



Tobacco and Other Smoking Products Act 1998

Tobacco and Other Smoking Products Regulation 2021

Current as at 1 September 2021

Warning—Some provisions of this legislation are not in operation. These provisions are italicised. For details, see the List of legislation in the Legislative history.

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Queensland

Tobacco and Other Smoking Products Regulation 2021

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Tobacco and Other Smoking Products Regulation 2021

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Tobacco and Other Smoking Products Regulation 2021*.

2 Commencement

- (1) This regulation, other than part 7, commences on 1 September 2021.
- (2) Part 7 commences on 1 March 2022.

Part 2 Promotion of smoking products

3 Smoking related products—Act, s 25

For section 25 of the Act, definition *smoking related product*, each of the following products 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;
- (g) cigarette tips;

- (h) a cigar cutter.

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

- (1) For section 26E(2)(b) of the Act, this section prescribes the requirements for a price ticket for a relevant point of sale.
- (2) The price ticket—
 - (a) must not be larger than 80mm x 40mm; 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 use 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 1 or more 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 1 or more 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.
- (3) 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.
- (4) However, if, in a retail outlet, price tickets for goods other than smoking products have information about the goods in 1 colour on a background of another colour, the words, bar code or similar identification code may be displayed in those colours.

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

- (1) For section 26ID(1) of the Act, this section prescribes the requirements for a price ticket for a tobacco product vending machine.
- (2) The price ticket—
 - (a) must not be larger than 80mm x 40mm; 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) must use 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 1 or more 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.
- (3) 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.
- (4) All the price tickets for a tobacco product vending machine must be in the same 2 colours.

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

- (1) For section 26ID(1) of the Act, this section prescribes the requirements for an indicator of price, other than a price ticket, for a tobacco product vending machine.

Example of an indicator of price that is not a price ticket—

an electronic display in a tobacco product vending machine

- (2) An indicator of price may only display words that indicate 1 or more 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.

Part 3 **Signs**

Division 1 **Form of signs**

7 **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; 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 7848’.
- (2) The words required to be displayed under 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) However, the words ‘Quitline 13 7848’ may be replaced by the following logo—



- (4) Despite subsection (1)(b), the mandatory sign may also display a reference to the State, the department or the Act.

8 Form of permitted sign—Act, s 26HC

- (1) For section 26HC(2) of the Act, a permitted sign must—
- (a) be no larger than 210mm x 148mm; and
 - (b) display only the following words in the following sequence—
‘Smoking products sold here’.
- (2) The words required to be displayed under subsection (1)(b) must be—
- (a) 17mm or less in height; and
 - (b) in Arial or Times New Roman typeface; and
 - (c) in black on a white background.
- (3) Also, the words required to be displayed under subsection (1)(b) must not be—
- (a) in bold or italics; or
 - (b) underlined.

9 Form of no smoking sign—Act, s 26S

- (1) For section 26S(3) of the Act, definition *no smoking sign*, the following requirements are prescribed—

(a) the sign must display one of the following symbols (each a *no smoking symbol*)—

(i) a circle and a diagonal line over a depiction of a cigarette and smoke;

Example—



(ii) a circle and a diagonal line over a depiction of a cigarette and smoke and an electronic cigarette;

Example—



(b) the sign may display 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.

Division 2 Display of signs

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

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

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

For section 26S(2) of the Act, 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 Act.

Part 4 Smoke-free outdoor places

12 Government precincts—Act, s 26ZD

For section 26ZD(2) of the Act, definition *government precinct*, paragraph (b), the following land is prescribed—

- (a) for the building known as 33 Charlotte Street, Brisbane—lot 3 on SP102562;
- (b) for the building known as 41 George Street, Brisbane—lot 1 on RP159900;
- (c) for the building known as 63 George Street, Brisbane—lot 23 on SP180748;
- (d) for the building known as 111 George Street, Brisbane—
 - (i) lot 2 on RP640; and
 - (ii) lots 1, 2, 3 and 4 on RP43986; and

- (iii) lot 1 on RP641;
- (e) for the building known as Education House, 30 Mary Street, Brisbane—lot 14 on crown plan SL12186;
- (f) for the building known as 61 Mary Street, Brisbane—lot 22 on RP178621;
- (g) for the building known as 1 William Street, Brisbane—
 - (i) lot 1 on SP287539; and
 - (ii) land, including a footpath, that is adjacent to the land mentioned in subparagraph (i) and extends to the nearest kerb of a road or to lot 530 on crown plan SL7738; and
 - (iii) lot 530 on crown plan SL7738, other than part of the lot that is a road;
- (h) for the building known as Claude Wharton Building, 46 Quay Street, Bundaberg—lot 3 on SP131270;
- (i) for the building known as William McCormack Place, 5B Sheridan Street, Cairns—lot 7 on SP146396;
- (j) for the building known as Mike Ahern Building, 12 First Avenue, Maroochydore—lot 6 on SP207309;
- (k) for the building known as Brendan Hansen Building, 50–54 Main Street, Pialba—lot 3 on SP108932;
- (l) for the building known as James Larcombe Place, 209 Bolsover Street, Rockhampton—lot 1 on crown plan 801453;
- (m) for the building known as Government Office Building No. 3, 187–209 Stanley Street, Townsville—lot 21 on crown plan EP2035;
- (n) a footpath, or nature strip, adjacent to the land mentioned in any of paragraphs (a) to (f) or (h) to (m).

13 Prescribed outdoor swimming areas—Act, s 26ZI

- (1) For section 26ZI of the Act, definition *prescribed outdoor swimming area*, the following areas are prescribed—
 - (a) each of the pools stated in schedule 1;
 - (b) each associated area for the pool.
- (2) An *associated area* for a pool is the area around the pool that includes any of the following—
 - (a) an area rising from within the pool or a platform over the pool;
 - (b) an area providing access to the pool;
 - (c) diving boards or water slides for the pool;
 - (d) an area adjacent to the pool that is provided for persons to observe swimmers in the pool, change their clothing or sunbathe;
 - (e) a kiosk or seating area adjacent to the pool;
 - (f) if the area surrounding the pool is enclosed by a fence or wall—the entire area enclosed by the fence or wall.
- (3) However, an *associated area* for a pool does not extend beyond—
 - (a) the nearest of the following things to the pool, unless the thing provides access to the pool—
 - (i) a path, boardwalk, road or thoroughfare;
 - (ii) a building;
 - (iii) a watercourse or other body of water; and
 - (b) to the extent that paragraph (a) does not limit an associated area to 20m from the edge of the pool—20m from the edge of the pool.

14 National parks—Act, s 26ZKE

- (1) For section 26ZKE(1) of the Act, the following parts of a national park are prescribed—
 - (a) a camp site provided by the department and the land around the site within 10m of it;
 - (b) a public facility provided by the department and the land around the facility within 10m of it.
- (2) In this section—

camp site means land on which camping equipment or a tent, caravan or other camping structure is intended to be situated, regardless of whether a person is camping there.

department means the department responsible for the management of national parks.

public facility means—

- (a) a barbecue; or
- (b) a jetty, boat ramp or landing stage; or
- (c) a picnic table; or
- (d) a roofed shelter; or
- (e) a toilet block; or
- (f) a visitor information centre.

Part 5 Prohibited products

15 Display of hookahs—Act, s 26ZQA

For section 26ZQA(1) of the Act, the number prescribed is 3.

Part 6 **Transitional provision**

16 **Mandatory signs**

- (1) This section applies if, immediately before the commencement—
 - (a) a mandatory sign was displayed at a relevant point of sale or attached to, or near, a tobacco vending machine; and
 - (b) the mandatory sign complied with the expired *Tobacco and Other Smoking Products Regulation 2010*, section 8.
- (2) The mandatory sign is taken to comply with section 7 until the earlier of the following—
 - (a) the sign needs to be replaced;
Example—
the sign is stolen, defaced or damaged
 - (b) 1 September 2023.

Part 7 **Amendment of this regulation**

17 **Regulation amended**

This part amends this regulation.

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

*Section 3—
omit, insert—*

3 **Smoking related products—Act, s 25**

For section 25 of the Act, definition smoking related product, each of the following products is

prescribed—

- (a) *a cigarette paper (whether or not the paper is pre-rolled);*
- (b) *another product sold to enclose loose tobacco or a loose smoking blend;*
- (c) *flavouring sold for the purpose of flavouring a tobacco product or a loose smoking blend;*
- (d) *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;*
- (e) *a cigarette filter;*
- (f) *a cigarette tip;*
- (g) *a machine for rolling a cigarette or herbal cigarette;*
- (h) *a mouthpiece used to hold a cigar, cigarette or herbal cigarette;*
- (i) *a cigar cutter;*
- (j) *a pipe used for smoking loose tobacco or a loose smoking blend;*
- (k) *a filter, grate or screen for a pipe mentioned in paragraph (j).*

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

(1) *Section 4(2)—*

insert—

- (ca) *must use the same spacing between words and letters as the price tickets for all other smoking products being sold at the same retail outlet; and*

- (2) *Section 4(2)(ca) to (e)—
renumber as section 4(2)(d) to (f).*

20 Amendment of s 5 (Price ticket for tobacco product vending machine—Act, s 261D)

- (1) *Section 5(2)—
insert—
(ca) must 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; and*
- (2) *Section 5(2)(ca) and (d)—
renumber as section 5(2)(d) and (e).*

Schedule 1 Prescribed outdoor swimming areas

section 13(1)(a)

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