



*Tobacco and Other Smoking Products Act 1998*

# **Tobacco and Other Smoking Products Regulation 2010**

**Current as at 6 November 2015**





Queensland

# Tobacco and Other Smoking Products Regulation 2010

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# Tobacco and Other Smoking Products Regulation 2010

## Part 1 Preliminary

### 1 Short title

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

### 1A Definitions

In this regulation—

*mandatory sign* means a sign complying with the requirements stated in section 8.

*style* includes a style with a bold, italic or underlined appearance.

## 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;

[s 3]

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- (d) a cigarette rolling machine;
- (e) a handheld machine for injecting tobacco into paper tubes;
- (f) cigar or cigarette holders;
- (g) cigarette tips;
- (h) a cigar cutter.

## **Division 2                      Price tickets and other indicators of price**

### **3                      Price ticket for relevant point of sale—Act, s 26E**

- (1) For section 26E(2)(b) of the Act, a price ticket for a smoking product—
  - (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) must have the same font size, style and typeface as the price tickets for all other smoking products being sold at the same retail outlet; and  
*Example of a font size, style and typeface—*  
10 point, bold and Times New Roman
  - (d) 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
- (e) 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;
    - (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

[s 5]

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- (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) must have the same font size, style and typeface as the price tickets for all other tobacco products being sold from the same tobacco product vending machine; and  
*Example of a font size, style and typeface—*  
10 point, bold and Times New Roman
  - (d) 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
    - (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

## Part 3 Particular signs

### Division 1 Mandatory and permitted signs

#### 8 Form of mandatory sign—Act, ss 26HC and 26IF

- (1) For sections 26HC(1) and 26IF of the Act, a mandatory sign must—
  - (a) be at least 210mm x 297mm 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

Penalties apply

Proof of age may be required

Quitline 13 QUIT (13 7848)’.
- (2) The words stated in subsection (1)(b) must be—
  - (a) at least 8mm in height; and
  - (b) in, or in a combination of, the following—
    - (i) white on a black background;
    - (ii) black on a white background.
- (3) For subsection (1)(b), the words ‘Quitline 13 QUIT (13 7848)’ may be replaced by the following logo—



- (4) Nothing in this section prevents the sign displaying a reference to the State, the department or the Act.

## 9 Form of permitted sign—Act, s 26HC

- (1) For section 26HC(2) of the Act, a permitted sign must—
- (a) be no more than 210mm x 148mm in size; and
  - (b) display only the following words in the following sequence—  
'Smoking products sold here'.
- (2) The words stated in subsection (1)(b) must—
- (a) be no more than 17mm in height; and
  - (b) be in Arial or Times New Roman typeface; and
  - (c) not be in bold or italics; and
  - (d) not be underlined; and
  - (e) be in black on a white background.

## 10 Display of mandatory sign by supplier

A supplier must display a mandatory sign under section 26HC(1) of the Act, so that the sign is easily visible to a person purchasing a smoking product at the supplier's relevant point of sale.

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**11 Attachment of mandatory sign for tobacco product vending machine—Act, s 26IF**

For section 26IF of the Act, a person in charge of a tobacco product vending machine must attach a mandatory sign to the front of the machine or near the machine, so that the sign is easily visible to a person obtaining a tobacco product from the machine.

**Division 2 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.
- (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.

## **Part 7                      Transitional provision**

### **18            Transitional provision for form of mandatory sign**

Despite section 8(1)(b), a mandatory sign may display the words 'Maximum penalty \$42,000' in the place of the words 'Penalties apply' until 30 June 2015.

## **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

### **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



## 1 Index to endnotes

- 2 Key
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- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>AIA</b>	<b>= Acts Interpretation Act 1954</b>	<b>(prev)</b>	<b>= previously</b>
<b>amd</b>	<b>= amended</b>	<b>proc</b>	<b>= proclamation</b>
<b>amd</b>	<b>= amendment</b>	<b>prov</b>	<b>= provision</b>
<b>t</b>			
<b>ch</b>	<b>= chapter</b>	<b>pt</b>	<b>= part</b>
<b>def</b>	<b>= definition</b>	<b>pubd</b>	<b>= published</b>
<b>div</b>	<b>= division</b>	<b>R[X]</b>	<b>= Reprint No. [X]</b>
<b>exp</b>	<b>= expires/expired</b>	<b>RA</b>	<b>= Reprints Act 1992</b>
<b>gaz</b>	<b>= gazette</b>	<b>reloc</b>	<b>= relocated</b>
<b>hdg</b>	<b>= heading</b>	<b>renu</b>	<b>= renumbered</b>
		<b>m</b>	
<b>ins</b>	<b>= inserted</b>	<b>rep</b>	<b>= repealed</b>
<b>lap</b>	<b>= lapsed</b>	<b>(retro</b>	<b>= retrospectively</b>
		<b>)</b>	
<b>notf</b>	<b>= notified</b>	<b>rv</b>	<b>= revised version</b>
<b>d</b>			
<b>num</b>	<b>= numbered</b>	<b>s</b>	<b>= section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	<b>= order in council</b>	<b>sch</b>	<b>= schedule</b>
<b>om</b>	<b>= omitted</b>	<b>sdiv</b>	<b>= subdivision</b>
<b>orig</b>	<b>= original</b>	<b>SIA</b>	<b>= Statutory Instruments Act 1992</b>
<b>p</b>	<b>= page</b>	<b>SIR</b>	<b>= Statutory Instruments Regulation 2012</b>
<b>para</b>	<b>= paragraph</b>	<b>SL</b>	<b>= subordinate legislation</b>
<b>prec</b>	<b>= preceding</b>	<b>sub</b>	<b>= substituted</b>
<b>pres</b>	<b>= present</b>	<b>unnum</b>	<b>= unnumbered</b>
<b>prev</b>	<b>= previous</b>		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	27 August 2010	
1A	2011 SL No. 229	18 November 2011	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
5 September 2014	2014 SL No. 201	
6 November 2015	2015 SL No. 154	

## 4 List of legislation

### Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

#### **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.  
amending legislation—

#### **Tobacco and Other Smoking Products and Another Regulation Amendment Regulation (No. 1) 2011 SL No. 229 pts 1–2**

notfd gaz 18 November 2011 pp 547–8

ss 1–2 commenced on date of notification

remaining provisions commenced 18 November 2011 (see s 2)

Note—An explanatory note was prepared.

#### **Health Legislation Amendment Regulation (No. 3) 2014 SL No. 201 pts 1, 4**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 5 September 2014

commenced on date of notification

#### **Health Legislation Amendment Regulation (No. 3) 2015 SL No. 154 s 1, pt 7**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 6 November 2015

commenced on date of notification

## 5 List of annotations

### Definitions

s 1A ins 2011 SL No. 229 s 4  
amd 2014 SL No. 201 s 7

## **PART 2—PROMOTION OF SMOKING PRODUCTS**

**Price ticket for relevant point of sale—Act, s 26E**  
s 3 amd 2011 SL No. 229 s 5

**Price ticket for tobacco product vending machine—Act, s 26ID**  
s 4 amd 2011 SL No. 229 s 6

**Division 3—Price boards**  
div 3 (s 6) om 2011 SL No. 229 s 7

## **PART 3—PARTICULAR SIGNS**

**Division 1—Mandatory and permitted signs**  
div hdg prev pt 3 div 1 hdg om 2011 SL No. 229 s 8  
pres pt 3 div 1 hdg ins 2011 SL No. 229 s 9

**Display of warning message, graphic and explanatory message—Act, s 26F**  
s 7 om 2011 SL No. 229 s 8

**Form of mandatory sign—Act, ss 26HC and 26IF**  
s 8 sub 2011 SL No. 229 s 9  
amd 2014 SL No. 201 s 8

**Form of permitted sign—Act, s 26HC**  
s 9 sub 2011 SL No. 229 s 9

**Display of mandatory sign by supplier**  
s 10 sub 2011 SL No. 229 s 9

**Attachment of mandatory sign for tobacco product vending machine—Act, s 26IF**  
s 11 sub 2011 SL No. 229 s 9

**Division 2—No smoking signs**  
div hdg (prev pt 3 div 3 hdg) renum 2011 SL No. 229 s 10

**PART 7—TRANSITIONAL PROVISION**  
pt 7 (s 18) ins 2014 SL No. 201 s 9

**SCHEDULE 2—PRESCRIBED OUTDOOR PEDESTRIAN MALLS**  
amd 2015 SL No. 154 s 23