Tobacco and the law in Australia

The *Tobacco Products Control Act 2006* was introduced to reduce smoking and its harms to Western Australians, particularly young people. Some of the laws from the Act are outlined below.

Tobacco laws about advertising

In Australia, tobacco advertising is not allowed on TV, radio (since 1976), newspapers and magazines (since 1992).

In Western Australia, tobacco advertising is also banned from the point of sale, that is at the shop or deli where cigarettes are sold. The display of products at the point of sale must take up no more than one metre squared, and the shop or deli must provide a warning about the damage that smoking can do to people's health.

It is also illegal to promote the sale of cigarettes with a competition or special offer, such as a chance to win a holiday if you buy a certain brand of cigarettes or receive a free lighter with your purchase.

Tobacco companies are no longer allowed to sponsor sports, arts or horseracing events with tobacco advertisements. Healthway (Western Australian Health Promotion Foundation) was set up to replace these tobacco sponsorships and to promote health messages. For example, Western Australia's junior football is sponsored by Healthway to promote the Smarter than Smoking message.

Tobacco companies can also be fined for false or misleading statements on health effects or harm caused by tobacco. For example, tobacco companies cannot claim that a product is 'light and mild', implying that it is less harmful to your health.

Tobacco laws about selling cigarettes and tobacco products to young people

In Western Australia, all retailers and wholesalers selling cigarettes and tobacco products must have a licence.

If licensed retailers and wholesalers break the law relating to the sale, supply and display of tobacco products they can lose their licence.

It is illegal for anyone to sell or supply a tobacco product to a person less than 18 years of age.

This includes shops that sell cigarettes to children and people who give them to, or buy them on behalf of, children. Even if a child has written permission from a parent to buy cigarettes on the parent's behalf, a shopkeeper can still be fined under the Act for selling cigarettes to the child.

REMEMBER – Children who ask adults or retailers for cigarettes are asking that person to break the law.

The penalty for selling or supplying a child with a tobacco product is up to $10,000 for a person's first offence and $20,000 for offences after that. Retailers or wholesalers can be fined up to $40,000 for a first offence and $80,000 after that.

Vending machines that sell cigarettes are only allowed in licensed premises.

It's also illegal to sell cigarettes individually or in packs of less than 20 and to sell confectionery and toys that resemble cigarettes.

Tobacco laws about smoking to protect people from second hand smoke

In 1999 the Western Australian Health Regulation banned smoking in most enclosed public places such as restaurants and shopping centres.

A total smoking ban in all enclosed public places, including all pubs and nightclubs was implemented on 31 July 2006 (except the International Room at Burswood Casino).

Commonwealth legislation in 1991 also made it illegal to manufacture, import and supply tobacco products that are sucked, chewed or inhaled in Australia.

For more information about the Act, contact the Tobacco Control Branch at the Department of Health on (08) 9242 9633.

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, but 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**.

SMARTER than smoking   Healthway

Fact sheet adapted from text supplied by Department of Health, WA.

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