



*Tobacco and Other Smoking Products Act 1998*

# **Tobacco and Other Smoking Products Regulation 1998**

**Reprinted as in force on 14 May 2010**

**Reprint No. 3D**

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LAST REPRINT BEFORE REPEAL  
See 2010 SL No. 218 s 17

# Information about this reprint

This regulation is reprinted as at 14 May 2010. 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 reprints 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 reprints.**

## 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 1998

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# **Tobacco and Other Smoking Products Regulation 1998**

[as amended by all amendments that commenced on or before 14 May 2010]

## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Tobacco and Other Smoking Products Regulation 1998*.

### **2 Commencement**

This regulation commences on 31 May 1998.

### **2A Notes in text**

A note in the text of this regulation is part of this regulation.

[s 6]

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## **Part 3                      Price tickets, other indicators of price and price boards**

### **Division 1                Price tickets and other indicators of price**

#### **6                      Price ticket for other than a tobacco product vending machine—Act, s 26H**

- (1) For section 26H(1)(a) of the Act, a price ticket for a smoking product other than 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 smoking products being sold at the same retail outlet; and
  - (c) 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
  - (d) 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.

## **7 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) 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

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- (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; 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.

## **8 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 for the tobacco product;
- (b) the number of items in an immediate package of the product line;
- (c) the price of the immediate package;
- (d) the country of origin of the product line.

*Example of an indicator of price other than a price ticket—*

an electronic display in a tobacco product vending machine

## **Division 2 Price boards**

### **9 Price board—Act, s 26H**

- (1) For section 26H(1)(b) of the Act, a price board—
  - (a) must be no more than 0.5m<sup>2</sup> in area; and
  - (b) may only display—

- (i) words that indicate any of the following—
    - (A) the name of a product line;
    - (B) the number of immediate packages in a carton of a product line;
    - (C) the price of a carton of a product line;
    - (D) the country of origin of the 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 board must be—
- (a) in white on a black background; or
  - (b) in black on a white background.

## **Part 4                      Particular signs**

### **Division 1AA            Signs for humidified containers and rooms**

#### **9A            Display of warning message, graphic and explanatory message—Act, s 26F**

For section 26F(2) of the Act, a warning message, graphic and explanatory message for a humidified container or room must—

- (a) be at least 210mm x 148mm in size; and
- (b) be displayed—
  - (i) so that the warning message, graphic and explanatory message are easily visible to a person approaching the container or room; and

[s 9B]

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- (ii) for a humidified container—on the front of the container.

## **Division 1                      Prohibition and quit smoking signs**

### **9B        Form of prohibition sign—Act, ss 20 and 21**

- (1) For sections 20(1) and 21 of the Act, a prohibition sign must—
  - (a) be at least 210mm x 148mm 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 \$42000.  
Proof of age may be required.’.
- (2) The words stated in subsection (1)(b) must be at least 8mm in height.
- (3) Nothing in subsection (1) prevents the sign displaying a reference to the State, the department or the Act.

### **10        Form of quit smoking sign—Act, ss 20 and 21**

- (1) For sections 20(1) and 21 of the Act, a quit smoking sign must—
  - (a) be at least 410mm x 290mm in size; and
  - (b) display only the following words in the following sequence—
    - (i) ‘Any time. Any day. We’re here to help. 13 QUIT (13 7848).’; or
    - (ii) ‘Call us. We can help you quit smoking. 13 QUIT (13 7848).’; or
    - (iii) ‘Smoking kills. 13 QUIT (13 7848).’.

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- (2) The words displayed on the sign must be in black on a white background.
  - (3) Nothing in subsection (1) prevents the sign displaying a reference to the State, the department or the Act.

**11 Display of prohibition sign and quit smoking sign by supplier—Act, s 20(1)**

- (1) A supplier must display a prohibition sign and a quit smoking sign at the supplier's point of sale, other than a tobacco product vending machine, so that the signs are easily visible to a person purchasing a smoking product at the point of sale.
- (2) For displaying a quit smoking sign, if a supplier has more than 1 point of sale at a retail outlet, the supplier complies with subsection (1) if the supplier displays the quit smoking sign at the point of sale at which the majority of sales of smoking products are made at the retail outlet.

**12 Attachment of prohibition sign and quit smoking sign for tobacco product vending machine—Act, s 21**

A person in charge of a tobacco product vending machine must attach a prohibition sign and quit smoking sign to the front of the machine or near the machine, so that the signs are easily visible to a person obtaining a tobacco product from the machine.

**Division 2 No smoking signs**

**13 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.

[s 14]

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- (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.

**14 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—  
*prominent*, for a no smoking sign, means easily visible to a person who is about to enter the premises.

## **Part 6 Smoke-free outdoor places**

**22 Prescribed outdoor swimming areas—Act, s 26ZI**

Each of the areas described in schedule 1 is a prescribed outdoor swimming area.

**23 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 7                      Prohibited products**

### **24      Number of hookahs—Act, s 26ZQA**

For section 26ZQA of the Act, the number of hookahs prescribed is 3.

## **Schedule 1      Prescribed outdoor swimming areas**

### section 22

#### 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      Prescribed outdoor pedestrian malls**

section 23

### **Brisbane**

- the mall in Queen St, Brisbane, between Edward St and George St
- the mall in Albert St, Brisbane, between Burnett Lane and Elizabeth St
- the mall in Duncan St, Fortitude Valley, between Wickham St and Ann St
- the mall in Brunswick St, Fortitude Valley, between Wickham St and Ann St

### **Cairns**

- the mall in Lake St, Cairns, between the vehicular turnaround points
- the mall in Shields St, Cairns, between the vehicular turnaround points

### **Gold Coast**

- the mall in Cavill Ave, Surfers Paradise, between the Esplanade and Orchid Ave
- the mall in Victoria Ave, Broadbeach, between Old Burleigh Rd and the vehicular access point to the underground carparking area

### **Ipswich**

- the mall in Nicholas St, Ipswich, between Limestone St and Brisbane St

- the mall in Nicholas St, Ipswich, between Brisbane St and the north end of Nicholas St
- the mall in Union St

#### Toowoomba

- the mall in Bell Street, 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

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### 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 14 May 2010. Future amendments of the Tobacco and Other Smoking Products Regulation 1998 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 to	Effective	Reprint date
1	none	31 May 1998	26 June 1998
2	2002 SL No. 117	31 May 2002	7 June 2002

Reprint No.	Amendments included	Effective	Notes
2A	2004 SL No. 272	1 January 2005	
2B	2004 Act No. 47 2005 SL No. 209	31 December 2005	
2C	2006 SL No. 148	1 July 2006	provs exp 30 June 2006 R2C withdrawn, see R3
3	—	1 July 2006	
3A	2006 SL No. 307	15 December 2006	
3B	2007 SL No. 142	5 July 2007	
3C	2008 SL No. 449	1 January 2009	
3D	2010 SL No. 81	14 May 2010	

## 5 List of legislation

### **Tobacco and Other Smoking Products Regulation 1998 SL No. 112 (prev Tobacco Products (Prevention of Supply to Children) Regulation 1998)**

made by the Governor in Council on 7 May 1998

notfd gaz 8 May 1998 pp 180–2

ss 1–2 commenced on date of notification

remaining provisions commenced 31 May 1998 (see s 2)

exp 31 August 2010 (see SIA s 56A(2) and SIR s 5 sch 3)

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 Products (Prevention of Supply to Children) Amendment Regulation (No. 1) 2002 SL No. 117**

notfd gaz 31 May 2002 pp 482–7

ss 1–2 commenced on date of notification

remaining provisions commenced 31 May 2002 (see s 2)

Endnotes

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**Tobacco and Other Smoking Products Amendment Act 2004 No. 47 s 1, 2(3), 48 sch**  
date of assent 18 November 2004  
ss 1–2 commenced on date of assent  
remaining provisions commenced 31 December 2005 (see s 2(3))

**Tobacco and Other Smoking Products Amendment Regulation (No. 1) 2004 SL No. 272 pts 1–2**  
notfd gaz 10 December 2004 pp 1195–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2005 (see s 2)

**Tobacco and Other Smoking Products Amendment Regulation (No. 1) 2005 SL No. 209 pts 1–2**  
notfd gaz 26 August 2005 pp 1477–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 31 December 2005 (see s 2(2))

**Health Legislation Amendment Regulation (No. 5) 2006 SL No. 148 pts 1, 4**  
notfd gaz 23 June 2006 pp 898–902  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2006 (see s 2)

**Tobacco and Other Smoking Products Amendment Regulation (No. 1) 2006 SL No. 307**  
notfd gaz 15 December 2006 pp 1861–5  
commenced on date of notification

**Tobacco and Other Smoking Products Amendment Regulation (No. 1) 2007 SL No. 142**  
notfd gaz 29 June 2007 pp 1157–65  
ss 1–2 commenced on date of notification  
remaining provisions commenced 5 July 2007

**State Penalties Enforcement and Another Regulation Amendment Regulation (No. 1) 2008 SL No. 449 pts 1, 3**  
notfd gaz 12 December 2008 pp 2044–53  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2009 (see s 2)

**Health Legislation Amendment Regulation (No. 3) 2010 SL No. 81 pts 1, 5**  
notfd gaz 14 May 2010 pp 121–2  
commenced on date of notification

## **6 List of annotations**

### **PART 1—PRELIMINARY**

**pt hdg** ins 2002 SL No. 117 s 4

#### **Short title**

**s 1** sub 2002 SL No. 117 s 5

**Notes in text**

s 2A ins 2004 SL No. 272 s 4

**PART 2—PROHIBITION SIGNS**

pt hdg ins 2002 SL No. 117 s 6  
om 2006 SL No. 307 s 3

**Requirements for prohibition signs**

s 3 sub 2002 SL No. 117 s 6  
amd 2005 SL No. 209 s 4  
om 2006 SL No. 307 s 3

**Display of prohibition sign by supplier—Act, s 20(1)**

s 4 sub 2002 SL No. 117 s 6  
om 2006 SL No. 307 s 3

**Attachment or display of prohibition sign for tobacco product vending machine—Act, s 21**

s 5 sub 2002 SL No. 117 s 6  
om 2006 SL No. 307 s 3

**PART 3—PRICE TICKETS, OTHER INDICATORS OF PRICE AND PRICE BOARDS**

pt hdg ins 2002 SL No. 117 s 6

**Division 1—Price tickets and other indicators of price**

div hdg ins 2002 SL No. 117 s 6

**Price ticket for other than a tobacco product vending machine—Act, s 26H**

s 6 ins 2002 SL No. 117 s 6  
amd 2004 Act No. 47 s 48 sch; 2006 SL No. 148 s 11

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

prov hdg amd 2006 SL No. 307 s 4(1)  
s 7 ins 2002 SL No. 117 s 6  
amd 2004 Act No. 47 s 48 sch; 2006 SL No. 148 s 12; 2006 SL No. 307 s 4(2)

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

prov hdg amd 2006 SL No. 307 s 5(1)  
s 8 ins 2002 SL No. 117 s 6  
amd 2004 Act No. 47 s 48 sch; 2006 SL No. 307 s 5(2)

**Division 2—Price boards**

div hdg ins 2002 SL No. 117 s 6

**Price board—Act, s 26H**

s 9 ins 2002 SL No. 117 s 6  
amd 2004 Act No. 47 s 48 sch

**PART 4—PARTICULAR SIGNS**

pt hdg ins 2002 SL No. 117 s 6  
amd 2006 SL No. 307 s 6

Endnotes

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**Division 1AA—Signs for humidified containers and rooms**

**div hdg** ins 2005 SL No. 209 s 5

**Display of warning message, graphic and explanatory message—Act, s 26F**

**prov hdg** amd 2006 SL No. 307 s 7(1)

**s 9A** ins 2005 SL No. 209 s 5

amd 2006 SL No. 307 s 7(2)–(3)

**Division 1—Prohibition and quit smoking signs**

**div hdg** ins 2002 SL No. 117 s 6

amd 2006 SL No. 307 s 8

**Form of prohibition sign—Act, ss 20 and 21**

**s 9B** ins 2006 SL No. 307 s 9

amd 2008 SL No. 449 s 16

**Form of quit smoking sign—Act, ss 20 and 21**

**prov hdg** amd 2006 SL No. 307 s 10(1)

**s 10** ins 2002 SL No. 117 s 6

amd 2005 SL No. 209 s 6; 2006 SL No. 307 s 10(2)

**Display of prohibition sign and quit smoking sign by supplier—Act, s 20(1)**

**prov hdg** sub 2006 SL No. 307 s 11(1)

**s 11** ins 2002 SL No. 117 s 6

amd 2006 SL No. 307 s 11(2)–(4)

**Attachment of prohibition sign and quit smoking sign for tobacco product vending machine—Act, s 21**

**s 12** ins 2002 SL No. 117 s 6

sub 2006 SL No. 307 s 12

**Division 2—No smoking signs**

**div hdg** ins 2002 SL No. 117 s 6

**Form of no smoking sign—Act, s 26S**

**s 13** ins 2002 SL No. 117 s 6

**Display of no smoking sign—Act, s 26S**

**s 14** ins 2002 SL No. 117 s 6

amd 2006 SL No. 148 s 13

**PART 5—PHASE-IN OF SMOKING BAN IN LICENSED PREMISES**

**pt 5 (ss 15–21)** ins 2004 SL No. 272 s 5

exp 30 June 2006 (see s 21)

**PART 6—SMOKE-FREE OUTDOOR PLACES**

**pt hdg** ins 2004 SL No. 272 s 5

**Prescribed outdoor swimming areas—Act, s 26ZI**

**s 22** ins 2004 SL No. 272 s 5

**Outdoor pedestrian malls where smoking near an entrance to an enclosed place is not prohibited—Act, s 26ZJ(3)(b)**

**prov hdg** amd 2006 SL No. 307 s 13

**s 23** ins 2004 SL No. 272 s 5

**PART 7—PROHIBITED PRODUCTS**

**pt 7 (s 24)** ins 2007 SL No. 142 s 4

**SCHEDULE 1—PRESCRIBED OUTDOOR SWIMMING AREAS**

ins 2004 SL No. 272 s 6

amd 2010 SL No. 81 s 17

**SCHEDULE 2—PRESCRIBED OUTDOOR PEDESTRIAN MALLS**

ins 2004 SL No. 272 s 6

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