

## EXPLANATORY STATEMENT

Competition and Consumer Act 2010  
Competition and Consumer (Tobacco) Information Standard 2011.

### ***The Competition and Consumer (Tobacco) Amendment Information Standard 2012 (No.1)***

#### **Background**

The *Competition and Consumer (Tobacco) Information Standard 2011* (**the Information Standard**) provides consumers with updated and more prominent health warnings about the health effects of smoking and incorporates both graphic and text-only health warnings. The content of all health warnings is based on scientific evidence and has been cleared by the Commonwealth Chief Medical Officer.

Parts 3 and 4 of the Information Standard set out the content of the health warnings required on “retail packaging for cigarettes and smoked tobacco products not mentioned in other Parts (the first and second set of health warnings)”.

Part 9, section 9.5 of the Information Standard sets out the rotation schedule required for the first and second set of health warnings to be displayed on the relevant retail packaging.

#### **Purpose**

This amendment provides a replacement graphic in the existing Information Standard.

The replacement graphic is in the health warning “smoking causes heart disease”, at section 4.4(2) in Part 4 of the Information Standard. There are no other changes to the Information Standard.

The amendment is necessary to ensure consumers do not misunderstand the nature of damage to the heart caused by tobacco smoking. The intention of the amended graphic is to more clearly convey the type of damage smoking can cause to the heart and therefore strengthen the ability of the health warning to achieve its purpose to the greatest extent possible.

The amended graphic is consistent with that used in health warnings on tobacco products sold in Canada and New Zealand.

The Information Standard does not require this graphic to be applied to the retail packaging of relevant tobacco products until 1 December 2013. Due to the minor nature of the amendment and the long period of time before the graphic is required to be applied, formal consultation on the amendment has not been undertaken. No supplier should be unreasonably impacted by the amendment and all suppliers who have previously requested a disk of the electronic images from the Department of Health and Ageing will be sent a new disk with the amended image.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### *Overview*

The Legislative Instrument amends one graphic prescribed in the *Competition and Consumer (Tobacco) Information Standard 2011*.

### *Human Rights Implications*

The Legislative Instrument engages the right to health and the rights of the child.

The *International Covenant on Economic, Social and Cultural Rights* recognises the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The *Convention on the Rights of the Child* recognises the right of the child to the enjoyment of the highest attainable standard of health.

The Legislative Instrument promotes these rights by providing an amended graphic to the existing standard.

### *Conclusion*

The Legislative Instrument does not limit human rights and is compatible with human rights because it advances the protection of human rights.