

1993

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

**TOBACCO PRODUCTS (HEALTH WARNINGS)
(AMENDMENT) BILL 1993**

**SUPPLEMENTARY
EXPLANATORY MEMORANDUM**

Amendments to be moved on behalf of the Government

Circulated by Authority of the Minister for Health

Wayne Berry MLA

TOBACCO PRODUCTS (HEALTH WARNINGS) (AMENDMENT) BILL 1993

The purpose of these amendments is to give effect to a revised national agreement on health warnings for tobacco products.

These Government amendments have no financial implications.

Details are as follows.

Commencement

Clause 2 of the Bill is amended by paragraph 1 to conclusively fix the commencement day of the substantive provisions of the Bill as 1 April 1994 in line with the agreed national implementation date. The commencement of new paragraph 4(1)(c) remains 1 July 1994 to enable manufacturers time to comply with the new requirements.

Labelling requirements for packages

The new national warnings system will occupy, in total, not less than 25% of the surface of the package containing the tobacco product. This percentage may be greater depending on the shape and size of the package.

This requirement is given effect firstly by paragraph 2 which amends clause 6 of the Bill so that the area to be covered by a warning on a package to which new paragraph 4(3)(b) applies is reduced from not more than 44% to not more than 30% and not less than 25%.

Secondly, paragraph 5 amends the Bill by substituting a new Schedule 1 which reduces the area of the back of the package that is required to be covered by Part 3 of the prescribed warning from the whole of the area on the back of the package to 1/3 of the area. The substituted Schedule 1 also has more specific categories of packaging to assist in ensuring compliance with the Act.

Prescribed warnings

Clause 6 of the Bill inserts new Schedule 2 into the Principal Act. Paragraph 5 substitutes a new Schedule 2 which reduces the number and content of warnings that are required to be rotated on packages.

Prescribed information

Clause 6 also inserts new Schedule 3 into the Principal Act. Paragraph 5 also substitutes a Schedule 3 which details the prescribed information that is required to be displayed as to cigarette content. An explanatory note is included in the substituted Schedule 3 in recognition that individual cigarettes may vary from the tested average.

Paragraph 4 inserts a new section 6A which specifies the manner in which the tar, nicotine, and carbon monoxide of cigarettes is to be determined. New section 6A is an expanded version of the explanatory notes in the existing Schedule 3 of the Bill.

Borders on prescribed warnings and prescribed information

New subsection 5(5), which is inserted by clause 6 of the Bill, specifies the thickness of the black line that is required to border a prescribed warning or prescribed information. Paragraph 3 amends new subsection 5(5) to specify that the black line border is to be not less than 0.3 millimetres and not more than 0.5 millimetres thick as 0.5 millimetres may be too thick in some types of packaging.