

AUSTRALIAN CAPITAL TERRITORY

Tobacco Products (Health Warnings) (Amendment) Ordinance 1987

No. 22 of 1987

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 5 June 1987.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G SCHOLES
Minister of State for Territories

An Ordinance to amend the *Tobacco Products (Health Warnings) Ordinance 1986*

Short title

1. This Ordinance may be cited as the *Tobacco Products (Health Warnings) (Amendment) Ordinance 1987*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Tobacco Products (Health Warnings) Ordinance 1986*.²

3. Section 2 of the Principal Ordinance is repealed and the following section substituted:

(Ord. 30/87)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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 Ordinance shall come into operation on 1 September 1987.”.

Interpretation

4. Section 3 of the Principal Ordinance is amended:

- (a) by omitting “or a carton, or a label on a carton” from the definition of “brand name” in subsection (2) and substituting “, carton or wrapping, or a label on a carton or wrapping”;
- (b) by omitting “or carton” from the definition of “brand name” in subsection (1) and substituting “, carton or wrapping”;
- (c) by omitting from subsection (1) the definitions of “carton” and “container”;
- (d) by omitting from subsection (1) the definition of “tobacco product” and substituting the following definition:

“tobacco product” means:

- (a) cigarettes containing tobacco;
- (b) roll-your-own tobacco; or
- (c) pipe tobacco;”;
- (e) by omitting from paragraph (2) (a) “or a carton” and substituting “, carton or wrapping”;
- (f) by omitting from subparagraph (2) (a) (i) “outer”;
- (g) by omitting from subparagraph (2) (a) (ii) “outer”; and
- (h) by omitting from paragraph (2) (b) “to a cigar sold individually or”.

Tobacco product containers

5. Section 4 of the Principal Ordinance is amended:

- (a) by omitting from subsection (1) “IS ADDICTIVE” and substituting “REDUCES YOUR FITNESS”; and

- (b) by omitting subsections (2) to (6) (inclusive) and substituting the following subsections:

“(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

6. Section 5 of the Principal Ordinance is amended:

- (a) by omitting from subsection (1) “, (3)”;
- (b) by omitting from subsection (1) “, or outer wrapping,” and substituting “or wrapping”;
- (c) by omitting from subsection (1) “outer” (second occurring);

- (d) by inserting in subsection (2) “or wrapping” after “carton” (wherever occurring);
- (e) by omitting from subsection (2) “with sub-section 4 (6)” and substituting “with subsection 4 (5)”;
- (f) by omitting subsection (3);
- (g) by inserting in subsection (4) “or wrapping” after “carton”; and
- (h) by omitting from subsection (4) “sub-sections 4 (2) and (3) respectively” and substituting “subsection 4 (2)”.

7. Section 6 of the Principal Ordinance is repealed and the following section substituted:

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

8. Section 7 of the Principal Ordinance is amended:

- (a) by inserting in paragraph (1) (c) “or wrapping” after “container”;
- (b) by inserting in paragraph (1) (d) “or wrapping” after “container”;
- (c) by inserting in paragraph (1) (e) “or wrapping” after “carton”;
- (d) by omitting the penalty set out at the foot of subsection (1); and
- (e) by omitting subsection (2) and substituting the following subsection:

“(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.”.

9. After section 7 of the Principal Ordinance the following sections is inserted:

Contradiction 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—\$1000.”.

Repeal of section 9

10. Section 9 of the Principal Ordinance is repealed.

Transitional

11. (1) During the period of 2 months commencing on 1 July 1987 a person who complies with the provisions of the Principal Ordinance in relation to cigarettes sold or exposed for sale or given or caused to be given for advertising purposes by that person shall be taken to have complied with the

requirements of the *Cigarette Containers (Labelling) Ordinance 1972* in the relevant respect.

(2) Subsection 7 (2) of the Principal Ordinance as amended by this Ordinance does not apply before 1 September 1987 in relation to a tobacco product manufactured outside Australia.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 15 June 1987.
2. No. 49, 1986.