

# TASMANIA

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## **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.

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Part 2 – Public Health Act 1997 Amended

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**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.

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\*No. 86 of 1997

*Public Health Amendment Act 2008*  
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Part 2 – Public Health Act 1997 Amended

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**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 Section 65 repealed**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).

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Part 2 – Public Health Act 1997 Amended

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**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.

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**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

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Part 2 – Public Health Act 1997 Amended

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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.



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Part 3 – Public Health Act 1997 Further Amended

s. 14

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**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.

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\*No. 86 of 1997