HOUSE OF REPRESENTATIVES

TOBACCO ADVERTISING
PROHIBITION AMENDMENT BILL 2000

Second Reading

SPEECH

Wednesday, 17 November 2010

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES
Ms ROXON (Gellibrand—Minister for Health and Ageing) (9.16 am)—I move:

That this bill be now read a second time.

The Tobacco Advertising Prohibition Amendment Bill 2010 seeks to make it an offence to advertise tobacco products on the internet and in other electronic media.

This brings electronic means of advertising—whether it be on the internet or by mobile phone—in line with restrictions that are already in place in the other media.

Australia’s comprehensive approach to tobacco control with sustained and coordinated actions from the Commonwealth and state governments including excise measures, advertising bans, bans on smoking in workplaces and public spaces, and anti-smoking advertising campaigns over several decades have seen smoking rates cut from 30.5 per cent in 1988 to 16.6 per cent in 2007.

Despite these good results there is still more to do.

Tobacco smoking remains one of the leading causes of preventable death and disease amongst Australians.

Smoking kills over 15,000 Australians every year and costs over $30 billion each year.

In 2007, some 16.6 per cent of Australians aged 14 years and over smoked daily.

That is why in April 2010 the government announced a comprehensive antismoking action package aimed at delivering on its commitments to reduce the smoking rate to 10 per cent by 2018—a target agreed to by COAG and all state governments—and to halve the rate of smoking amongst Indigenous Australians.

The bill is part of this package which included:

- the 25 per cent tobacco excise increase introduced on 29 April 2010,
- record investments in antismoking social marketing campaigns, and
- legislation to mandate plain packaging of tobacco products by 2012.

We all acknowledge that messages and images promoting the use of tobacco products can ‘normalise’ tobacco use, increase uptake of smoking by young people and act as disincentives to quit.

A national ban on tobacco advertising—that is, direct cigarette advertising on radio or television—first came into effect in 1973.

At that time, Australia also introduced mandatory health warnings on cigarette packs.

Over a decade later, the Smoking and Tobacco Products Advertisements (Prohibition) Act 1989 nationally banned tobacco advertising in newspapers and magazines.

In 1992, the Commonwealth introduced a more rigid ban with the passage of the Tobacco Advertising Prohibition Act 1992 (the act).

The act serves as the primary vehicle governing advertising of tobacco products in Australia.
It makes it an offence to give publicity to, or promote, tobacco products. While much of the emphasis is on cigarettes, the act applies to all tobacco products including cigars, pipes and pipe tobacco, loose tobacco, cigarette papers et cetera.

Since the passage of the act in 1992, the use of the internet as an advertising medium has become increasingly widespread.

The media platforms that are accessed by young people today are continually evolving.

The internet is clearly becoming a major vehicle by which young people can be exposed to tobacco advertising.

Unregulated internet advertising and the promotion of tobacco products undermines the effectiveness of the act and fosters the false perception that smoking is the norm.

Unregulated retail activity on the internet can also undermine tax pricing policies aimed at deterring smoking, facilitate the purchase of tobacco products without appropriate graphic health warnings and contribute to the promotion of smoking more generally.

At the Ministerial Council on Drug Strategy (MCDS) in 2007, the states and territories expressed their support for the Commonwealth to seek to regulate tobacco advertising on the internet.

National and international efforts signal the level of concern surrounding tobacco advertising on the internet.

Australia is a signatory to the World Health Organisation’s Framework Convention on Tobacco Control (WHO FCTC).

Guidelines developed under Article 13 of the WHO FCTC require that, where internet sales of tobacco products are not yet banned, restrictions should be imposed, allowing only textual listings of products with prices, with no pictures or promotion features.

I note that a complete ban on internet retail sales has not been included in this bill.

This is consistent with the policy of consecutive governments that the internet should be maintained on the same footing as, and not be disadvantaged, compared to other retail points of sale.

This helps ensure, for example, that people living in rural and regional areas are not disadvantaged when purchasing grocery items including tobacco products over the internet.

Currently, ambiguity exists as to how the provisions of the Tobacco Advertising Prohibition Act 1992 may be applied to the advertising of tobacco products on the internet and whether or not advertising of tobacco products over the internet is permitted.

The intended effect of the amendments is to make it a specific offence to advertise tobacco products on the internet and all other electronic media and future technologies, unless such advertising complies with state or territory legislation or with Commonwealth regulations.

Section 34 of the act allows the Governor-General to make regulations prescribing matters required or permitted by this act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to this act.

It is proposed that regulations will be made under the act to prescribe specific requirements as to:

- the size, content, format and location of tobacco advertisements;
- the inclusion of health warnings, warnings about age restrictions on the sale of tobacco products, information about any fees, taxes and charges payable in relation to tobacco products; and
- age restricted access systems for access to tobacco advertisements.

The maximum penalty for each offence under these amendments is 120 penalty units, which is $13,200.
This is consistent with the penalty units for other offences under the act and for legislation of a similar nature, such as the Interactive Gambling Act 2001.

The Gillard government remains fundamentally concerned about the harms and subsequent health costs related to the consumption of tobacco.

As a consequence the government is committed to reducing the effects of tobacco on Australia’s population.

This bill will bring restrictions on tobacco advertising and promotion on the internet into line with restrictions in other media and at physical points of sale.

It creates a level playing field—the restrictions placed on over-the-counter sales and online sales will no longer be different.

This legislation and the proposed regulations are part of our government’s comprehensive approach to tobacco control which is helping to give Australia one of the lowest smoking rates in the world.

I commend the bill to the House.

Debate (on motion by Mrs Andrews) adjourned.