Australian Capital Territory (Tobacco – Sale to
Young Persons and Promotion) Bill 1988
Private Member's Bill

Date Introduced: 25 May, 1988
House: House of Representatives
Presented by: Mr Robert Tickner, M.P.

Digest of Bill

Purpose
To prohibit the promotion of tobacco products and accessories through publication and advertisement; to prohibit certain competitions; to prohibit free samples and to prohibit the sale of tobacco products to people under the age of 16 years in the Australian Capital Territory.

Background
This Bill is similar to legislation introduced, and passed in some States and overseas, which seeks to restrict tobacco advertising and promotion, particularly as it affects young people.

Advertising promoting tobacco usage is currently prohibited on television and radio under the Broadcasting Act 1942 (Cth), but it is not prohibited in the print media. Anti-smoking advertisements can be broadcast.

In 1983 Australian Democrats Senator Jack Evans introduced to the Senate the ACT Smoking and Tobacco Products Advertisements Prohibition Bill 1983 which sought to eliminate all forms of smoking and tobacco promotion and advertising in the Territory. The ACT House of Assembly's Standing Committee on Health, Housing and Welfare endorsed the essential principles of the Bill but recommended that the Capital Territory Health Commission revise the existing ACT Tobacco Ordinance 1927 to accommodate concerns about personal rights and liberties and onus of proof in the Evans Bill, to update its penalties, to establish an ACT licensing system for tobacco retailers, and to impose a variable levy upon the sale of tobacco products from which the proceeds would be devoted towards health promotion and community preventative programs.
In 1987 the ACT Health Authority issued a discussion paper on the current Ordinance. That paper suggested that further restrictions upon print media advertising of tobacco products may be ineffective; that cinema advertising should be prohibited; that penalties under the Ordinance be substantially increased; that cigarettes not be sold in packets of less than 20 or at public events; that give-away promotions be prohibited; that advertising restrictions be introduced over corporate sponsorship of sporting and cultural activities, and tighter regulation of tobacco vending machines and some restrictions on point of sale advertising, amongst others. The Tobacco Ordinance has not yet been revised.

Main Provisions

The Bill is limited in its application to the ACT. Clause 7 prohibits the publication of tobacco advertisements in newspapers or other mediums or in public places while Clause 12 prohibits the use of trademarks associated with such tobacco products in advertisements. Various Clauses are directed against the promotion of tobacco products through competitions or schemes (Clause 8), sponsorships (Clause 11), or the giving of free samples (Clause 10). Clause 9 prohibits the sale of tobacco products to, or the purchase of tobacco products for persons under 16 years of age. Retailers may display prescribed advertisements at their places of business under Clause 13.

It is proposed that the Trade Practices Commission will enforce the Act. Notice of a breach and time for the removal of the offending advertisements must be given before prosecution (Clause 14). Directors and other officers of bodies corporate may be liable unless they can establish that all reasonable steps were taken to prevent the commission of the offence. Injunctions may be sought to prevent the commission of an offence under the proposed Act (Clause 18).


2. Tobacco Products Control Act 1986 (Vic). Television advertising of tobacco products is prohibited in Austria, Finland, France, Greece, Ireland, Italy, Netherlands, Portugal, Spain, Switzerland, United Kingdom and West Germany: J. Tydeman and E.J. Kelm, New Media in Europe, McGraw-Hill (UK), 1986, p.63.


For further information, if required, contact the Law and Government Group.

19 July 1988

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

© Commonwealth of Australia 1988

Except to the extent of the uses permitted under the Copyright Act 1968, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval system, without the prior written consent of the Department of the Parliamentary Library. Reproduction is permitted by Members of the Parliament of the Commonwealth in the course of their official duties.