



PUBLIC HEALTH (No. 2)

No. 21 of 1976

ANALYSIS

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AN ACT to amend the Public Health Act 1962.

[27 May 1976]

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 (No. 2) 1976*.

Short title,
citation, and
commencement.

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

(3) This Act shall commence on a day to be fixed by proclamation.

Heading to
Part VIII of
the Principal
Act.

2 The heading to Part VIII of the Principal Act is amended by omitting therefrom the words “PART VIII—FOOD AND DRUGS.” and substituting therefor the following heading:—

“PART VIII.

“FOOD.”

Interpretation.

3 Section sixty-two of the Principal Act is amended—

- (a) by omitting from the definition of “appliance” all the words after the word “food” to the end of that definition;
- (b) by adding at the end of the definition of “article” the words “(not being therapeutic goods within the meaning of the *Therapeutic Goods and Cosmetics Act 1976*)”; and
- (c) by omitting the definition of “drug”.

Heading to
Division IV of
Part VIII of
Principal Act.

4 The heading to Division IV of Part VIII of the Principal Act is amended by omitting therefrom the words “and drugs”.

Formal
amendments of
the Principal
Act.

5—(1) The provisions of the Principal Act that are specified in—

- (a) Part I of the schedule to this Act, are amended by omitting from each of those provisions the words “or drug” (wherever occurring); and
- (b) Part II of that schedule, are amended by omitting from each of those provisions the words “or drugs” (wherever occurring).

(2) The sections of the Principal Act that are specified in the first column of Part III of the schedule to this Act are amended as respectively specified in the second column of that schedule.

Amendment of
*Public Health
Act 1973*.

6—(1) The *Public Health Act 1973* is amended by omitting from second column of the schedule the word “eighty” (seventh occurring) and substituting therefor the words “one hundred and sixty” and by omitting from that column the words “one hundred and fifty” (sixth occurring) and substituting therefor the words “three hundred”.

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

THE SCHEDULE

(Section 5.)

Part I—Provisions of the Principal Act that are amended by omitting the words “or drug” (wherever occurring)—

Paragraphs (a), (b), (ba), (j), and (l) of subsection (1) of section 63; subsections (1A) and (2) of section 63; sections 67, 70, 72, 75, 76, and 77; paragraph (b) of subsection (2) of section 79; subsections (2) and (3) of section 93; sections 94, 95, 96, 108, 110, 114, and 115; subsections (2) and (3) of section 116; paragraphs (a), (b), (j), and (q) of subsection (9) of section 142; and subsection (9A) of section 142.

Part II—Provisions of the Principal Act that are amended by omitting the words “or drugs” (wherever occurring)—

Subsection (3) of section 63; paragraph (g) of subsection (1) of section 76; section 86; section 98; and paragraphs (c), (d), (n), and (r) of subsection (9) of section 142.

Part III—Further formal amendments.

FIRST COLUMN Section amended	SECOND COLUMN How amended
63	From subsection (1) omit “or a drug”. From paragraph (a) of that subsection omit “or druggy”. From paragraph (k) of that subsection omit all the words after the word “package” (third occurring) to the end of the paragraph.
64	From subsection (2) omit “or a drug”.
65	Omit “and drugs” (wherever occurring).
65	Omit “and drugs” (wherever occurring).
71	From subsection (1), omit “, drug,” (wherever occurring).
72	From subsection (1) omit “of cure” and substitute “of use”.
73	From subsection (1) omit “disinfectant, germicide, anti-septic, or”.
74	From subsection (1) omit “disinfectant, germicide, anti-septic, or”.
78	From subsection (1), omit “, drug,” (wherever occurring).
79	From subsection (3) omit “, drug,” (wherever occurring).
80	Omit “, drug,”.
83	From subsection (1) omit “, drug,”.
84	From subsection (1) omit “, drug,” (wherever occurring).
91	From subsection (1) omit “, or a drug,”.
93	From subsection (2) omit “or a drug”.
93	Omit paragraph (b) of subsection (1).
94	From subsection (3) omit “or any drug”.
94	Omit subsection (4).
95	From paragraph (c) of subsection (1) omit “when the mixture is a food,”.
95	Omit paragraphs (a), (b), and (d) of subsection (2).

FIRST COLUMN Section amended	SECOND COLUMN How amended
96	From paragraph (c) of subsection (1) omit "when the mixture is a food,".
	From subsection (2) omit "or the drug".
102A	Omit ", drug," (wherever occurring).
103	Omit ", drug,".
105	Omit ", drug,".
106	Omit ", drug,".
107	Omit ", drug,".
111	From subsection (1) omit ", drug," (wherever occurring).
112	From subsection (1) omit ", drug," (wherever occurring).
116	From paragraph (e) of subsection (4) omit "carcase, article of food, or drug," and substitute "carcase or article of food".
	From subsection (8) omit "; and the presence of drugs in any place is evidence that they were intended to be sold or used".
117	From subsection (1) omit ", drug," (wherever occurring).
118	Omit ", drug," (wherever occurring).
142	From paragraphs (c), (d), and (l) of subsection (9) omit "and drugs" (wherever occurring). From paragraphs (g) and (t) of that subsection omit ", drugs," (wherever occurring). From paragraph (k) of that subsection omit "destruction of such drugs and chemicals, and the". From paragraph (n) of that subsection omit ", and regulate and control the contents of labels or advertisements relating to drugs and medicines, and prohibit the use in the labels or advertisements of words, statements, or claims indicating or suggesting that the drugs or medicines may be used as remedies for specified diseases". From subsection (9A) omit "and drugs".