



Tobacco and Other Smoking Products Act 1998

Tobacco and Other Smoking Products Regulation 2021

Current as at 1 March 2022

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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) 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).

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) 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
 - (e) 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
- (f) 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) 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
 - (e) 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, Pinalba—lot 3 on SP108932;
- (l) for the building known as James Larcombe Place, 209 Bolsover Street, Rockhampton—lot 1 on crown plan 801453;

[s 13]

- (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.

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