



Tobacco and Other Smoking Products Act 1998

Tobacco and Other Smoking Products Regulation 2010

Reprinted as in force on 27 August 2010

Reprint No. 1

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Information about this reprint

This regulation is reprinted as at 27 August 2010.

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, 'lodgement' has replaced 'lodgment').

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Tobacco and Other Smoking Products Regulation 2010

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Tobacco and Other Smoking Products Regulation 2010

[reprinted as in force on 27 August 2010]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Tobacco and Other Smoking Products Regulation 2010*.

Part 2 Promotion of smoking products

Division 1 Smoking related products

2 Smoking related products—Act, s 25

For section 25 of the Act, definition *smoking related product*, each of the following is prescribed—

- (a) cigarette papers;
- (b) cigarette filters;
- (c) cigarette tubes;
- (d) a cigarette rolling machine;
- (e) a handheld machine for injecting tobacco into paper tubes;
- (f) cigar or cigarette holders;

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- (g) cigarette tips;
- (h) a cigar cutter.

Division 2 Price tickets and other indicators of price

3 Price ticket for other than a tobacco product vending machine—Act, s 26H

- (1) For section 26H(1)(a) of the Act, a price ticket for a smoking product other than a tobacco product being sold from a tobacco product vending machine—
 - (a) must be no more than 80mm x 40mm in size; and
 - (b) must be the same size and colour as the price tickets for all other smoking products being sold at the same retail outlet; and
 - (c) if the price ticket is for an immediate package of a product line, may only display—
 - (i) words that indicate any of the following—
 - (A) the name of the product line;
 - (B) the number of items in the immediate package;
 - (C) the price of the immediate package;
 - (D) the country of origin of the product line; and
 - (ii) a bar code, or similar identification code, for the product line; and
 - (d) if the price ticket is for a carton of a product line, may only display—
 - (i) words that indicate any of the following—
 - (A) the name of the product line;
 - (B) the number of immediate packages in the carton;

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- (C) the price of the carton;
 - (D) the country of origin of the product line; and
 - (ii) a bar code, or similar identification code, for the product line.
- (2) The words, bar code or similar identification code displayed on the price ticket must be—
- (a) in white on a black background; or
 - (b) in black on a white background.
- (3) Subsection (4) applies, if, in a retail outlet, price tickets for goods other than smoking products have information about the goods in 1 colour (the *information colour*) on a background of another colour (the *background colour*).
- (4) Despite subsection (2), a price ticket for a smoking product may display the words, bar code or similar identification code in the information colour on the background colour.

4 Price ticket for tobacco product vending machine—Act, s 26ID

- (1) For section 26ID(1) of the Act, a price ticket for a tobacco product being sold from a tobacco product vending machine—
- (a) must be no more than 80mm x 40mm in size; and
 - (b) must be the same size and colour as the price tickets for all other tobacco products being sold from the same tobacco product vending machine; and
 - (c) may only display—
 - (i) words that indicate any of the following—
 - (A) the name of a product line;
 - (B) the number of items in an immediate package;
 - (C) the price of an immediate package;
 - (D) the country of origin of a product line; and

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- (ii) a bar code, or similar identification code, for a product line.
- (2) The words, bar code or similar identification code displayed on the price ticket must be—
 - (a) in white on a black background; or
 - (b) in black on a white background; or
 - (c) in any 1 colour on a background of any other 1 colour.
- (3) All the price tickets for a tobacco product vending machine must be in the same 2 colours.

5 Other indicator of price for a tobacco product vending machine—Act, s 26ID

For section 26ID(1) of the Act, an indicator of price, other than a price ticket, for a tobacco product being sold from a tobacco product vending machine may only display words that indicate any of the following—

- (a) the name of a product line;
- (b) the number of items in an immediate package;
- (c) the price of an immediate package;
- (d) the country of origin of a product line.

Example of an indicator of price other than a price ticket—

an electronic display in a tobacco product vending machine

Division 3 Price boards

6 Price board—Act, s 26H

- (1) For section 26H(1)(b) of the Act, a price board—
 - (a) must be no more than 0.5m² in area; and
 - (b) may only display—
 - (i) words that indicate any of the following—

-
- (A) the name of a product line;
 - (B) the number of immediate packages in a carton;
 - (C) the price of a carton;
 - (D) the country of origin of a product line; and
- (ii) a bar code, or similar identification code, for a product line.
- (2) The words, bar code or similar identification code displayed on the price board must be—
 - (a) in white on a black background; or
 - (b) in black on a white background.

Part 3 Particular signs

Division 1 Signs for humidified containers and humidified rooms

7 Display of warning message, graphic and explanatory message—Act, s 26F

For section 26F(2) of the Act, a warning message, graphic and explanatory message for a humidified container or humidified room must—

- (a) be at least 210mm x 148mm in size; and
- (b) be displayed—
 - (i) so that the warning message, graphic and explanatory message are easily visible to a person approaching the container or room; and
 - (ii) for a humidified container—on the front of the container.

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Division 2 Prohibition and quit smoking signs

8 Form of prohibition sign—Act, ss 20 and 21

- (1) For sections 20(1) and 21 of the Act, a prohibition sign must—
 - (a) be at least 210mm x 148mm in size; and
 - (b) display only the following words in the following sequence—

‘It is an offence to supply a smoking product to a person under 18 years.

Maximum penalty \$42000.

Proof of age may be required.’.
- (2) The words stated in subsection (1)(b) must be at least 8mm in height.
- (3) Nothing in subsection (1) prevents the sign displaying a reference to the State, the department or the Act.

9 Form of quit smoking sign—Act, ss 20 and 21

- (1) For sections 20(1) and 21 of the Act, a quit smoking sign must—
 - (a) be at least 410mm x 290mm in size; and
 - (b) display only the following words in the following sequence—
 - (i) ‘Any time. Any day. We’re here to help. 13 QUIT (13 7848).’; or
 - (ii) ‘Call us. We can help you quit smoking. 13 QUIT (13 7848).’; or
 - (iii) ‘Smoking kills. 13 QUIT (13 7848).’.
- (2) The words displayed on the sign must be in black on a white background.

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- (3) Nothing in subsection (1) prevents the sign displaying a reference to the State, the department or the Act.

10 Display of prohibition sign and quit smoking sign by supplier—Act, s 20(1)

- (1) A supplier must display a prohibition sign and a quit smoking sign at the supplier's point of sale, other than a tobacco product vending machine, so that the signs are easily visible to a person purchasing a smoking product at the point of sale.
- (2) For displaying a quit smoking sign, if a supplier has more than 1 point of sale at a retail outlet, the supplier complies with subsection (1) if the supplier displays the quit smoking sign at the point of sale at which the majority of sales of smoking products are made at the retail outlet.

11 Attachment of prohibition sign and quit smoking sign for tobacco product vending machine—Act, s 21

A person in charge of a tobacco product vending machine must attach a prohibition sign and quit smoking sign to the front of the machine or near the machine, so that the signs are easily visible to a person obtaining a tobacco product from the machine.

Division 3 No smoking signs

12 Form of no smoking sign—Act, s 26S

- (1) For section 26S of the Act, a no smoking sign—
- (a) must display a symbol (a *no smoking symbol*) in the form of a circle and a diagonal line over a depiction of a cigarette and smoke; and
 - (b) may display any words that indicate smoking is not permitted.
- (2) The no smoking symbol must be at least 70mm in diameter.

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- (3) Nothing in subsection (1) prevents the sign displaying a reference to the State, the department or the Act.

13 Display of no smoking sign—Act, s 26S

- (1) For section 26S of the Act, a licensee of licensed premises must display a prominent no smoking sign at the entrance to the premises.
- (2) In this section—
prominent, for a no smoking sign, means easily visible to a person who is about to enter the premises.

Part 4 Smoke-free outdoor places

14 Prescribed outdoor swimming areas—Act, s 26ZI

Each of the areas described in schedule 1 is a prescribed outdoor swimming area.

15 Outdoor pedestrian malls where smoking near an entrance to an enclosed place is not prohibited—Act, s 26ZJ(3)(b)

Each of the outdoor pedestrian malls described in schedule 2 is prescribed for section 26ZJ(3)(b) of the Act.

Part 5 Prohibited products

16 Display of hookahs—Act, s 26ZQA

For section 26ZQA of the Act, the number of hookahs prescribed is 3.

Part 6 **Repeal provision**

17 **Repeal**

The Tobacco and Other Smoking Products Regulation 1998,
SL No. 112 is repealed.

Schedule 1 Prescribed outdoor swimming areas

section 14

Airlie Beach Lagoon

- the body of water used by the public for swimming, known as the Airlie Beach Lagoon, situated off Broadwater Ave, Airlie Beach
- the area of sand adjoining the body of water

Bluewater Lagoon (Mackay)

- the body of water used by the public for swimming, known as the Bluewater Lagoon, situated off River Street, Mackay
- the area of sand adjoining the body of water

Esplanade Lagoon (Cairns)

- the body of water used by the public for swimming, known as the Esplanade Lagoon, situated at the Esplanade, Cairns
- the area of sand adjoining the body of water

Rockpool (Townsville)

- the body of water used by the public for swimming, known as the Rockpool, situated at the Strand, Townsville
- the area of sand adjoining the body of water

Settlement Cove Lagoon (Redcliffe)

- the body of water used by the public for swimming, known as Settlement Cove Lagoon, situated at Charlish Park, corner of Anzac Ave and Redcliffe Pde, Redcliffe
- the area of sand adjoining the body of water

Streets Beach—South Bank (Brisbane)

- the body of water used by the public for swimming, in the area known as Streets Beach, situated at South Bank Parklands, Brisbane
- the area of sand adjoining the body of water

Schedule 2 Prescribed outdoor pedestrian malls

section 15

Brisbane

- the mall in Queen St, Brisbane, between Edward St and George St
- the mall in Albert St, Brisbane, between Burnett Lane and Elizabeth St
- the mall in Duncan St, Fortitude Valley, between Wickham St and Ann St
- the mall in Brunswick St, Fortitude Valley, between Wickham St and Ann St

Cairns

- the mall in Lake St, Cairns, between the vehicular turnaround points
- the mall in Shields St, Cairns, between the vehicular turnaround points

Gold Coast

- the mall in Cavill Ave, Surfers Paradise, between the Esplanade and Orchid Ave
- the mall in Victoria Ave, Broadbeach, between Old Burleigh Rd and the vehicular access point to the underground carparking area

Ipswich

- the mall in Nicholas St, Ipswich, between Limestone St and Brisbane St

- the mall in Nicholas St, Ipswich, between Brisbane St and the north end of Nicholas St
- the mall in Union St, Ipswich

Toowoomba

- the mall in Bell St, Toowoomba, between Ruthven St and Neil St

Townsville

- the mall in Flinders St, Townsville, between Stanley St and Denham St

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Tobacco and Other Smoking Products Regulation 2010 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|--------|--------------------------------|---------|---|
| AIA | = Acts Interpretation Act 1954 | (prev) | = previously |
| amd | = amended | proc | = proclamation |
| amdt | = amendment | prov | = provision |
| ch | = chapter | pt | = part |
| def | = definition | pubd | = published |
| div | = division | R[X] | = Reprint No. [X] |
| exp | = expires/expired | RA | = Reprints Act 1992 |
| gaz | = gazette | reloc | = relocated |
| hdg | = heading | renum | = renumbered |
| ins | = inserted | rep | = repealed |
| lap | = lapsed | (retro) | = retrospectively |
| notfd | = notified | rv | = revised edition |
| num | = numbered | s | = section |
| o in c | = order in council | sch | = schedule |
| om | = omitted | sdiv | = subdivision |
| orig | = original | SIA | = Statutory Instruments Act 1992 |
| p | = page | SIR | = Statutory Instruments Regulation 2002 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum | = unnumbered |
| prev | = previous | | |

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

| Reprint No. | Amendments included | Effective | Notes |
|-------------|---------------------|----------------|-------|
| 1 | none | 27 August 2010 | |

5 List of legislation

Tobacco and Other Smoking Products Regulation 2010 SL No. 218

made by the Governor in Council 26 August 2010

notfd gaz 27 August 2010 pp 1520–4

commenced on date of notification

exp 1 September 2020 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.