



Australian Capital Territory

# Tobacco Regulations Amendment

## Subordinate Law 2001 No 37

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The Australian Capital Territory Executive makes the following regulations under the *Tobacco Act 1927*.

Dated 13 September 2001.

MICHAEL MOORE  
Minister

BILL STEFANIAK  
Minister

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# Tobacco Regulations Amendment

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made under the

*Tobacco Act 1927*

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## **1 Commencement**

These regulations commence as follows:

- (a) regulations 1 to 4, and 6—on the commencement of the *Tobacco Amendment Act 2001*, section 5;
- (b) regulations 5, 7 and 8—3 months after the commencement of the *Tobacco Amendment Act 2001*, section 5.

## **2 Regulations amended**

These regulations amend the *Tobacco Regulations 1991*.

## **3 Part 1, new heading**

*before regulation 1, insert*

# **Part 1 Preliminary**

## **4 Part 2, new heading**

*before regulation 4, insert*

# **Part 2 Vending machine notices**

## **5 Regulation 4**

*omit*

Penalty: \$1,000.

*substitute*

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

**6 New part 3**

*after regulation 4, insert*

## **Part 3 Health warning notices**

### **5 Application—the 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.

### **6 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 1m<sup>2</sup>, whichever is smaller;
  - (b) 619cm<sup>2</sup>.

*Note* 619cm<sup>2</sup> is the size of an A4 sheet of paper.

#### **Examples**

1 The total display surface area of a point of sale display is 11m<sup>2</sup>. The smallest permissible size for a health warning notice at or adjacent to the point of sale display is 1m<sup>2</sup> (see reg (4) (a)).

2 The total display surface area of a point of sale display is 7m<sup>2</sup>. The smallest permissible size for a health warning notice at or adjacent to the point of sale display is 700cm<sup>2</sup> (see reg (4) (a)).

3 The total display surface area of a point of sale display is 5m<sup>2</sup>. The smallest permissible size for a health warning notice at or adjacent to the point of sale display is 619cm<sup>2</sup> (see reg (4) (b)).

(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 regulation:

*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.

## **7 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 a warning mentioned in subregulation (1) (a), (b) or (c) is shown on the notice, the following 2 notes must be shown beneath the warning, 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’.
- (3) If the warning mentioned in subregulation (1) (c) is shown on the notice, the following text must be shown beneath the warning and above the 1st note mentioned in subregulation (2), 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.’.
- (4) If a warning mentioned in subregulation (1) (d) or (e) is shown on the notice, the following note must be shown beneath the warning, in letters no more than half as high as the letters of the warning, in upper and lower case as indicated, on a single line:
- ‘Government Health Warning’.
- (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.

**Explanatory note (insertion of new reg 7)**

This new reg 7 (Health warning notices—text of notice) will only remain in force for 3 months after the commencement of the *Tobacco Amendment Act 2001*, s 5. It will then be replaced by the alternative new reg 7 inserted by amending reg 7 below. (See amending reg 1 (Commencement).)



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**7 Regulation 7 (as inserted by these regulations)***substitute***7 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 subregulation (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 subregulation (1) (c) is shown on the notice, the following text must be shown beneath the warning and above the 1st note mentioned in subregulation (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.

**Explanatory note (insertion of alternative new reg 7)**

This alternative new reg 7 (Health warning notices—text of notice) will come into force 3 months after the commencement of the *Tobacco Amendment Act 2001*, s 5. It will replace the new reg 7 inserted by amending reg 6 above. (See amending reg 1 (Commencement).)

## **8 Renumbering—Tobacco regulations**

*renumber provisions when regulations next republished under Legislation Act 2001*

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### **Endnotes**

**Regulations amended**

- 1 SL 1991 No 11 (not republished). See also Acts 2000 Nos 16 and 53; 2001 No 44.

**Notification**

- 2 Notified under the *Legislation Act 2001* on 19 September 2001.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))