



## PUBLIC HEALTH

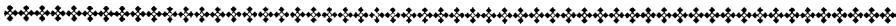
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No. 72 of 1974

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### ANALYSIS

1. Short title and citation.
2. Minister may prohibit taking of fish or shellfish in certain circumstances.
3. Appeals.
4. *Public Health Act 1973*.
5. Schedule of amendments to the Principal Act.



**AN ACT to amend the Public Health Act 1962.**

**[21 November 1974]**

**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—**(1) This Act may be cited as the *Public Health Act 1974*.

Short title and citation.

(2) The *Public Health Act 1962*, as subsequently amended, is in this Act referred to as the Principal Act.

**2** After section 118 of the Principal Act the following Division is inserted:—

*“ Division VIIA—Fish and Shellfish*

Minister may prohibit taking of fish or shellfish in certain circumstances.

“118A—(1) Where the Minister is of the opinion that fish or shellfish taken within an area may be dangerous or injurious to persons consuming those fish or shellfish he may, by order, prohibit the taking of fish or shellfish within that area.

“(2) Except with the approval of the Director of Public Health, no person shall take fish or shellfish, whether for human consumption or for any other purpose, within an area in respect of which an order under subsection (1) applies.

Penalty: \$1 000.

“(3) For the purposes of this section—

‘ shellfish ’ means abalone, scallops, oysters, mussels, cockles, and any other molluscs, whether bivalve or univalve, capable of being used for human consumption, as may be prescribed; and

‘ take ’ has the same meaning as it has for the purposes of the *Fisheries Act 1959*.”.

Appeals.

**3** Section 141 of the Principal Act is amended—

(a) by inserting in subsection (1) after the words “ seventy-three ” the words “ or by an order of the Minister under section 118A ”;

(b) by omitting from that subsection the words “ or recommendation ” (second and third occurring) and substituting therefor, in each case, the words “, recommendation, or order ”; and

(c) by inserting in subsection (2), after the words “ acted on,” the words “ or that an order be of no effect,”.

*Public Health Act 1973.*

**4—(1)** The *Public Health Act 1973* is amended—

(a) by omitting from paragraph (a) of section 2 the words “ subsections (1) and (2)” and substituting therefor the words “ subsection (1)”;

(b) by omitting from that paragraph the words “ in each case ”;

(c) by inserting after that paragraph the following paragraph:—

“(ab) by omitting from subsection (2) the words ‘ this Act or by or under any Act or enactment that is incorporated with this Act or with which this Act is incorporated ’ and substituting therefor the words ‘ an Act to which this section relates ’;”;

(d) by omitting from paragraph (a) of section 4 the word “ paragraph ” and substituting therefor the word “ subsection ”; and

(e) by omitting from the second column of the Schedule the word “ eight ” in the items relating to sections 38 and 39 and substituting therefor the words “ eight hundred ” in each case.

(2) This section shall be deemed to have commenced when the *Public Health Act 1973* commenced.

**5** The sections of the Principal Act that are specified in the first column of the Schedule to this Act are amended as respectively specified in the second column of that Schedule.

Schedule of amendments to the Principal Act.

## THE SCHEDULE

(Section 5)

First Column Section amended	Second Column How amended
11	By omitting from subsection (1) the word “ police ” (twice occurring).
45	By omitting from subsection (1) the word “ police ” (twice occurring).
76	By omitting from subsection (3) the words “ and (2) ” and substituting therefor the words “, (2), and (2A) ”.
104	By omitting the word “ police ”.
120	By omitting the word “ stipendiary ” (wherever occurring).