



Queensland

Tobacco and Other Smoking Products Act 1998

Tobacco and Other Smoking Products Regulation 2010

Current as at 18 November 2011

Information about this reprint

This regulation is reprinted as at 18 November 2011. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

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

Contents

| | | Page |
|-------------------|--|------|
| Part 1 | Preliminary | |
| 1 | Short title | 3 |
| 1A | Definitions | 3 |
| Part 2 | Promotion of smoking products | |
| Division 1 | Smoking related products | |
| 2 | Smoking related products—Act, s 25 | 3 |
| Division 2 | Price tickets and other indicators of price | |
| 3 | Price ticket for relevant point of sale—Act, s 26E | 4 |
| 4 | Price ticket for tobacco product vending machine—Act, s 26ID | 6 |
| 5 | Other indicator of price for a tobacco product vending machine—Act, s 26ID | 7 |
| Part 3 | Particular signs | |
| Division 1 | Mandatory and permitted signs | |
| 8 | Form of mandatory sign—Act, ss 26HC and 26IF | 7 |
| 9 | Form of permitted sign—Act, s 26HC | 8 |
| 10 | Display of mandatory sign by supplier | 9 |
| 11 | Attachment of mandatory sign for tobacco product vending machine—Act, s 26IF | 9 |
| Division 2 | No smoking signs | |
| 12 | Form of no smoking sign—Act, s 26S | 9 |
| 13 | Display of no smoking sign—Act, s 26S | 9 |
| Part 4 | Smoke-free outdoor places | |
| 14 | Prescribed outdoor swimming areas—Act, s 26ZI | 10 |
| 15 | Outdoor pedestrian malls where smoking near an entrance to an enclosed place is not prohibited—Act, s 26ZJ(3)(b) | 10 |
| Part 5 | Prohibited products | |
| 16 | Display of hookahs—Act, s 26ZQA | 10 |

Contents

| | | |
|---------------------|--|----|
| Part 6 | Repeal provision | |
| 17 | Repeal | 10 |
| Schedule 1 | Prescribed outdoor swimming areas | 11 |
| Schedule 2 | Prescribed outdoor pedestrian malls | 13 |
| Endnotes | | |
| 1 | Index to endnotes | 15 |
| 2 | Date to which amendments incorporated | 15 |
| 3 | Key | 15 |
| 4 | Table of reprints | 16 |
| 5 | List of legislation | 16 |
| 6 | List of annotations | 16 |

Tobacco and Other Smoking Products Regulation 2010

[as amended by all amendments that commenced on or before 18 November 2011]

Part 1 Preliminary

1 Short title

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

1A Definitions

In this Act—

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—

[s 3]

- (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.

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.

[s 4]

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) 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

Maximum penalty \$42,000

Proof of age may be required

Quitline 13 QUIT (13 7848)’.

- (2) The words stated in subsection (1)(b) must be—

[s 9]

- (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.

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—

[s 14]

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

- 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

1 Index to endnotes

| | Page |
|---|--|
| 2 | Date to which amendments incorporated 15 |
| 3 | Key 15 |
| 4 | Table of reprints 16 |
| 5 | List of legislation 16 |
| 6 | List of annotations 16 |

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 18 November 2011. 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 | |
| 1A | 2011 SL No. 229 | 18 November 2011 | |

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.

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.

6 List of annotations

Definitions

s 1A ins 2011 SL No. 229 s 4

PART 2—PROMOTION OF SMOKING PRODUCTS

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

prov hdg amd 2011 SL No. 229 s 5(1)

s 3 amd 2011 SL No. 229 s 5(2)–(4)

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 div 1 hdg om 2011 SL No. 229 s 8
pres div 1 hdg (prev div 2 hdg) sub 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

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 div 3 hdg renum 2011 SL No. 229 s 10