

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

TOBACCO PRODUCTS (HEALTH WARNINGS) ORDINANCE, 1986

Ordinance No. 49 of 1986

The Tobacco Products (Health Warnings) Ordinance, 1986 (the new Ordinance) repeals and replaces the Cigarette Containers (Labelling) Ordinance, 1972 (the previous Ordinance) as a consequence of the recommendations of the Australian Health Ministers' Sub-committee on Tobacco Products Health Warnings issued on 30 October 1985, to change the warnings on cigarette containers and extend their application to containers which hold other tobacco products, such as cigars, roll-your-own tobacco and pipe tobacco. These are being introduced on a national basis.

Section 1 contains the short title. It reflects the wider scope of the new Ordinance.

Section 2 provides for the commencement of the new Ordinance on a date to be fixed by the Minister through notice in the Gazette.

Section 3 contains the necessary definitions. The definition of "tobacco product" extends the application of the new Ordinance to cigars, roll-your-own tobacco and pipe tobacco as well as cigarettes. It does not include cigars sold individually, snuff or plug tobacco. The previous Ordinance only required that the warning apply to cigarette containers.

As with the previous Ordinance, Section 3 ensures that the warnings are also displayed on cartons and outer wrappings, but not on the containers in which cartons are packed.

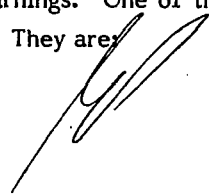
Section 4 provides for the alternative warnings. One of these is required to be placed on each tobacco product container. They are:

"SMOKING CAUSES LUNG CANCER"

"SMOKING CAUSES HEART DISEASE"

"SMOKING DAMAGES YOUR LUNGS"

"SMOKING IS ADDICTIVE"



There is a requirement that each must be accompanied by the phrase, "Health Authority warning" and the warning is to be displayed on the container in a contrasting bordered panel which occupies 15% of the larger faces of the tobacco product containers. The previous Ordinance only required the statement "WARNING - SMOKING IS A HEALTH HAZARD" and it was less than half the height of the warnings required by the new Ordinance.

Section 5 provides that the warnings are also required on the cartons and outer wrappings but there is no requirement for the bordered panel to occupy 15% of the specified faces of the cartons and outer wrappings.

Section 6 requires the equal exposure of the warnings. Persons who import tobacco products into the ACT or who pack them are obliged to ensure that the warnings appear on the containers in equal proportions over a calendar year. There are penalties of \$2500 for body corporates and \$500 for natural persons who breach this requirement. This rotation of warnings is a new requirement developed by the Australian Health Ministers' Sub-committee.

Section 7 provides for offences where a person sells, exposes for sale or gives to another for advertising purposes tobacco products unless they are in a container which has the required warnings. There are penalties of \$2500 for body corporates and \$500 for natural persons who breach this requirement. There is also a provision for an offence where these persons place words on tobacco product containers which convey an indication that smoking is not a hazard to health or otherwise qualify the warnings placed on the containers. There are penalties of \$5000 for body corporates and \$1000 for natural persons who breach this requirement.

Section 8 repealed the previous Ordinance though Section 9 enables its provisions to apply to cigarettes sold or given for advertising purposes within a period of 2 months after the commencement of the proposed Ordinance. The new Ordinance does not apply to tobacco products delivered to a retailer before the commencement of the proposed Ordinance but sold within the period of 2 months. This transitional provision enables retailers to dispose of stocks acquired before the commencement of the Ordinance and allows time for manufacturers outside Australia to adjust to the new requirements.

