

Tobacco and Other Smoking Products Regulation 2021

Explanatory notes for SL 2021 No. 111

made under the

Tobacco and Other Smoking Products Act 1998

General Outline

Short title

Tobacco and Other Smoking Products Regulation 2021

Authorising law

Section 53 of the *Tobacco and Other Smoking Products Act 1998*.

Policy objectives and the reasons for them

The objective of the *Tobacco and Other Smoking Products Act 1998* is to improve the health of the public by reducing their exposure to tobacco and other smoking products. This objective is achieved by restricting the supply of tobacco and other smoking products to children, restricting the advertising and promotion of tobacco and other smoking products, reducing public exposure to smoke from tobacco and other smoking products and establishing a framework for monitoring, investigating and enforcement activities.

The *Tobacco and Other Smoking Products Regulation 2010* (existing Regulation) prescribes various matters to support the operation of the Tobacco and Other Smoking Products Act. The existing Regulation was due to expire on 31 August 2020. The *Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2020* exempted the existing Regulation from expiring until 31 August 2021.

The *Tobacco and Other Smoking Products Regulation 2021* (Regulation) has been prepared to replace the existing Regulation and maintain an effective legislative framework. The Regulation supports the Tobacco and Other Smoking Products Act by prescribing various supporting measures, including:

- the types of things that are *smoking related products*;
- the requirements for the form of price tickets and other indicators of price at points of sale or tobacco product vending machines;
- the requirements for the form of mandatory signs, permitted signs and no smoking signs;

- the requirements for the display of mandatory signs and no smoking signs;
- smoke-free outdoor places, such as outdoor swimming areas, government precincts and parts of national parks;
- the number of hookahs that can be displayed.

Achievement of policy objectives

The Regulation is largely consistent with the existing Regulation, with minor changes to improve the operational effect of the Regulation, reflect contemporary drafting practices and improve clarity and readability.

The Regulation makes the following key changes:

- The definition of *smoking related products* is updated to ensure products currently used in the consumption of tobacco products, herbal cigarettes or loose smoking blend are appropriately captured, such as flavouring sold to flavour a tobacco product or a loose smoking blend and pipes and pipe components. This change ensures the advertising and promotion restrictions of the Act apply to these products.
- A new requirement for price tickets is included, to ensure the same spacing between words and letters on relevant price tickets so that spacing cannot be used to draw attention to particular products.
- Additional outdoor swimming areas are prescribed in Thuringowa Central, Yeppoon and South Bank Parkland, and the adjacent areas around pools where smoking is prohibited is expanded to reduce exposure to tobacco and other smoking products in these areas.
- The Quitline logo and wording requirements for mandatory signs are updated to reflect the current Quit brand guidelines.
- An additional no smoking symbol has been prescribed, for use on no smoking signs, that includes an electronic cigarette. This reflects that electronic cigarettes are personal vaporisers under the Tobacco and Other Smoking Products Act and that the no smoking provisions of the Act apply to their use.
- The prohibition on smoking in national parks is extended to Narre Budjong Djara National Park and Teerk Roo Ra National Park.

As the matters prescribed in the Regulation are designed to support the operation of the Tobacco and Other Smoking Products Act, the existing Regulation must be replaced to ensure the legislative scheme can continue in effect.

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objectives of the Tobacco and Other Smoking Products Act.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Benefits and costs of implementation

The Regulation supports the objectives of the Tobacco and Other Smoking Products Act, which include benefits such as improving the health of members of the public by reducing their exposure to tobacco and other smoking products.

The Regulation does not impose significant costs on the persons or organisations to which they apply.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles in section 4 of the *Legislative Standards Act 1992*.

Consultation

A sunset review of the existing Regulation was undertaken in accordance with *The Queensland Government Guide to Better Regulation*. The Office of Best Practice Regulation was consulted on the sunset review and advised that Queensland Health satisfactorily met the objectives for sunset reviews as set out in the Guidelines.

Queensland Health also consulted with key stakeholder bodies, seeking feedback on the remake of the Regulation including:

- non-government public health organisations;
- the Local Government Association of Queensland and local governments across Queensland;
- retailer associations; and
- licensed venue associations.

All stakeholders who responded to consultation requests were generally supportive of the Regulation. Some stakeholders noted that community education and awareness will be important components for the successful implementation of the Regulation, for which Queensland Health is responsible.

Notes on provisions

Part 1 Preliminary

Short Title

Section 1 states that the regulation may be cited as the *Tobacco and Other Smoking Products Regulation 2021*.

Commencement

Section 2 states that the regulation, other than Part 7, commences on 1 September 2021. Part 7 of the Regulation commences on 1 March 2022 to allow for an appropriate transition to the new requirements for smoking related products and price tickets.

Part 2 Promotion of smoking products

Smoking related products—Act, s 25

Section 3 prescribes a list of *smoking related products* under section 25 of the Tobacco and Other Smoking Products Act for the purposes of Part 2A of that Act.

Part 2A regulates the way in which a *smoking product* (including a *smoking related product*) may or may not be advertised, displayed and promoted, including where they can be located at a retail outlet. Section 25 defines *smoking product* to include a tobacco product, herbal cigarette, loose smoking blend, personal vaporiser, personal vaporiser related product, smoking related product or a package or carton of one of these things. Section 25 also defines *smoking related product* as a product, prescribed by regulation, that is used primarily in the consumption of a tobacco product, herbal cigarette or loose smoking blend.

For the definition of a *smoking related product* under section 25 of the Tobacco and Other Smoking Products Act, each of the following products is prescribed in section 3:

- cigarette papers;
- cigarette filters;
- cigarette tubes;
- a cigarette rolling machine;
- a handheld machine for injecting tobacco into paper tubes;
- cigar or cigarette holders;
- cigarette tips;
- a cigar cutter.

This list is currently the same as the list of products prescribed under section 2 of the existing Regulation. However, on 1 March 2022, section 18 of the Regulation will replace section 3 to prescribe an expanded list of smoking related products and will include minor drafting amendments to improve the clarity of the provision.

The delayed commencement of section 18 will allow industry an appropriate transition period to apply the advertising, display and promotion requirements to the expanded range of smoking related products.

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

Section 4 prescribes the requirements for price tickets under 26E(2) of the Tobacco and Other Smoking Products Act.

Section 26E(2) states that the retail price of smoking products available, or usually available, for sale at the retail outlet may be displayed only by a price ticket or other indicator of price fixed at the place where the smoking products are kept and in the form prescribed by regulation.

For the purposes of section 26E(2) of the Tobacco and Other Smoking Products Act, section 4 prescribes requirements for a price ticket for a smoking product, including:

- the size and colour of a price ticket;
- the size, font and typeface of the text on a price ticket;
- the types of words that may be used for an immediate package, such as the name of the product line, number of items in the immediate package, price of the immediate package and country of origin of the product line;
- the types of words that may be used for a carton of a product line; such as the name of the product line, number of immediate packages in the carton, price of the carton and country of origin of the product line; and
- the inclusion of a bar code or similar identification code for a product line.

Section 4 also prescribes that the words, bar code or similar identification code displayed on the price ticket must be:

- in white on a black background; or
- in black on a white background.

However, if, in a retail outlet, price tickets for goods other than smoking products have information about the goods in one colour on a background of another colour, the words, bar code or similar identification code may be displayed in those colours.

The requirements in section 4 of the Regulation are currently the same as those outlined in section 3 of the existing Regulation, with some minor drafting amendments to improve the clarity of the provision. However, on 1 March 2022, section 19 of the Regulation will amend section 4 to prescribe an additional requirement for price tickets for relevant points of sale.

The delayed commencement of section 19 will allow industry an appropriate transition period to implement the new price ticket requirement at retail outlets.

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

Section 5 prescribes the requirements for price tickets for tobacco product vending machines under 26ID(1) of the Tobacco and Other Smoking Products Act.

Section 26ID(1) states that, if a tobacco product is available or usually available for sale in a tobacco product vending machine, the retail price of the tobacco product may be displayed only by a price ticket, or other price indicator of price, as prescribed by regulation.

For the purposes of section 26ID(1) of the Tobacco and Other Smoking Products Act, section 5 prescribes requirements for a price ticket for a tobacco product vending machine, including:

- the size and colour of a price ticket;
- the size, font and typeface of the text on a price ticket;
- the types of words that may be used, such as the name of the product line, number of items in an immediate package, price of an immediate package and country of origin of the product line; and
- the inclusion of a bar code or similar identification code for a product line.

Section 5 also prescribes that the words, bar code or similar identification code displayed on the price ticket must be:

- in white on a black background; or
- in black on a white background; or
- in any one colour on a background of any other one colour.

Further, all the price tickets for a tobacco product vending machine must be in the same two colours.

The requirements in section 5 of the Regulation are currently the same as those outlined in section 4 of the existing Regulation, with some minor drafting amendments to improve the clarity of the provision. However, on 1 March 2022, section 20 of the Regulation will amend section 5 to prescribe an additional requirement for price tickets for tobacco product vending machines.

The delayed commencement of section 20 will allow industry an appropriate transition period to implement the new price ticket requirement for tobacco product vending machines.

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

Section 6 prescribes how an indicator of price, other than a price ticket, may be displayed for tobacco product vending machines, under section 26ID(1) of the Tobacco and Other Smoking Products Act.

Section 26ID(1) states if a tobacco product is available or usually available for sale in a tobacco product vending machine, the retail price of the tobacco product may be displayed only by a price ticket, or other price indicator of price, as prescribed by regulation.

For the purposes of section 26ID(1) of the Tobacco and Other Smoking Products Act, section 6 prescribes that an indicator of price, other than a price ticket, may only display words that indicate 1 or more of the following:

- the name of a product line;

- the number of items in an immediate package;
- the price of an immediate package;
- the country of origin of a product line.

The requirements in section 6 of the Regulation are the same as those in section 5 of the existing Regulation, with some minor drafting amendments to improve the clarity of the provision.

Part 3 Signs

Division 1 Form of signs

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

Section 7 prescribes the requirements for the form of a mandatory sign, for the purposes of sections 26HC(1) and 26IF of the Tobacco and Other Smoking Products Act.

Section 26HC(1) requires a supplier to display at the supplier's relevant point of sale, a sign prescribed by regulation as a mandatory sign. Section 26IF requires a person in charge of a tobacco vending machine to attach a sign prescribed by regulation as a mandatory sign to, or near, the vending machine as prescribed by regulation. Sections 26HC(1) and 26IF each have a penalty of 20 penalty units for failing to comply with the mandatory sign requirements.

For the purposes of sections 26HC(1) and 26IF of the Tobacco and Other Smoking Products Act, section 7 prescribes the size of a mandatory sign, and the wording that must be displayed in the required sequence and text size. The words must also be in, or a combination of, white on a black background or black on a white background. Further, the following image can be used instead of the words 'Quitline 13 7848':



Section 7 also clarifies that there is nothing to prevent the mandatory sign also displaying a reference to the State, the department (being Queensland Health) or the Tobacco and Other Smoking Products Act.

The requirements in section 7 of the Regulation are largely consistent with section 8 of the existing Regulation, however amendments have been made to update the Quitline logo and reference to the Quitline phone number to reflect the current Quit brand guidelines and to improve clarity. Section 16 provides a transitional provision for mandatory sign requirements, to allow industry an appropriate transition period (up to 31 August 2023) to comply with section 7.

Form of permitted sign—Act, s 26HC

Section 8 prescribes the requirements for the form of a permitted sign that may be displayed at a relevant point of sale, under section 26HC(2) of the Tobacco and Other Smoking Products Act.

Section 26HC(2) states that a supplier may display, at the supplier's relevant point of sale, a sign prescribed by regulation as a permitted sign.

Section 8 prescribes, for the purpose of section 26HC(2), that a permitted sign must be no larger than 210mm x 148mm and display only the following words in the following sequence 'Smoking products sold here'. The words must be 17mm or less in height, in Arial or Times New Roman typeface and in black on a white background. The words must not be in bold, italics or underlined.

The requirements in section 8 are the same as the current requirements in section 9 of the existing Regulation with minor drafting amendments to improve the clarity of the provision.

Form of no smoking sign—Act, s 26S

Section 9 prescribes the requirements for the form of a *no smoking sign* that must be displayed at each public entrance from an outdoor area to an enclosed place at premises outlined in section 26S(1)(a) or (b) of the Tobacco and Other Smoking Products Act.

Section 26S(3) states that a *no smoking sign* is a sign indicating that smoking is not permitted and complies with the requirements prescribed by regulation.

Section 9 prescribes, for the purpose of section 26S(3) of the Act, the following requirements for a *no smoking sign*:

- the sign must display one of the following symbols (each a *no smoking symbol*)—
 - a circle and a diagonal line over a depiction of a cigarette and smoke;
 - a circle and a diagonal line over a depiction of a cigarette and smoke and an electronic cigarette;
- the sign may display words that indicate smoking is not permitted.

The no smoking symbol must be at least 70mm in diameter and examples of the no smoking symbols are included in the Regulation.

Section 9 also clarifies that there is nothing to prevent the sign also displaying a reference to the State, the department (being Queensland Health) or the Tobacco and Other Smoking Products Act.

The requirements in section 9 are largely consistent with the current requirements for a 'no smoking sign' in section 12 of the existing Regulation, however amendments have been made to include a new no smoking symbol featuring a circle and a diagonal line over a depiction of a cigarette and smoke and an electronic cigarette, as an option for no smoking signs. This reflects that electronic cigarettes are personal vaporisers under the Tobacco and Other Smoking Products Act and that the no smoking provisions of the Act apply to their use. Amendments have also been made to improve the clarity of the section and to align with current drafting practices.

Division 2 Display of signs

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

Section 10 prescribes the requirements for the display of a mandatory sign with regard to a tobacco product vending machine under section 26IF of the Tobacco and Other Smoking Products Act.

Section 26IF requires a person in charge of a tobacco vending machine to attach a sign prescribed by regulation as a mandatory sign to, or near, the vending machine as prescribed by regulation. Failing to do so is an offence with a maximum penalty of 20 penalty units.

Section 10 prescribes that a mandatory sign must be attached 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.

The requirements in section 10 are the same as the requirements in section 11 of the existing Regulation, with some minor drafting amendments to improve the clarity of the provision.

Display of no smoking sign at particular premises—Act, s 26S

Section 11 prescribes the requirements for the display of a *no smoking sign*, at each public entrance from an outdoor area to an enclosed place at any premises to which a commercial hotel licence or community club licence under the *Liquor Act 1992* applies or premises to which a commercial special facility licence under the *Liquor Act* applies, that contain all or part of a casino.

Section 26S(2) of the Tobacco and Other Smoking Products Act requires the licensee of premises to display a *no smoking sign* at the entrance as prescribed by regulation. Failing to do so is an offence with a maximum penalty of 20 penalty units.

Section 11 requires that a *no smoking sign* must be displayed in a place that is easily visible to a person who is about to enter premises mentioned in section 26S(1)(a) or (b) of the Tobacco and Other Smoking Products Act.

The requirements in section 11 are consistent with the requirements in section 13 of the existing Regulation, with some minor drafting amendments to improve the clarity of the provision.

Part 4 Smoke-free outdoor places

Government precincts—Act, s 26ZD

Section 12 prescribes government precincts that are smoke-free outdoor places under section 26ZD of the Tobacco and Other Smoking Products Act.

Section 26ZD states that a person must not smoke within a government precinct. Failing to comply with the requirement is an offence with a maximum penalty of 20 penalty units. *Government precincts* include land adjoining a building occupied by the State, the Legislative Assembly, a court or tribunal, an entity that represents the State or another entity established by an Act and that is prescribed by regulation.

Section 12 prescribes various government precincts, including 33 Charlotte Street, Brisbane; 41 George Street, Brisbane; 63 George Street, Brisbane; 111 George Street, Brisbane; Education House, Brisbane; 61 Mary Street, Brisbane; 1 William Street, Brisbane; the Claude Wharton Building, Bundaberg; William McCormack Place, Cairns; the Mike Ahern Building, Maroochydore; the Brendan Hansen Building, Pinalba; James Larcombe Place, Rockhampton; and Government Office Building No.3, Townsville.

Section 12(n) also prescribes that a footpath or nature strip, adjacent to the land mentioned in sections 12(a) to (f) or (h) to (m), is captured as part of the *government precinct*. Section 12(g) deals with adjacent land and a footpath within the section itself.

The list in section 12 is consistent with the list in section 15 of the existing Regulation, however some minor drafting amendments have been made to improve clarity and to provide the current lot and plan numbers and amend the description of the 1 William Street, Brisbane government precinct to clarify the extent of that precinct.

Prescribed outdoor swimming areas—Act, s 26ZI

Section 13 prescribes outdoor swimming areas for the purposes of section 26ZI of the Tobacco and Other Smoking Products Act.

Section 26ZI states a person must not smoke at a prescribed outdoor swimming area between sunrise and sunset. Failing to comply with the requirement is an offence with a maximum penalty of 20 penalty units. A *prescribed outdoor swimming area* is an outdoor swimming area, or part of an outdoor swimming area prescribed under a regulation.

Section 13 states that a *prescribed outdoor swimming area* includes each of the pools stated in schedule 1 and each associated area for the pool. An *associated area* for a pool is the area around the pool that includes any of the following:

- an area rising from within the pool or a platform over the pool;
- an area providing access to the pool;
- diving boards or water slides for the pool;
- an area adjacent to the pool that is provided for persons to observe swimmers in the pool, change their clothing or sunbathe;
- a kiosk or seating area adjacent to the pool;
- if the area surrounding the pool is enclosed by a fence or wall—the entire area enclosed by the fence or wall.

However, an *associated area* for a pool does not extend beyond the nearest of the following things to the pool – a path, boardwalk, road or thoroughfare, a building, a watercourse or other body of water unless the thing provides access to the pool. If these things do not limit an associated area to 20 metres from the edge of the pool, then the associated area extends to a maximum of 20 metres from the edge of the pool.

The intention of the definition of *associated area* is to prescribe the areas between the pool/s and the nearest path, boardwalk, road, thoroughfare, building, watercourse or other body of water that does not provide access to the pool. For example, an *associated area* would include any grass, sand or other land, whether shaded or unshaded, between the edge of the swimming

area and the nearest public path that is not a path that provides access to the pool. If a path provides access to the pool, it is not deemed to be the boundary of the *associated area* and is part of the non-smoking area due to the requirements in section 13(2)(b), which states that an associated area includes an area providing access to the pool. To avoid any doubt about where smoking should not occur, an *associated area* does not extend any further than 20 metres from the edge of the pool.

Section 13 is largely consistent with section 14 of the existing Regulation, however, amendments to the section have been made to define an *associated area* to clarify and extend the areas adjacent to or around an outdoor pool where smoking is prohibited. In the existing Regulation only the body of water and areas of sand adjoining the body of water were prescribed.

National Parks—Act, s 26ZKE

Section 14 prescribes the parts of a national park where a person must not smoke, for the purposes of section 26ZKE(1) of the Tobacco and Other Smoking Products Act. A national park is defined as a national park under the *Nature Conservation Act 1992* under section 26ZKE (3) of the Tobacco and Other Smoking Products Act.

Section 26ZKE(1) states that a person must not smoke at a national park, or part of a national park, prescribed by regulation. Failing to comply with the requirement is an offence with a maximum penalty of 20 penalty units.

Section 14 prescribes the following parts of a national park as areas that a person must not smoke:

- a camp site provided by the department responsible for the management of national parks and the land around the site within 10 metres of it; and
- a public facility provided by the department responsible for the management of national parks, and land around the facility within 10 metres of it.

The section defines a *camp site* as land on which camping equipment, a tent, caravan or other camping structure is intended to be situated. For the purpose of the definition of a *camp site*, the prohibition on smoking applies even if the camp site is unattended at the time.

The section also defines *department* to mean the department responsible for the management of national parks. The section defines a *public facility* to mean a barbecue, jetty, boat ramp, landing stage, picnic table, roofed shelter, toilet block or visitor information centre.

Section 14 of the Regulation is largely consistent with section 15A of the existing Regulation, however amendments have been made to improve the clarity of the section for example the definition of *camp site*. Further amendments have been made to remove the exemptions for Naree Budjong Djara National Park and Teerk Roo Ra National Park, which will provide for greater consistency in the application of non-smoking areas in national parks across Queensland.

Part 5 Prohibited products

Display of hookahs—Act, s 26ZQA

Section 15 prescribes the number of hookahs allowed to be displayed in a shop, for the purposes of section 26ZQA(1) of the Tobacco and Other Smoking Products Act.

Section 26ZQA states that a person must not display in a shop more than the number of hookahs prescribed by regulation. Failing to comply with the requirement is an offence with a maximum penalty of 140 penalty units. Displaying part of hookahs is also considered to be included in the number of hookahs that can be displayed.

Section 15 prescribes that a person can only display three hookahs. The prescribed number of hookahs in section 15 is the same as the prescribed number of hookahs in section 16 of the existing Regulation.

Part 6 Transitional provision

Mandatory signs

Section 16 provides a transitional provision for mandatory sign requirements under section 7, to provide persons with a period of up to 31 August 2023 to comply with section 7.

The transitional provision provides that, if immediately before commencement of the Regulation, a mandatory sign displayed at a relevant point of sale or attached to, or near, a tobacco vending machine complied with section 8 of the existing regulation (being the expired *Tobacco and Other Smoking Products Regulation 2010*), the mandatory sign is taken to comply with the requirements prescribed in section 7 of the Regulation until either the sign needs to be replaced or 1 September 2023, whichever is earlier. A reason to replace a sign includes if the sign is stolen, defaced or damaged. From 1 September 2023, all suppliers and persons in charge of a tobacco vending machine will be required to use a mandatory sign that complies with the requirements prescribed in section 7 of the Regulation.

Part 7 Amendment of this Regulation

Regulation amended

Section 17 states that part 7 of the Regulation amends the Regulation. This is to be read in conjunction with section 2, which states that part 7 commences on 1 March 2022. The intent is that the provisions in Part 7 will replace or amend various sections of the Regulation on 1 March 2022.

Replacement of s 3 (Smoking related products—Act, s 25)

Section 18 replaces section 3 of the Regulation, which relates to the definition of *smoking related products*.

On 1 March 2022, section 18 amends the types of products prescribed as *smoking related products* in section 3, to ensure smoking related products currently used in the consumption of a tobacco product, herbal cigarette or loose smoking blend are appropriately captured. This includes updating the wording used to describe some products that are currently prescribed for clarity and the addition of products such as flavouring sold to flavour a tobacco product or a loose smoking blend and pipes and pipe filters, grates and screens.

The new section 3 will prescribe, for the definition of *smoking related products* under section 25 of the Tobacco and Other Smoking Products Act, each of the following products:

- a cigarette paper (whether or not the paper is pre-rolled);
- another product sold to enclose loose tobacco or a loose smoking blend;
- flavouring sold for the purpose of flavouring a tobacco product or a loose smoking blend;
- a machine for injecting loose tobacco or a loose smoking blend into a pre-rolled paper or another product sold to enclose loose tobacco or a loose smoking blend;
- a cigarette filter;
- a cigarette tip;
- a machine for rolling a cigarette or herbal cigarette;
- a mouthpiece used to hold a cigar, cigarette or herbal cigarette;
- a cigar cutter; and
- a pipe used for smoking loose tobacco or a loose smoking blend and a filter, grate or screen for a pipe.

Amendment of s 4 (Price ticket for relevant point of sale—Act, s 26E)

Section 19 amends section 4 of the Regulation, which relates to the requirement for price tickets for relevant points of sale.

Section 19 inserts a new section 4(2)(ca) to include a new requirement for price tickets to use the same spacing between words and letters as the price tickets for all other smoking products being sold at the same retail outlet. This section then renumbers section 4(2)(ca) to (e) as 4(2)(d) to (f).

Amendment of s 5 (Price ticket for tobacco product vending machine—Act, s 26ID)

Section 20 amends section 5 of the Regulation, which relates to the requirement for price tickets for tobacco product vending machines.

Section 20 inserts a new section 5(2)(ca) to include a new requirement for price tickets for a tobacco product vending machine to use the same spacing between words and letters as the price tickets for all other tobacco products being sold from the same tobacco product vending machine. This section then renumbers section 5(2)(ca) and (d) as 5(2)(d) and (e).

Schedule 1 Prescribed outdoor swimming areas

Schedule 1 prescribes the following areas as a *prescribed outdoor swimming area* for the purposes of section 26ZI of the Tobacco and Other Smoking Products Act and section 13 of the Regulation:

- the pool or pools, known as the Airlie Beach Lagoon, situated at 275 Shute Harbour Road, Airlie Beach;
- the pool or pools, known as the Bluewater Lagoon, situated off River Street, Mackay;
- the pool or pools, known as the Esplanade Lagoon, situated at the Esplanade, Cairns;
- the pool or pools, known as Riverway Lagoons, situated at Riverway Precinct, Village Boulevard, Thuringowa Central;
- the pool or pools, known as the Rockpool, situated at the Strand, Townsville;
- the pool or pools, known as Settlement Cove Lagoon, situated at Charlish Park, corner of Anzac Ave and Redcliffe Pde, Redcliffe;
- the pool or pools, known as Aquativity and Stream Surrounds, the Boat Pool or Main Lagoon situated at South Bank Parklands, Brisbane; and
- the pool or pools, known as Yeppoon Lagoon, situated at 3 Lagoon Place, Yeppoon.

The prescribed outdoor swimming areas have been updated to include Riverways Lagoons and Yeppoon Lagoon and to clarify the various pools at South Bank Parklands that are captured by the Regulation.