



Australian Capital Territory

Tobacco Products (Health Warnings) Act 1986

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About this republication

The republished law

This is a republication of the *Tobacco Products (Health Warnings) Act 1986* effective 15 June 1987 to 31 March 1994.

Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
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TOBACCO PRODUCTS (HEALTH WARNINGS) ACT 1986

Reprinted as at 31 July 1991

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Australian Capital Territory

TOBACCO PRODUCTS (HEALTH WARNINGS) ACT 1986

An Act to provide for the printing of health warnings on containers in which certain tobacco products are packaged

Short title

1. This Act may be cited as the *Tobacco Products (Health Warnings) Act 1986*.¹

Commencement

2. (1) Section 1, this section and subsection 7 (2) shall come into operation on 1 July 1987.

(2) The remaining provisions of this Act shall come into operation on 1 September 1987.

Interpretation

3. (1) In this Act, unless the contrary intention appears—

“brand name”, in relation to a container, carton or wrapping, or a label on a carton or wrapping, means the brand name of the tobacco product in the container, carton or wrapping;

“prescribed phrase” means the phrase referred to in subsection 4 (1);

“tobacco product” means:

- (a) cigarettes containing tobacco;
- (b) roll-your-own tobacco; or

- (c) pipe tobacco;

“warning” means a warning specified in subsection 4 (1).

(2) In this Act—

- (a) a reference to a container, carton or wrapping shall not be read as including a reference to—
 - (i) a carton or wrapping in which are packed 2 or more cartons or wrappings referred to in subsection 5 (1); or
 - (ii) any transparent wrapping; and
- (b) a reference to a tobacco product shall not be read as including a reference to snuff or plug tobacco.

Tobacco product containers

4. (1) The phrase “Health Authority warning”, and one of the following warnings, shall appear on every container or wrapping in which a tobacco product is packaged:

- “SMOKING CAUSES LUNG CANCER”
- “SMOKING CAUSES HEART DISEASE”
- “SMOKING DAMAGES YOUR LUNGS”
- “SMOKING REDUCES YOUR FITNESS”.

(2) A warning shall be printed in Universe 57 Medium Condensed Roman typeface in one horizontal line of upper case letters of not less than:

- (a) 14 point size; or
- (b) if the container or wrapping is so small that 14 point size would be impracticable—the largest practicable point size.

(3) The prescribed phrase shall be printed in Universe 55 Medium Roman typeface in one horizontal line of letters with the initial letter of each word in upper case and the remaining letters in lower case, being letters of one-half the point size of the letters in which the warning is printed.

(4) A warning and the prescribed phrase shall be printed in a colour that makes a distinct contrast with the colour of the background on which they appear, but may be printed in a colour that appears elsewhere on the container or wrapping.

- (5)** A warning and the prescribed phrase shall be printed:
- (a) if the container or wrapping has only 2 faces on which the brand name appears—on each of those faces;
 - (b) if the container or wrapping has more than 2 faces on which the brand name appears—on any 2 of those faces or, if those faces differ in area, on any 2 of those faces which are greater or greatest in area; and
 - (c) in any other case—in such a position or positions on the container or wrapping that they are clearly visible together with the brand name.

Cartons

5. (1) Subject to subsections (2) and (4), section 4 applies in relation to a carton or wrapping in which 2 or more containers are packed as if the references in that section to a container were references to the carton or wrapping.

(2) Where—

- (a) a carton or wrapping is sealed by means of a label or labels affixed to it; and
- (b) the brand name appears on one or more of the labels but not on the carton or wrapping,

the carton or wrapping shall be taken to comply with subsection 4 (5) if—

- (c) where the brand name appears on one label—a warning and the prescribed phrase appear, as otherwise required by this Act—
 - (i) on the label; and
 - (ii) on the face of the carton or wrapping opposite the face on which the label is affixed; and
- (d) where the brand name appears on 2 or more labels—a warning and the prescribed phrase appear, as otherwise required by this Act, on at least 2 labels on which the brand name appears.

(4) A warning and the prescribed phrase shall appear on a face of a carton or wrapping, or on a label, in a position as prominent as the position in which the brand name appears on the face, or the label, and may be printed in a type larger than the types specified in subsection 4 (2).

Rotation of warnings

6. A person who imports tobacco products into the Territory, or who packs tobacco products, for sale or for advertising purposes, shall, as far as practicable, ensure that, within the period of 12 months commencing on 1 September in any year, each warning specified in subsection 4 (1) appears with equal frequency on the containers, cartons and wrappings in which each brand of each type of those products is packaged.

Penalty:

- (a) in the case of a body corporate—\$2,500; and
- (b) in the case of a natural person—\$500.

Containers without warnings—offence

7. (1) A person shall not—

- (a) sell a tobacco product, or expose a tobacco product for sale; or
- (b) for advertising purposes, give a tobacco product, or cause a tobacco product to be given, to another person,

unless—

- (c) the tobacco product is in a container or wrapping;
- (d) the container or wrapping complies with section 4; and
- (e) any carton or wrapping in which the container is packed complies with sections 4 and 5.

(2) A person shall not:

- (a) import a tobacco product into the Territory for sale or advertising purposes; or
- (b) pack a tobacco product for sale or advertising purposes;

unless:

- (c) the tobacco product is in a container or wrapping;
- (d) the container or wrapping complies with section 4; and
- (e) any carton or wrapping in which the container is packed complies with sections 4 and 5.

Penalty:

- (a) in the case of a body corporate—\$2,500; and
- (b) in the case of a natural person—\$500.

Contradictions of warning—offence

7A. A person shall not—

- (a) sell a tobacco product, or expose a tobacco product for sale;
- (b) for advertising purposes, give a tobacco product, or cause a tobacco product to be given, to another person;
- (c) import a tobacco product into the Territory for sale or advertising purposes; or
- (d) pack a tobacco product for sale or advertising purposes;

in a container or wrapping on which the words “non-injurious”, “non-hazardous”, or any other words that convey, or tend to convey, an indication that smoking is not a hazard to health, or on which any words which expressly or by implication contradict, qualify or modify a warning appearing on the container or wrapping, appear.

Penalty:

- (a) in the case of a body corporate—\$5,000; and
- (b) in the case of a natural person—\$1,000.

Repeal

8. The *Cigarette Containers (Labelling) Ordinance 1972* is repealed.

NOTE

1. The *Tobacco Products (Health Warnings) Act 1986* as shown in this reprint comprises Act No. 49, 1986 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Tobacco Products (Health Warnings) Ordinance 1986</i>	49, 1986	28 Aug 1986	Ss. 1, 2 and 7 (2): 1 July 1987 Remainder: 1 Sept 1987	
<i>Tobacco Products (Health Warnings) (Amendment) Ordinance 1987</i>	22, 1987	15 June 1987	15 June 1987	S. 11

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 2.....	rs. No. 22, 1987
Ss. 3-5	am. No. 22, 1987
S. 6.....	rs. No. 22, 1987
S. 7	am. No. 22, 1987
S. 7A	ad. No. 22, 1987
S. 9	rep. No. 22, 1987