

Tobacco and the law in Australia

Tobacco in Australia is regulated through Commonwealth, State and Territory legislation.

Legislation covers:

- advertising and promotion restrictions;
- packaging and labelling requirements;
- public smoking bans;
- taxation.

Advertising & promotion legislation

Advertising and promotion of smoking or tobacco products in Australia is governed by the Tobacco Advertising Prohibition (TAP) Act 1992. The TAP Act 1992 was introduced to provide a national standard for tobacco advertising. This Act is the latest in a series of restrictions on advertising that have been put in place since the 1970s.

- Bans on cigarette advertising on radio and television have been in place since 1976.
- Bans on cigarette advertising in all Australian newspapers and magazines have been in place since 1990.

The TAP Act bans most mainstream forms of tobacco advertising. However tobacco is still promoted via direct mail, the internet and at the point of sale. Despite a ban on paid product placement, cigarette and tobacco use has been increasing in the movies. The prohibitions cover:

- print media advertising, advertisements in films, videos, television or radio,
- advertising on tickets, the sale or supply of any item containing a tobacco advertisement and outdoor advertising on billboards or public transport.

Later amendments to the Act also restricted sponsorship of sporting or cultural events. The last exemption to tobacco sponsorship - the Formula One Grand Prix - ended in 2006.

Point of Sale advertising

Point of sale advertising is the advertising you see displayed in shops that sell cigarettes. Point of sale and packaging are among the last places tobacco companies can advertise legally. Point of sale advertising also appeals directly to children and young people, as cigarette displays can give the impression that smoking is normal and safe. Ready access to cigarettes is a predictor of uptake of smoking, indeed in South Australia in 2005, Over 19% of children purchased their cigarettes, with the most common place of purchase being petrol stations.

A number of states, including Victoria and Western Australia, have recently curtailed advertising at point of sale.

In South Australia, the Tobacco Products Regulation Act controls tobacco sales, distribution, display, advertising and use of tobacco, including areas where smoking is prohibited. The Act was amended (Oct 2004) and extends previous legislation. It includes

- bans on tobacco advertising in public places and retail outlets
- bans on mobile display units, a common form of marketing to young people in nightclubs
- bans on offering tobacco as a gift or free sample to members of the public
- restriction of vending machines to 1 only in licensed premises

Designated Department of Health signage must be displayed at point of sale.

In August 2006, further point of sale restrictions were proposed for SA, including point of sale tobacco display restrictions to 3 square metre + A3 graphic image OR 1 square metre plus A4 written warning and banning displays of cartons of cigarettes to no more than one packet of any particular product. The new restrictions came into effect on 1 November 2007.

[see www.tobaccolaws.sa.gov.au for more information]

[see also Health Alliance briefing on point of sale

http://www.cancersa.org.au/cms_resources/documents/Health_Alliance.pdf]

Packaging and labelling

A health warning - Smoking is a health Hazard first appeared on cigarette packages in Australia in 1973, after state legislation introduced in 1969 was implemented. In 1985, all states revised legislation or agreements to accommodate four new warnings that would be more prominently placed on cigarette packs. Smoking causes lung cancer, Smoking causes heart disease, Smoking reduces your fitness and Smoking damages your lungs were to appear with equal frequency.

In 1995, six new warnings appeared on the 'flip top' of tobacco packages in black print on a white background, covering at least 25% of the front of the pack. (Smoking Causes Lung Cancer, Smoking Causes Heart Disease, Smoking Kills, Your Smoking Harms Others, Smoking When Pregnant Harms Your Baby and Smoking is Addictive). Detailed explanations of each warning along with a tobacco information number took up one third of the back of each pack. One side panel contained information to help consumers more easily understand the tar, nicotine and carbon monoxide content of that brand.



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Smoking Project (WA) and the Quit SA
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From March 1st 2006, all packs were required to have new pictorial warnings that cover 30% of the front of the pack and 90% of the back of the pack.

There are two sets of seven warnings that will be used in alternate years. Packs are also required to display the Quitline number. The side panel with levels of tar, nicotine and carbon monoxide was replaced with more relevant and accurate information.

The new warnings can be seen at: www.quitsa.org.au

Taxes and pricing

According to the World Bank, raising taxes on tobacco is one of the most effective ways of reducing the amount of people smoking. When the Government raises its tax on tobacco, this pushes up the price of cigarettes in the shops. The more expensive cigarettes become, the less likely children are to take up smoking and the more likely people are to quit smoking, particularly those on low incomes.

In Australia, tobacco is taxed through an excise paid per stick for cigarettes; by weight for loose tobacco, and through GST. Prices increase in line with CPI in February and August each year. Excise revenue on tobacco for 2005-2006 was \$5.09 billion. (<http://www.vctc.org.au>)

[see www.health.gov.au/tobacco for more information]

Smoking in public places and Workplaces

It is now accepted that passive smoking (breathing in other people's cigarette smoke) poses a risk to everyone's health, not just to those who smoke. Smoke-free areas have become the norm and are now expected by the majority of people to be available when they go to work or to a public place such as an entertainment venue.

The issue of smoking in public places and workplaces is another area that comes within the jurisdiction of the States and Territories.

Federal controls ban smoking in

- all commonwealth departments
- all domestic flights and international flights out of Australia, and in airport buildings operated by the Federal Airports Corporation.

Across all States, smoking is prohibited in enclosed dining areas, enclosed public places and almost all enclosed workplaces. Pubs, clubs and casinos became smokefree on the 31st of October 2007, making all of Australia's enclosed workplaces and public places smoke-free. Some jurisdictions have even legislated for smoke-free outdoor dining and outdoor areas.

	Enclosed Work-places	Enclosed Dining & Public areas	Pubs and Clubs	Outdoor Dining
ACT	✓	✓	Dec 2006	Proposed
QLD	2002	2002	Jul 2006	Jul 2006
NSW	Sep 2000	Sep 2000	Jul 2007	-
NT	May 2003	May 2003	-	-
SA	Jan 1999	Jan 1999	Nov 2007	-
TAS	Sep 2001	Sep 2001	Jan 2006	Jan 2006 (partial)
VIC	Jul 2001	Jul 2001	Jul 2007	-
WA	2000	2000	Jul 2006	-

Laws around the world

In May 2003, the World Health Organization (WHO) adopted the Framework Convention on Tobacco Control, the world's first global public health treaty. By signing and ratifying the treaty, countries commit to a host of measures designed to reduce the devastating health and economic impacts of tobacco.

Some countries have these measures in place, including Australia. For instance, smoking is banned in pubs and clubs in New Zealand, Ireland, California, New York, and Scotland with much of Europe moving towards smoke-free pubs and clubs. Many countries who have ratified the treaty, need to work towards meeting the requirements of the treaty.

For more information on the Framework Convention on Tobacco Control, go to www.fctc.org.

[see Smoke-free World <http://www.ashaust.org.au/pdfs/SFworldBMA06.pdf>]

Reference

1 Ridolpho B, Stevenson C The quantification of drug caused morbidity and mortality in Australia 1998. AIHW Cat no PHE 29. Canberra: AIHW (Drug Statistics Series no 7), 2001.



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