



Queensland

# Tobacco and Other Smoking Products Regulation 2021

## Subordinate Legislation 2021 No. 111

made under the

*Tobacco and Other Smoking Products Act 1998*

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## 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.

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#### **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;

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- (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.

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## 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—



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- (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.

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**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;

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- (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.



- (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 26ID)**

- (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

ENDNOTES

- 1 Made by the Governor in Council on 19 August 2021.
- 2 Notified on the Queensland legislation website on 20 August 2021.
- 3 The administering agency is Queensland Health.

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