



Australian Capital Territory

Tobacco Regulation 1991

SL1991-11

made under the

Tobacco Act 1927

Republication No 4

Effective: 1 November 2004 – 31 August 2006

Republication date: 1 November 2004

Last amendment made by A2004-49
(replication includes editorial amendments
under Legislation Act)

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Tobacco Regulation 1991*, made under the *Tobacco Act 1927* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 1 November 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Tobacco Regulation 1991

made under the

Tobacco Act 1927

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| 01/11/04 | Effective: 01/11/04-31/08/06 | |

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Australian Capital Territory

Tobacco Regulation 1991

made under the

Tobacco Act 1927

Part 1 Preliminary

Section 1

Part 1 Preliminary

1 Name of regulation

This regulation is the *Tobacco Regulation 1991*.

U Part 2 Vending machine notices**U 2 Statement on vending machine**

For the Act, section 16 (2), the following form of statement is prescribed:

‘The sale or supply of cigarettes and other smoking products to persons under the age of 18 years is prohibited.

Maximum penalty: \$5 000 for an individual, or \$25 000 for a corporation.

Part 3 Health warning notices

U 3 Application—Act, s 22

This part prescribes the requirements for the display of a health warning notice by the occupier of a retail or wholesale outlet at or adjacent to each point of sale display (other than a vending machine) at the outlet.

4 Health warning notices—how displayed

- (1) The notice must be displayed so that it is clearly visible from the customer service area of the point of sale.
- (2) The notice must be displayed so that its lowest point is at least 1m above the floor, as measured from the highest point on the seller's side of the point of sale.
- (3) The notice must have nothing attached to it (unless necessary for its support).
- (4) The notice must have an unbroken flat, white surface the size of which is at least the larger of the following:
 - (a) 10% of the total display surface area of the point of sale display, or 1m², whichever is smaller;
 - (b) 619cm².

Note 619cm² is the size of an A4 sheet of paper.

Examples

- 1 The total display surface area of a point of sale display is 11m². The smallest permissible size for a health warning notice at or adjacent to the point of sale display is 1m² (see s (4) (a)).
- 2 The total display surface area of a point of sale display is 7m². The smallest permissible size for a health warning notice at or adjacent to the point of sale display 7 000cm² (see s (4) (a)).

- 3 The total display surface area of a point of sale display is 6 000cm². The smallest permissible size for a health warning notice at or adjacent to the point of sale display is 619cm² (see s (4) (b)).

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (5) The area of the smallest rectangle that can be drawn around the text (and any graphics) in the notice must represent at least 80% of the total area of the notice.
- (6) In this section:

total display surface area, of a point of sale display, means the total surface area of all the following elements of the display (not including any intermediate areas within the point of sale):

- (a) representations of immediate packages of smoking products;
- (b) the displayed faces of immediate packages of smoking products;
- (c) the transparent tops (or front, if the cabinet is mounted vertically) of each display cabinet or humidor of smoking products at the point of sale display;
- (d) the area of the lid of each open and closed cigar box on display, unless contained in a display cabinet or humidor;
- (e) for a wholesale outlet—the area of the displayed side of each carton of a product line on display.

5 Health warning notices—text of notice

- (1) If any tobacco products are sold at the point of sale, the notice must show 1 of the following health warnings:
- (a) ‘Smoking can cause a slow and painful death.’;
 - (b) ‘The secret to quitting smoking? Do it while you’re alive.’;
 - (c) ‘Smoking reduces your ability to get it up.’;

- (d) ‘Smoking kills.’;
- (e) ‘Smoking is addictive.’.
- (2) If only herbal products are sold at the point of sale, the notice must show the following health warning:
- ‘When you smoke, you inhale tar and carbon monoxide.’.
- (3) The following 2 notes must be shown on the notice beneath the health warning (under subsection (1) or (2)), in letters no more than half as high as the letters of the warning, in upper and lower case as indicated, with the 1st note on a single line and the 2nd note starting on a new line beneath the 1st note:
- ‘Government Health Warning’
 - ‘For help in stopping smoking, ring the QUITline on 131 848’.
- (4) If the warning mentioned in subsection (1) (c) is shown on the notice, the following text must be shown beneath the warning and above the 1st note mentioned in subsection (3), in letters smaller than those of the warning and larger than those of the note:
- ‘Men who smoke are twice as likely to become impotent.’.
- (5) All text on the health warning notice must be shown—
- (a) in black letters and sans serif type; and
 - (b) in a form that is reasonably readable from the customer service area of the point of sale.
- (6) No other text, and no graphics, may be shown on the health warning notice.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|--|--|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | pt = part |
| exp = expires/expired | r = rule/subrule |
| Gaz = gazette | renum = renumbered |
| hdg = heading | reloc = relocated |
| IA = Interpretation Act 1967 | R[X] = Republication No |
| ins = inserted/added | RI = reissue |
| LA = Legislation Act 2001 | s = section/subsection |
| LR = legislation register | sch = schedule |
| LRA = Legislation (Republication) Act 1996 | sdiv = subdivision |
| mod = modified/modification | sub = substituted |
| o = order | SL = Subordinate Law |
| om = omitted/repealed | <u>underlining</u> = whole or part not commenced or to be expired |

Endnotes

3 Table of legislation

3 Table of legislation

This regulation was originally the *Tobacco Regulations*. It was renamed under the *Legislation Act 2001*.

Tobacco Regulation 1991 No 11

notified 1 May 1991

commenced 1 May 1991

as amended by

Tobacco Amendment Act 2000 No 16 sch 3 pt 2

notified 20 April 2000 (Gaz 2000 No 16)

s 1, s 2 commenced 20 April 2000 (IA s 10B)

sch 3 pt 2 commenced 1 July 2000 (s 2 (3))

Smoking Products Legislation Amendment Act 2000 No 53 pt 3

notified 5 October 2000 (Gaz 2000 No 40)

pt 3 (s 12) commenced 5 October 2000 (s 2(1))

Legislation (Consequential Amendments) Act 2001 No 44 pt 384

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 384 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Tobacco Regulations Amendment SL 2001 No 37

notified LR 19 September 2001

s 1 commenced 19 September 2001 (LA s 75)

regs 2-4 and 6 commenced 19 September 2001 (s 1 and see LA s 73 (3))

remainder commenced 17 December 2001 (s 1)

Statute Law Amendment Act 2002 (No 2) No 49 pt 3.28

notified LR 20 December 2002

s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))

pt 3.28 commenced 17 January 2003 (s 2 (1))

Tobacco (Vending Machine Ban) Amendment Act 2004 A2004-49 pt 3

notified LR 16 August 2004

s 1, s 2 commenced 16 August 2004 (LA s 75 (1))

pt 3 commences 1 September 2006 (s 2 (2))

4 Amendment history

Preliminary

pt 1 hdg ins SL 2001 No 37 s 3

Name of regulation

s 1 sub Act 2000 No 16 sch 3 pt 2
am R4 LA

Vending machine notices

pt 2 hdg ins SL 2001 No 37 s 4
om A2004-49 s 32

Statement on vending machine

s 2 orig s 2 om Act 2001 No 44 amdt 1.4048
(prev s 4) am Act 2000 No 16 sch 3 pt 2; Act 2000 No 53 s 12;
SL 2001 No 37 s 5
renum R2 LA (see SL 2001 No 37 s 8)
om A2004-49 s 32

Health warning notices

pt 3 hdg ins SL 2001 No 37 s 6

Application—Act, s 22

s 3 orig s 3 om Act 2001 No 44 amdt 1.4048
(prev s 5) ins SL 2001 No 37 s 6
renum R2 LA (see SL 2001 No 37 s 8)
am A2004-49 s 33

Health warning notices—how displayed

s 4 (prev s 6) ins SL 2001 No 37 s 6
renum R2 LA (see SL 2001 No 37 s 8)
am Act 2002 No 49 amdt 3.243, amdt 3.244

Health warning notices—text of notice

s 5 (prev s 7) ins SL 2001 No 37 s 6
sub SL 2001 No 37 s 7
renum R2 LA (see SL 2001 No 37 s 8)

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

| Republication No | Amendments to | Republication date |
|------------------|---------------|--------------------|
| 1 | SL 2001 No 37 | 19 September 2001 |
| 2 | SL 2001 No 37 | 9 January 2002 |
| 3 | A2002-49 | 17 January 2003 |

6 Renumbered provisions

as made by SL 2001 No 37 and under the *Legislation Act 2001*

| previous number | provision heading | renumbered or inserted as |
|-----------------|---------------------------------------|---------------------------|
| 4 | Statement on vending machine | 2 |
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7 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

**Tobacco (Vending Machine Ban) Amendment Act 2004
A2004-49 pt 3**

Part 3 Tobacco Regulation 1991**31 Legislation amended—pt 3**

This part amends the *Tobacco Regulation 1991*.

32 Part 2

omit

**33 Application—Act, s 22
Section 3**

omit

(other than a vending machine)

34 Section—renumbering

*renumber provisions when regulation next republished under
Legislation Act*

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