

PARLIAMENTARY INQUIRY QUESTION ON NOTICE

Department of Health and Aged Care

Senate Standing Committee on Community Affairs

Public Health (Tobacco and Other Products) Bill 2023, and the Public Health (Tobacco and Other Products)(Consequential Amendments and Transitional Provisions) Bill 2023

PDR Number: IQ23-000127

Clauses 39 and 66 of Public Health (Tobacco and Other Products) Bill 2023 - tobacco sponsorships

Written

Senator: David Pocock

Question:

2. Clauses 39 and 66 of the Bill relate to tobacco sponsorships. It seems to cover any form of contribution made to an event, activity or individual that promotes, or is likely to promote, smoking or the use of e-cigarettes. It appears that this clause wouldn't cover any contribution made to body corporate or other structure that is not a natural person. Would this provision be sufficient to prevent tobacco sponsorships to sporting teams, as an example?

Answer:

The definitions of tobacco sponsorship and e-cigarette sponsorship are outlined in clause 39 and clause 66 respectively. There is also further explanation of the meaning of a 'tobacco sponsorship' in the Explanatory Memorandum, including a non-exhaustive list of examples such as:

- a. payment or other consideration in exchange for the exclusive sale or prominent display of a particular product or particular manufacturer's product in a retail outlet, at a venue or at an event;
- b. sale, supply, placement and display of products at educational establishments or at hospitality, sporting, entertainment, music, dance and social venues or events; and

- c. provision of financial or other support by the tobacco industry to venue operators (such as pubs, clubs or other recreational venues) in exchange for building or renovating premises to promote tobacco products or the use or provision of awnings and sunshades.

The definitions cover contributions made to a sporting event, due to the express reference to an 'event'.

The reference to an 'activity' in the definition would also capture sporting activities.

If a contribution is made to an individual, or group of individuals, it would also be covered.