

TASMANIA

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**HEALTH MISCELLANEOUS BILL 2024**

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## **HEALTH MISCELLANEOUS BILL 2024**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*  
26 November 2024

*(Brought in by the Minister for Mental Health and Wellbeing,  
the Honourable Roger Charles Jaensch)*

### **A BILL FOR**

**An Act to amend the *Anatomical Examinations Act 2006*, the *Food Act 2003* and the *Poisons Act 1971*, to repeal the *Mental Health (Transitional and Consequential Provisions) Act 2013* and the *Optometry Offences Act 2010* and to revoke the *Tasmanian Health Organisations (Tasmanian Health Service) Order 2015***

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 *Health Miscellaneous Act 2024*.

#### **2. Commencement**

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

*Health Miscellaneous Act 2024*  
*Act No. of 2024*

s. 3

Part 2 – Anatomical Examinations Act 2006 Amended

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**PART 2 – ANATOMICAL EXAMINATIONS ACT 2006  
AMENDED**

**3. Principal Act**

In this Part, the *Anatomical Examinations Act 2006\** is referred to as the Principal Act.

**4. Section 3 amended (Interpretation)**

The definition of *next of kin* in section 3(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “his or her” first occurring and substituting “the person’s”;
- (b) by omitting from paragraph (a) “his or her” second occurring and substituting “the deceased person’s”;
- (c) by omitting from paragraph (b) “son or daughter” and substituting “child”;
- (d) by omitting from paragraph (d) “brother or sister” and substituting “sibling”;
- (e) by omitting paragraph (e) and substituting the following paragraph:
  - (e) if a person referred to in paragraph (a), (b), (c) or (d) is unavailable and the deceased person is, or is reasonably

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\*No. 26 of 2006

*Health Miscellaneous Act 2024*  
*Act No. of 2024*

Part 2 – Anatomical Examinations Act 2006 Amended

s. 4

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believed to be, an Aboriginal person, a person who, according to the customs and the tradition of the community or group to which the deceased person belonged, is an appropriate person; or

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*Act No. of 2024*

s. 5

Part 3 – Food Act 2003 Amended

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**PART 3 – FOOD ACT 2003 AMENDED**

**5. Principal Act**

In this Part, the *Food Act 2003*\* is referred to as the Principal Act.

**6. Section 4 amended (Interpretation)**

Section 4(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *public institution* and substituting the following definition:

*public institution* includes –

- (a) a prison, within the meaning of the *Corrections Act 1997*; and
- (b) a detention centre, within the meaning of the *Youth Justice Act 1997*; and
- (c) a hospital or nursing home; and
- (d) any other facility, organisation or entity prescribed in the regulations;

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\*No. 8 of 2003

*Health Miscellaneous Act 2024*  
*Act No. of 2024*

Part 3 – Food Act 2003 Amended

s. 7

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- (b) by omitting “to patients or inmates in” from paragraph (o) of the definition of *sell* and substituting “within”.

**7. Section 60 amended (Improvement notice)**

Section 60(2) of the Principal Act is amended by omitting “an” and substituting “any”.

**8. Section 61 amended (Compliance with improvement notice)**

Section 61 of the Principal Act is amended by inserting after subsection (1) the following subsection:

- (1A) Nothing in subsection (1) requires the authorised officer who notes the date of compliance, on an improvement notice, to be the authorised officer who issued the improvement notice.

**9. Section 62 amended (Prohibition order)**

Section 62 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(b)(i) “issued in respect of the food business” after “notice”;
- (b) by inserting the following subsection after subsection (1):

*Health Miscellaneous Act 2024*  
*Act No. of 2024*

s. 9

Part 3 – Food Act 2003 Amended

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- (1A) For the avoidance of doubt, an authorised officer may rely on an improvement notice for the purposes of subsection (1) regardless of whether that improvement notice was served by the same authorised officer or another authorised officer.
  
- (c) by inserting the following subsection after subsection (4):
  - (4A) For the avoidance of doubt, a prohibition order that is served on the proprietor of a food business applies to the operation of that food business throughout the State.
  
- (d) by omitting from subsection (5) “The” and substituting “An”.



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**PART 4 – POISONS ACT 1971 AMENDED**

**10. Principal Act**

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

**11. Section 3 amended (Interpretation)**

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *Poisons List* and substituting the following definition:

*Poisons List* means the Uniform Standard, or such part of the Uniform Standard, adopted under section 14, as amended in its application to Tasmania under that section from time to time;

- (b) by omitting “any other plant or part of a plant” from paragraph (d) of the definition of *prohibited plant* and substituting “any other plant or fungus, or part of a plant or fungus,”.

**12. Section 14 amended (Adoption and amendment of Poisons List)**

Section 14 of the Principal Act is amended as follows:

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\*No. 81 of 1971

*Health Miscellaneous Act 2024*  
*Act No. of 2024*

s. 13

Part 4 – Poisons Act 1971 Amended

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- (a) by omitting from subsection (1) “Part 4 of” and substituting “all, or a specified part, of”;
- (b) by omitting from subsection (4)(i) “health authorities.” and substituting “health authorities;”;
- (c) by inserting the following paragraph after paragraph (i) in subsection (4):
  - (j) Schedule 10 substances –  
Substances which are prohibited for the purpose or purposes listed for each substance.

**13. Section 25C amended (Authorisation of health professionals)**

Section 25C(1) of the Principal Act is amended by inserting “or person, including the Crown,” after “organisation” in the definition of *authorised body*.

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*Act No. of 2024*

Part 5 – Legislation repealed and revoked

s. 14

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**PART 5 – LEGISLATION REPEALED AND REVOKED**

**14. Legislation repealed**

The legislation specified in Schedule 1 is repealed.

**15. Legislation revoked**

The legislation specified in Schedule 2 is revoked.

*Health Miscellaneous Act 2024*  
*Act No. of 2024*

**s. 16**

Part 6 – Miscellaneous

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**PART 6 – MISCELLANEOUS**

**16. Repeal of Act**

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

*Health Miscellaneous Act 2024*  
*Act No. of 2024*

**sch. 1**

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**SCHEDULE 1 – LEGISLATION REPEALED**

Section 14

*Optometry Offences Act 2010* (No. 4 of 2010)

*Mental Health (Transitional and Consequential Provisions)*  
*Act 2013* (No. 69 of 2013)

*Health Miscellaneous Act 2024*  
*Act No. of 2024*

**sch. 2**

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**SCHEDULE 2 – LEGISLATION REVOKED**

Section 15

*Tasmanian Health Organisations (Tasmanian Health Service)*  
*Order 2015 (No. 23 of 2015)*