

Health Legislation Amendment Bill 2014

Amendments during consideration in detail to be moved by
The Honourable the Minister for Health

1 Clause 1 (Short title)

Page 8, line 4, after ‘Health’—

insert—

and Other

2 Clause 2 (Commencement)

Page 8, line 7, after ‘other than’—

insert—

part 2A and

3 Clause 14 (Insertion of new pt 8, div 7)

Page 12, line 22, after ‘Health’—

insert—

and Other

4 Clause 14 (Insertion of new pt 8, div 7)

Page 13, line 6, after ‘Health’—

insert—

and Other

5 Clause 38 (Insertion of new pt 13, div 5)

Page 22, line 3, after ‘Health’—

insert—

and Other

6 Clause 38 (Insertion of new pt 13, div 5)

Page 22, line 14, after ‘Health’—

insert—

and Other

7 Clause 43 (Insertion of new ch 11, pt 1A)

Page 24, after line 23—

insert—

indemnified liability, of a local government, means a civil liability of the local government that is indemnified by the State under section 454C(1).

8 Clause 43 (Insertion of new ch 11, pt 1A)

Page 26, after line 19—

insert—

- (5) For the purposes of subsection (4), the State may manage and control any proceedings started against the local government in relation to the civil liability.

9 Clause 43 (Insertion of new ch 11, pt 1A)

Page 26, before line 20—

insert—

454CA Local government must notify State of claim

- (1) This section applies if a proceeding is started against a local government and it may result in an indemnified liability of the local government.
- (2) The local government must give notice of the proceeding to the State as soon as practicable after the proceeding has started.

10 Clause 43 (Insertion of new ch 11, pt 1A)

Page 26, lines 23 and 24, ‘liability indemnified under section 454C(1)’—

omit, insert—

an indemnified liability of the local government

11 Clause 50 (Insertion of new pt 14, div 5)

Page 36, line 2, after ‘Health’—

insert—

and Other

12 Clause 53 (Insertion of new s 5A)

Page 37, line 5, ‘nicotine’—

omit, insert—

a substance

13 Clause 53 (Insertion of new s 5A)

Page 37, after line 12—

insert—

- (2) However, a *personal vapouriser* does not include any of the following—
 - (a) a device included in the register under the *Therapeutic Goods Act 1989* (Cwlth), other than a device designed for the purpose of helping a person to stop smoking;
 - (b) a device designed to be used to deliver oxygen into an individual’s body;
 - (c) a bong, hookah or ice pipe;
 - (d) a device prescribed under a regulation for this subsection.

14 Clause 53 (Insertion of new s 5A)

Page 37, line 13, '(2)'—

omit, insert—

(3)

15 Clause 53 (Insertion of new s 5A)

Page 37, line 19, 'nicotine'—

omit, insert—

a substance

16 Clause 53 (Insertion of new s 5A)

Page 37, lines 23 and 25, 'atomiser'—

omit, insert—

electric heating element

17 Clause 53 (Insertion of new s 5A)

Page 37, line 30, 'vaporiser;'—

omit, insert—

vaporiser.

18 Clause 53 (Insertion of new s 5A)

Page 38, lines 1 to 6—

omit, insert—

(4) However, a *personal vaporiser related product* does not include any other device or product prescribed under a regulation for this subsection.

19 Clause 67 (Amendment of schedule (Dictionary))

Page 45, line 17, '5A(1)'—

omit, insert—

5A(1) and (2)

20 Clause 67 (Amendment of schedule (Dictionary))

Page 45, line 19, ‘5A(2)’—

omit, insert—

5A(3) and (4)

21 Clause 67 (Amendment of schedule (Dictionary))

Page 46, lines 16 and 17—

omit, insert—

- (b) for a personal vaporiser—inhale through the vaporiser.

22 Clause 72 (Insertion of new ss 42AA and 42AB)

Page 49, line 14, ‘and 42AB’—

omit, insert—

to 42AC

23 Clause 72 (Insertion of new ss 42AA and 42AB)

Page 51, after line 12—

insert—

42AC Donation of human eggs and human sperm by individuals

- (1) Section 41 does not apply to a donation of human eggs or human sperm within the meaning of the *Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003* if—
 - (a) an individual (the *recipient*), as mentioned in that section, publishes, disseminates, exhibits or deposits an advertisement stating that the recipient seeks another individual

- (the *donor*) to donate human eggs or human sperm to the recipient; and
- (b) the human eggs or human sperm are to be used with assisted reproductive technology for the recipient's personal use; and
 - (c) the recipient does not give the donor valuable consideration for the donation.
- (2) In this section—
- valuable consideration*, for a donation of human eggs or human sperm by an individual, means any form of payment, reward or other material benefit or advantage, but does not include the payment of the individual's reasonable expenses in connection with the donation.

24 Long title

Long title, after '1991,'—

insert—

the Building and Construction Industry Payments Amendment Act 2014,

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Authorised by the Parliamentary Counsel