



Australian Capital Territory

Tobacco Regulation 1991

SL1991-11

made under the

Tobacco Act 1927

Republication No 5

Effective: 1 September 2006 – 28 February 2009

Republication date: 1 September 2006

Last amendment made by A2004-49
(republication for general renumbering and
amendments by A2004-49)

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 September 2006. It also includes any amendment, repeal or expiry affecting the republished law to 1 September 2006.

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.



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R5
01/09/06

Tobacco Regulation 1991
Effective: 01/09/06-28/02/09

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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*.

Part 2 Health warning notices

2 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 at the outlet.

3 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 is 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.

4 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

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

3 Legislation history

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 commenced 1 September 2006 (s 2 (2))

Endnotes

4 Amendment history

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

Health warning notices

pt 2 hdg **orig pt 2 hdg**
ins SL 2001 No 37 s 4
om A2004-49 s 32
pres pt 2 hdg
(prev pt 3 hdg) ins SL 2001 No 37 s 6
renum as pt 2 hdg R5 LA (see A2004-49 s 34)

Application—Act, s 22

s 2 **orig s 2**
om Act 2001 No 44 amdt 1.4048
prev s 2
(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 as s 2 R2 LA (see SL 2001 No 37 s 8)
om A2004-49 s 32
pres s 2
(prev s 5) ins SL 2001 No 37 s 6
renum as s 3 R2 LA (see SL 2001 No 37 s 8)
am A2004-49 s 33
renum as s 2 R5 LA (see A2004-49 s 34)

Health warning notices—how displayed

s 3 **orig s 3**
om Act 2001 No 44 amdt 1.4048
prev s 3
(prev s 5) renum as s 3 and then s 2
pres s 3
(prev s 6) ins SL 2001 No 37 s 6
renum as s 4 R2 LA (see SL 2001 No 37 s 8)
am Act 2002 No 49 amdt 3.243, amdt 3.244
renum as s 3 R5 LA (see A2004-49 s 34)

Health warning notices—text of notice

s 4 **orig s 4**
 renum as s 2
prev s 4
 (prev s 6) renum as s 4 and then s 3
pres s 4
 (prev s 7) ins SL 2001 No 37 s 6
 sub SL 2001 No 37 s 7
 renum as s 5 R2 LA (see SL 2001 No 37 s 8)
 renum as s 4 R5 LA (see A2004-49 s 34)

Health warning notices—text of notice

s 5 renum as s 4

Health warning notices

pt 3 hdg renum as pt 2 hdg

Health warning notices—how displayed

s 6 renum as s 4 and then s 3

Health warning notices—text of notice

s 7 renum as s 5 and then s 4

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. 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
4	<u>A2004-49</u>	1 November 2004

Endnotes

6 Renumbered provisions

6 Renumbered provisions

This subordinate law was renumbered under the *Legislation Act 2001* in R2 (see *Tobacco Regulations Amendment 2001* SL2001-37 s 8). Details of renumbered provisions are shown in endnote 4 (Amendment history) and endnote 6 (Renumbered provisions) in that republication. It was also renumbered under the *Legislation Act 2001* in R5 (see *Tobacco (Vending Machine Ban) Amendment Act 2004* A2004-49 s 34) and the following table:

previous number	provision heading	renumbered or inserted as
Part 3	Health warning notices	Part 2
3	Application—Act, s 22	2
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