Tobacco and Other Smoking Products Act 1998

Tobacco and Other Smoking Products Regulation 2010

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Queensland

Tobacco and Other Smoking Products
Regulation 2010

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Tobacco and Other Smoking Products Regulation 2010

Part 1 Preliminary

1 Short title

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

1A Definitions

In this regulation—

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—

(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.

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;
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
Penalties apply
Proof of age may be required
Quitline 13 QUIT (13 7848)’.

(2) The words stated in 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) 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 premises must display a prominent no smoking sign at the entrance to the premises.

(2) In this section—

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  Prescribed government precincts—Act, s 26ZD

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

(a) the following land—

(i) the land adjoining the buildings known as 1 William Street and within lot 538 on crown plan B32367;

(ii) land, including a footpath, that is adjacent to the land mentioned in subparagraph (i) and extends to the kerb of the road or to lot 530 on crown plan SL7738;

(iii) land on lot 530 on crown plan SL7738;

(iv) land adjacent to the land mentioned in subparagraph (iii), including a footpath, that extends to the kerb of the road or to lot 538 on crown plan B32367;

(b) the land adjoining the building known as 111 George Street and within lot 2 on RP640, lots 1, 2, 3 and 4 on RP43986 and lot 1 on RP641;

(c) the land adjoining the building known as 33 Charlotte Street and within lot 3 on SP102562;

(d) the land adjoining the building known as Education House, located at 30 Mary Street, Brisbane and within lot 14 on crown plan SL12186;

(e) the land adjoining the building known as 61 Mary Street and within lot 22 on RP178621;
(f) the land adjoining the building known as 63 George Street and within lot 23 on SP180748;

(g) the land adjoining the building known as 41 George Street and within lot 1 on RP159900;

(h) the land adjoining the building known as Claude Wharton Building, 46 Quay Street, Bundaberg and within lot 3 on SP131270;

(i) the land adjoining the building known as William McCormack Place, 5B Sheridan Street, Cairns and within lot 7 on SP146396;

(j) the land adjoining the building known as Mike Ahern Building, 12 First Avenue, Maroochydore and within lot 6 on SP207309;

(k) the land adjoining the building known as Brendan Hansen Building, 50-54 Main Street, Pialba and within lot 3 on SP108932;

(l) the land adjoining the building known as James Larcombe Place, 209 Bolsover Street, Rockhampton and within lot 1 on crown plan 801453;

(m) the land adjoining the building known as Government Office Building No. 3, 187-209 Stanley Street, Townsville and within lot 21 on crown plan EP2035;

(n) the land adjacent to the land mentioned in any of paragraphs (b) to (m), including a footpath, that extends to the kerb of the road.

15A Prescribed national parks—Act, s 26ZKE(1)

(1) The following parts of all national parks are prescribed for section 26ZKE(1) of the Act—

(a) a camp site operated by the department responsible for the management of national parks;

(b) land within 10m beyond the boundary of a camp site mentioned in paragraph (a);
(c) a public facility operated by the department responsible for the management of national parks;

(d) land within 10m beyond a public facility mentioned in paragraph (c).

(2) Subsection (1) does not apply to—

(a) Naree Budjong Djara National Park; or

(b) Teerk Roo Ra National Park.

(3) In this section—

\textit{camp site} means land on which camping equipment or a tent, caravan or other camping structure is situated.

\textit{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.

(4) For subsection (3), definition \textit{camp site}, it does not matter whether a person is present at the camp site.

\textbf{Part 5 \hspace{1cm} Prohibited products}

\textbf{16 \hspace{1cm} 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.

Part 7  Transitional provision

18  Transitional provision for form of mandatory sign

Despite section 8(1)(b), a mandatory sign may display the words ‘Maximum penalty $42,000’ in the place of the words ‘Penalties apply’ until 30 June 2015.
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