

TOBACCO PRODUCTS (LABELLING) ACT 1987

No. 49 of 1987

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TOBACCO PRODUCTS (LABELLING) ACT 1987

No. 49 of 1987

AN ACT to prohibit the sale of tobacco products except in packages marked with health warnings and to provide for related matters.

[Royal Assent 18 August 1987]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Tobacco Products (Labelling) Act 1987*. Short title.

2—This Act shall commence on the day on which this Act receives the Royal assent. Commencement.

3—In this Act, unless the contrary intention appears— Interpretation.

“pack” includes cause, permit, and suffer to be packed;

“package” includes box, carton, cylinder, packet, pouch, tin, and wrapping, but does not include transparent outer wrapping;

“sell” includes exchange, barter, offer for sale, expose for sale, and have in possession for sale;

“tobacco product” means a tobacco product prepared for smoking and includes cigarettes and any mixture that contains tobacco and is intended to be smoked, but does not include snuff, plug tobacco, or cigars that are sold individually.

Application of Act.

4—(1) The Governor may, by order published in the *Gazette*, fix a day that is later than 1st September 1987 for the purposes of this section.

(2) Before the day fixed under subsection (1), this Act applies to, and in relation to—

(a) the packing and sale of tobacco products manufactured in Australia on or after 1st July 1987; and

(b) the packing and sale of tobacco products manufactured outside Australia on or after 1st September 1987.

(3) On and after the day fixed under subsection (1), this Act applies to the packing and sale of all tobacco products, without regard to their place or date of manufacture.

Sale of unpackaged tobacco products prohibited.

5—A person who sells a tobacco product that is not in a package is guilty of an offence and is liable on summary conviction to a penalty not exceeding ten penalty units.

Packing of tobacco products without health warning prohibited.

6—Where a person packs a tobacco product in a package in which the product is to be sold, that person is, unless the package is marked with a health warning in accordance with the regulations, guilty of an offence and is liable on summary conviction to a penalty not exceeding ten penalty units.

Sale of tobacco products without health warning prohibited.

7—A person who sells a tobacco product in a package that is not marked with a health warning in accordance with the regulations is guilty of an offence and is liable on summary conviction to a penalty not exceeding ten penalty units.

Prohibited words on packaged tobacco products.

8—Where—

(a) a person packs a tobacco product in a package in which it is to be sold or sells a tobacco product in a package; and

(b) the package is marked with, or accompanied by, a statement containing—

(i) the word “non-injurious” or “non-hazardous” or the words “harmless to man”, or any other words or words of similar import; or

- (ii) any words that directly or by implication contradict, qualify, or modify a health warning marked on the package in accordance with the regulations,

that person is guilty of an offence and is liable on summary conviction to a penalty not exceeding ten penalty units.

9—(1) The Governor may make regulations for, or with Regulations. respect to—

- (a) specifying the words or symbols, or the words and symbols, that comprise health warnings;

- (b) the manner of marking, whether by printing or in any other manner, health warnings on packages in which tobacco products are enclosed or on labels affixed to any such packages, including, but without limiting the generality of the foregoing—

- (i) the size of type face of the words or symbols, or the words and symbols, that comprise health warnings to be marked on any such packages or on any labels affixed to any such packages of any class, type, or description specified in the regulations;

- (ii) the colours or types or kinds of colours or combinations of colours, in which health warnings shall or shall not be marked; and

- (iii) the place or places on any such package or label affixed to any such package on which health warnings shall be marked;

- (c) prohibiting the sale of tobacco products in a package on which, or with which, is given to the purchaser a statement in which is printed or marked in any other manner any words or symbols, or words and symbols, specified in the regulations; and

- (d) exempting packages of tobacco products of a class, type, or description that is specified in the regulations from all or any of the provisions of this Act, either unconditionally or subject to such conditions as may be so specified.

(2) The regulations made for the purposes of subsection (1) (b) (ii) may—

- (a) adopt, either specifically or by reference, any dictionary or index of colours or of colour standards, or any other publication relating to the standards of colours, issued or published by a body or society specified in the regulations; and

- (b) prohibit the marking of health warnings in a colour that is made from, or is composed of, a substance of a kind specified in the regulations.
- (3) The regulations may—
- (a) make different provision with respect to different classes, types, or descriptions of packages; and
 - (b) provide that it is an offence, punishable on summary conviction, for a person to contravene, or fail to comply with, any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding 5 penalty units.

Repeal of
Cigarettes
(Labelling) Act
1972.

10—The *Cigarettes (Labelling) Act 1972** is repealed.

* No. 70 of 1972.