



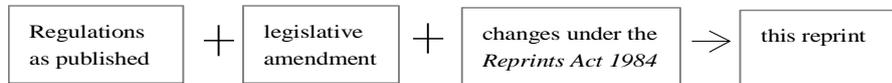
Western Australia

Tobacco Control (General) Regulations 1991

Reprinted as at 4 January 2002

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Western Australia

Tobacco Control (General) Regulations 1991

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Western Australia

Reprinted under the
Reprints Act 1984 as
at 4 January 2002

Tobacco Control Act 1990

Tobacco Control (General) Regulations 1991

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Tobacco Control (General) Regulations 1991*¹.

2. Commencement

These regulations shall come into operation on the day on which section 5(1) of the Act comes into operation¹.

3. Interpretation

- (1) In these regulations, unless the contrary intention appears —
- “**advertising display**” means dispensing unit, together with any tobacco advertisement directly adjacent to it;
- “**dispensing unit**” means container, structure or unit —
- (a) designed or adapted to dispense, display, promote or store tobacco products; and
 - (b) situated in a shop or other retail outlet,
- and includes a vending machine situated in a shop or other retail outlet;

“health warning” means either of the following warnings —

- (a) “SMOKING KILLS”; or
- (b) “SMOKING IS ADDICTIVE”;

“illuminated sign” includes neon sign, but does not include electronically-generated image;

“shopkeeper” means person who operates a shop or other retail outlet.

- (2) A reference in these regulations to “an attribution” or “the attribution” is a reference to the statement “Health Authority Warning”.

*[Regulation 3 amended in Gazette 24 Jan 1992 p. 366;
4 Sep 1992 p. 4476; 9 Dec 1994 p. 6665.]*

Part 2 — Point of sale advertising

4. Tobacco advertisements not to be visible from public places outside shops or other retail outlets

A shopkeeper shall ensure that a tobacco advertisement which is situated inside his or her shop or other retail outlet is positioned in such a way that its visual or written message is not visible from a public place outside that shop or retail outlet.

Penalty: \$1 000.

[Regulation 4 amended in Gazette 24 Jan 1992 p. 366.]

5. Maximum dimensions of tobacco advertisements

- (1) A shopkeeper shall ensure that the maximum area occupied by tobacco advertisements which form part of an advertising display which is situated inside his or her shop or other retail outlet does not exceed 3 000 square centimetres.

Penalty: \$1 000.

- (2) A shopkeeper shall ensure that the width, or the maximum width, as the case requires, of any one tobacco advertisement which is situated inside his or her shop or other retail outlet is neither less than half, nor more than 3½ times, the height, or the maximum height, as the case requires, of that tobacco advertisement.

Penalty: \$1 000.

[Regulation 5 inserted in Gazette 24 Jan 1992 p. 366.]

6. Tobacco advertisements to form part of advertising displays

A shopkeeper shall not have situated inside his or her shop or other retail outlet a tobacco advertisement which does not form part of an advertising display.

Penalty: \$1 000.

r. 6A

6A. Electronic advertising

A shopkeeper shall not have situated inside his or her shop or other retail outlet a tobacco advertisement which is constituted in whole or part by, or which uses, an electronically generated image or electronically generated sound.

Penalty: \$1 000.

[Regulation 6A inserted in Gazette 13 Dec 1991 p. 6190.]

[7. Repealed in Gazette 24 Jan 1992 p. 366.]

8. Lettering of health warnings

A shopkeeper inside whose shop or other retail outlet a tobacco advertisement is situated shall ensure that the letters in which a health warning in the tobacco advertisement is written —

- (a) appear in Helvetica Medium capitals;
- (b) are reproduced in black on a white background; and
- (c) together with an attribution, occupy not less than 80% of that part of the total area of the tobacco advertisement which is required by regulation 9 to be devoted exclusively to the display of a health warning.

Penalty: \$1 000.

[Regulation 8 amended in Gazette 24 Jan 1992 p. 366.]

9. Areas of tobacco advertisements to be devoted to health warnings

- (1) A shopkeeper shall ensure that an area constituting 50% of the total area of each tobacco advertisement (other than a tobacco advertisement referred to in subregulation (2)) which is situated inside his or her shop or other retail outlet is exclusively devoted to the display of a health warning, together with an attribution.

Penalty: \$1 000.

(2) A shopkeeper shall ensure that —

[(a) deleted]

(b) in the case of a tobacco advertisement —

- (i) which is situated inside his or her shop or other retail outlet; and
- (ii) which takes the form of an illuminated sign,

an area constituting 50% of the total area of the illuminated sign referred to in subparagraph (ii) is exclusively devoted to the display of a health warning, together with an attribution, and that both the health warning and the attribution are illuminated in the same manner as the remainder of that illuminated sign.

Penalty: \$1 000.

[Regulation 9 amended in Gazette 13 Dec 1991 p. 6190; 24 Jan 1992 p. 366-7; 9 Dec 1994 p. 6666.]

10. Position and lettering of attributions

A shopkeeper who is required to comply with regulation 8 or 9 shall ensure that —

- (a) an attribution is positioned directly below each health warning referred to in that regulation; and
- (b) the letters of the attribution referred to in paragraph (a) —
 - (i) appear in Helvetica Medium capitals and Helvetica Medium lower case type; and
 - (ii) do not exceed half the height of the letters used for the health warning referred to in that paragraph.

Penalty: \$1 000.

[Regulation 10 inserted in Gazette 24 Jan 1992 p. 367.]



Notes

- ¹ This reprint is a compilation as at 4 January 2002 of the *Tobacco Control (General) Regulations 1991* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Tobacco Control (General) Regulations 1991</i>	26 Jul 1991 p. 3852-3	8 Feb 1992 (see r. 2)
<i>Tobacco Control (General) Amendment Regulations 1991</i>	7 Aug 1991 p. 4097	7 Aug 1991
<i>Tobacco Control (General) Amendment Regulations (No. 2) 1991</i>	13 Dec 1991 p. 6189-90	13 Dec 1991
<i>Tobacco Control (General) Amendment Regulations 1992</i>	24 Jan 1992 p. 365-7	24 Jan 1992
<i>Tobacco Control (General) Amendment Regulations (No. 2) 1992</i>	4 Sep 1992 p. 4476	4 Sep 1992
<i>Tobacco Control (General) Amendment Regulations 1994</i>	9 Dec 1994 p. 6665-6	1 Mar 1995 (see r. 2)