserting “tobacco or” after “to” in the definition of “product line”;
- (c) by inserting “tobacco or” after “a kind of” in the definition of “product line”;
- (d) by inserting “tobacco or” after “another kind of” in the definition of “product line”;
- (e) by omitting paragraph (d) from the definition of “product line” and substituting the following paragraph:
 - (d) in the case of a packet of cigarettes or cigars, the number of cigarettes or cigars in the packet;
- (f) by inserting “tobacco or” after “which” in the definition of “sales unit”;
- (g) by inserting “tobacco or” after “of” in paragraph (b) of the definition of “service area”;
- (h) by omitting the definition of “specialist tobacconist premises” and substituting the following definition:

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“specialist tobacconist premises”
means –

- (a) premises that are operated independently and apart from any other retail business and where only tobacco, tobacco products, matches and cigarette or pipe lighters are sold; or
- (b) premises that, under section 72B, are determined to be specialist tobacconist premises;
- (i) by inserting “tobacco or” after “of” in paragraph (a) of the definition of “tobacco advertisement”;
- (j) by inserting “tobacco or” after “name, of” in paragraph (b) of the definition of “tobacco advertisement”;
- (k) by omitting “tobacco;” from paragraph (c) of the definition of “tobacco product” and substituting “tobacco; or”;
- (l) by inserting the following paragraph after paragraph (c) in the definition of “tobacco product”:
 - (d) a prescribed product;

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- (m) by inserting “tobacco or” after “which” in the definition of “tobacco product vending machine”.

5. Section 63 amended (Smoking by children)

Section 63 of the Principal Act is amended by inserting “tobacco or” after “any”.

6. Section 64 amended (Sale to children)

Section 64 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “tobacco or” after “supply any”;
- (b) by inserting in subsection (2) “tobacco or” after “of any”;
- (c) by inserting in subsection (3) “tobacco or” after “supply any”;
- (d) by inserting in subsection (4) “tobacco or” after “any”;
- (e) by inserting in subsection (6) “tobacco or” after “supplies any”;
- (f) by inserting in subsection (6) “tobacco or” after “supply of”;
- (g) by inserting in subsection (7) “tobacco or” after “of any”.

7. Section 66 amended (Seizure of tobacco and tobacco products)

Section 66 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “tobacco or” after “any”;
- (b) by inserting in subsection (2) “tobacco or” after “Any”;
- (c) by inserting in subsection (3) “tobacco or” after “of any”.

8. Section 67 amended (Warnings and information)

Section 67 of the Principal Act is amended as follows:

- (a) by inserting in subsection (3)(c) “tobacco or” after “supplied”;
- (b) by inserting in subsection (5) “tobacco or” after “any”;
- (c) by inserting in subsection (5) “tobacco or” after “effects of”.

9. Section 68 amended (Supply of tobacco or tobacco products)

Section 68 of the Principal Act is amended as follows:

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- (a) by inserting in paragraph (a) “tobacco or” after “represent any”;
- (b) by omitting subparagraph (ii) from paragraph (b) and substituting the following subparagraphs:
 - (ii) in a package that is designed to be, or is readily able to be, divided into packets that each contain less than 20 cigarettes; or
 - (iii) otherwise than in a package.

10. Section 69 amended (Marketing device, plan or scheme)

Section 69(1) of the Principal Act is amended by inserting “tobacco or” after “of any”.

11. Section 70 amended (Display of tobacco advertisements, &c.)

Section 70 of the Principal Act is amended as follows:

- (a) by inserting in subsection (2)(a) “tobacco or” after “use of”;
- (b) by inserting in subsection (2)(a) “tobacco or” after “name of”;
- (c) by inserting in subsection (2)(b) “tobacco or” after “containing”;

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- (d) by inserting in subsection (2)(c)(ii) “tobacco or” after “of”;
- (e) by inserting in subsection (3)(a) “tobacco or” after “line of”;
- (f) by omitting from subsection (3)(b) “any” first occurring and substituting “any tobacco or”;
- (g) by inserting in subsection (4)(a) “tobacco or” after “distributor of the”;
- (h) by inserting in subsection (4)(b) “tobacco or” after “distributor of the”;
- (i) by inserting in subsection (4)(c) “tobacco or” after “of the”;
- (j) by inserting in subsection (5) “tobacco or” after “publicise”;
- (k) by inserting in subsection (5) “tobacco or” after “of”.

12. Section 72 repealed

Section 72 of the Principal Act is repealed.

13. Section 72A amended (Display in public areas)

Section 72A of the Principal Act is amended as follows:

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

(1) A person must not display any tobacco or tobacco product within 75 centimetres of another displayed product if the other displayed product is designed or marketed for the use of children.

Penalty: Fine not exceeding 50 penalty units.

(b) by inserting in subsection (2) “tobacco or” after “of”;

(c) by inserting in subsection (3) “any tobacco or” after “which”;

(d) by inserting in subsection (3)(c) “tobacco or” after “of”;

(e) by inserting in subsection (3)(e) “of any tobacco or” after “or”;

(f) by omitting from subsection (3)(g) “the packet of” and substituting “any packet of tobacco or”;

(g) by omitting from subsection (4) “tobacco products in a sales unit are not” and substituting “any tobacco or tobacco product in a sales unit is not”;

(h) by inserting in subsection (5) “tobacco or” after “display”;

- (i) by inserting in subsection (7) “tobacco or” after “display any”;
- (j) by inserting in subsection (7)(a) “tobacco or” after “packaging of the”;
- (k) by inserting in subsection (7)(a) “tobacco or” after “metres of the”;
- (l) by inserting in subsection (7)(c) “tobacco or” after “packaging of the”;
- (m) by inserting in subsection (7)(d) “tobacco or” after “the”;
- (n) by inserting in subsection (7)(f) “tobacco or” after “of”;
- (o) by inserting in subsection (7)(g) “tobacco or” after “in packaging of the”;
- (p) by inserting in subsection (7)(g) “tobacco or” after “the packaging of the”;
- (q) by omitting from subsection (7)(g) “a tobacco product” and substituting “it”.

14. Section 73 amended (Packaging of tobacco and tobacco products)

Section 73 of the Principal Act is amended as follows:

- (a) by inserting “tobacco or” after “of any”;
- (b) by omitting “a” first occurring and substituting “the tobacco or”.

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15. Section 74 amended (False information relating to legislation)

Section 74 of the Principal Act is amended by inserting “tobacco or” after “supplier of any”.