



Competition and Consumer (Tobacco) Amendment (Rotation of Health Warnings) Information Standard 2013

I, David Bradbury, Assistant Treasurer, make the following information standard under section 134 of Schedule 2 to the *Competition and Consumer Act 2010*.

Dated 24 July 2013

David Bradbury
Assistant Treasurer

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1 Name of information standard

This information standard is the *Competition and Consumer (Tobacco) Amendment (Rotation of Health Warnings) Information Standard 2013*.

2 Commencement

This information standard commences on the day after it is registered.

3 Authority

This information standard is made under section 134 of Schedule 2 to the *Competition and Consumer Act 2010*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Competition and Consumer (Tobacco) Information Standard 2011

1 Subsection 1.3(1)

Insert:

manufacturer:

- (a) has the meaning given by section 7 of the Australian Consumer Law; and
- (b) includes a person who places a tobacco product into retail packaging; and *manufacture* has a corresponding meaning.

2 Section 2.1

Repeal the section, substitute:

2.1 Supply of tobacco product

- (1) A tobacco product supplied by way of retail sale must be in retail packaging when it is supplied to the purchaser.
- (2) The retail packaging must comply with this information standard.
- (3) For a single cigar supplied by way of retail sale:
 - (a) the cigar must be in retail packaging when it is supplied to the purchaser; and
 - (b) the cigar must be covered by at least one layer of retail packaging that is not a plastic or other wrapper.

Note 1: A person who places a single cigar into retail packaging is treated as a manufacturer of a tobacco product, in addition to any other manufacturer within the meaning given by section 7 of the Australian Consumer Law. See the definition of *manufacturer* in subsection 1.3(1).

Note 2: Subsection 9.9(4) relates to the use of wrappers as the retail packaging for a single cigar.

3 Subsection 9.5(3)

Repeal the subsection.

4 Subsection 9.5(4)

Omit “retail packaging supplied”, substitute “retail packaging of tobacco products manufactured in, or imported into, Australia”.

5 Subsection 9.5(5)

Omit “on retail packaging supplied”, substitute “on retail packaging of tobacco products manufactured in, or imported into, Australia”.

6 Subsection 9.5(6)

Omit “on retail packaging supplied”, substitute “on retail packaging of tobacco products manufactured in, or imported into, Australia”.

7 Subsection 9.5(7)

Omit “on retail packaging supplied”, substitute “on retail packaging of tobacco products manufactured in, or imported into, Australia”.

8 Subsection 9.5(8)

After “retail packaging”, insert “of tobacco products manufactured in, or imported into, Australia”.

9 Subsection 9.6(2)

Repeal the subsection.

10 Subsection 9.6(3)

Omit “on retail packaging supplied”, substitute “on retail packaging of tobacco products manufactured in, or imported into, Australia”.

11 Subsection 9.6(4)

Omit “on retail packaging supplied”, substitute “on retail packaging of tobacco products manufactured in, or imported into, Australia”.

12 Subsection 9.7(2)

Repeal the subsection.

13 Subsection 9.7(3)

Omit “on retail packaging supplied”, substitute “on retail packaging of tobacco products manufactured in, or imported into, Australia”.

14 Subsection 9.7(4)

Omit “on retail packaging supplied”, substitute “on retail packaging of tobacco products manufactured in, or imported into, Australia”.

15 After section 9.7

Insert:

9.7A Health warnings to be displayed in rotation—manufacture or import

- (1) For sections 9.5 to 9.7:
 - (a) a tobacco product is taken to have been manufactured in Australia if it is:
 - (i) placed in retail packaging in a facility (however described) in Australia; or
 - (ii) otherwise assembled in retail packaging in a facility (however described) in Australia; and
 - (b) the tobacco product is taken to have been manufactured in Australia on the day it is dispatched from that facility.
- (2) For sections 9.5 to 9.7, a tobacco product that is not manufactured in Australia as described in paragraph (1)(a) is taken to have been imported into Australia at the first time when both of the following have occurred:
 - (a) the tobacco product enters Australia;

- (b) the tobacco product is cleared for entry into Australia by Customs.
- (3) The requirements in subsections 9.5(4) to (8), 9.6(3) and (4) and 9.7(3) and (4) apply only to the first supply of a tobacco product by:
 - (a) the manufacturer of the tobacco product in Australia; or
 - (b) the importer of the tobacco product into Australia.