

Australian Capital Territory

Explanatory Statement

Tobacco and Other Smoking Products (Fees) Determination 2022 (No 1)

Disallowable instrument DI2022–40

made under the

Tobacco and Other Smoking Products Act 1927, s 70 (Determination of fees)

The *Tobacco and Other Smoking Products Act 1927* provides for the licensing of wholesale tobacco merchants and retail tobacconists.

Section 70 of the *Tobacco and Other Smoking Products Act 1927* provides the Minister with the power to determine fees for the purposes of the Act.

This instrument sets fees for the application and renewal of licences for wholesale tobacco merchants and retail tobacconists.

This instrument comes into effect on the day after its notification. The instrument includes new licence fees of \$0 for community pharmacies and for certain wholesalers. A community pharmacy is defined under the *Medicines, Poisons and Therapeutic Goods Act 2008*, (Dictionary) as meaning a pharmacy at a place other than an institution.

A Tobacco merchant's licence applicant who is an authorised medicines wholesaler who does not supply tobacco products will be eligible for a fee of \$0.

Wholesalers who supply medicines and also supply other smoking products do not qualify for the \$0 licence fee and must pay the applicable wholesale tobacco merchant's licence fee. The change facilitates community pharmacy supply of prescribed medicines (e.g. nicotine vaping products). There are no fee increases in the instrument.

This instrument revokes and replaces DI2021-263, notified on 22 November 2021.