

TASMANIA

PUBLIC HEALTH AMENDMENT BILL 2007

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PUBLIC HEALTH AMENDMENT BILL 2007

*(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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Public Health Amendment Act 2007*.

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 commences on the expiration of the 6-month period immediately following the day on which this Act receives the Royal Assent.

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Part 2 – Public Health Act 1997 Amended

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 67H substituted

Section 67H of the Principal Act is repealed and the following section is substituted:

67H. Restrictions on smoking in vehicles

- (1) A person must not smoke inside a vehicle being used in the course of any employment if another person is inside the vehicle.

Penalty: Fine not exceeding 20 penalty units.

- (2) On or after 1 January 2008, a person must not smoke inside a vehicle if a child is inside the vehicle.

Penalty: Fine not exceeding 20 penalty units.

- (3) A nominated officer who reasonably suspects that subsection (2) has been contravened may –

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- (a) require any person inside, on or near the relevant vehicle who appears to the nominated officer to have attained the age of 13 years to state their name, age and address and disclose what they know about the identity of any other person inside, on or near the vehicle; and
 - (b) require a person inside or apparently entering the relevant vehicle to cease, or not start, smoking; and
 - (c) if the nominated officer is a police officer, require a person apparently in charge or control of the relevant vehicle to stop the vehicle or keep it stationary.
- (4) A nominated officer who is a police officer may arrest a person without warrant if the nominated officer reasonably believes that the person –
- (a) is not a child; and
 - (b) has, in respect of this section, committed an offence against section 154(2) or section 193.
- (5) An allegation in a complaint in proceedings for an offence under subsection (2) that on a specified date a person was a child is evidence of that fact.

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5. Section 68 substituted

Section 68 of the Principal Act is repealed and the following sections are substituted:

68. Cigarette packaging

- (1) A person must not supply cigarettes to the public otherwise than in a package.

Penalty: Fine not exceeding –

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

(b) for a subsequent offence, 200 penalty units.

- (2) A person must not supply cigarettes to the public in a package that –

(a) contains fewer than 20 cigarettes;
or

(b) is designed to be, or is readily able to be, divided into packets any of which contains fewer than 20 cigarettes.

Penalty: Fine not exceeding –

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

(b) for a subsequent offence, 200 penalty units.

68A. Restrictions regarding toys and confections, &c.

A person must not sell or supply any of the following things to another person:

- (a) a toy that resembles, or is intended to represent, tobacco or a tobacco product;
- (b) a confection that resembles, or is intended to represent, tobacco or a tobacco product;
- (c) tobacco that is –
 - (i) confectionary-flavoured or confectionary-scented; or
 - (ii) fruit-flavoured or fruit-scented;
- (d) a tobacco product that is –
 - (i) confectionary-flavoured or confectionary-scented; or
 - (ii) fruit-flavoured or fruit-scented;
- (e) cigarette papers that are –
 - (i) confectionary-flavoured or confectionary-scented; or

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- (ii) fruit-flavoured or fruit-scented;

Penalty: Fine not exceeding –

- (a) for a first offence, 50 penalty units; and
- (b) for a subsequent offence, 200 penalty units.

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

Section 70 of the Principal Act is amended by omitting subsection (4).

7. Section 147 amended (Disclosure of information)

Section 147 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (i) “Director.” and substituting “Director; or”;
- (b) by inserting the following paragraph after paragraph (i):
 - (j) for the purposes of ensuring compliance with, and enforcing, this Act.

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**PART 3 – PUBLIC HEALTH ACT 1997 FURTHER
AMENDED**

8. Principal Act

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

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

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

(a) by omitting subsection (4) and substituting the following subsection:

(4) A person who displays tobacco or tobacco products in any premises must ensure that –

(a) the display is confined to a single area not exceeding 4 square metres in the case of specialist tobacconist premises or one square metre in the case of other premises; and

(b) no tobacco or tobacco products are displayed elsewhere in the premises.

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Penalty: Fine not exceeding 50
penalty units.

(b) by omitting subsection (6) and
substituting the following subsection:

(6) Subsection (3)(c) and
subsection (5) do not apply to
specialist tobacconist premises.