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**HEALTH**

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HE301

Tobacco Products Control Act 2006

**Tobacco Products Control Amendment  
Regulations 2019**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Tobacco Products Control Amendment Regulations 2019*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) regulation 16(1) — on the day on which the *Tobacco Products Control Amendment Act 2018* section 4 comes into operation;
- (c) the rest of the regulations — on the day on which the *Tobacco Products Control Amendment Act 2018* section 3 comes into operation.

**3. Regulations amended**

These regulations amend the *Tobacco Products Control Regulations 2006*.

**4. Part 3 heading amended**

In the heading to Part 3 after “**Smoking in**” insert:

**or near**

**5. Regulation 13A inserted**

At the end of Part 3 Division 2 insert:

**13A. Prohibitions on smoking near enclosed public places**

- (1) A person must not smoke outside an enclosed public place within 5 m of a public entrance to the enclosed public place.  
Penalty for this subregulation: a fine of \$1 000.
- (2) A person must not smoke outside an enclosed public place within 10 m of an air intake for air conditioning equipment that is in or on the enclosed public place.  
Penalty for this subregulation: a fine of \$1 000.
- (3) It is a defence to a prosecution for an offence under subregulation (1) or (2) to prove that the accused was only passing the public entrance or air intake, as the case requires, and did not remain in its vicinity.

**6. Regulation 15 amended**

- (1) After regulation 15(1) insert:
  - (1A) If an investigator has reason to believe that a person is committing an offence under regulation 13A(1) or (2) the investigator may direct the person to stop smoking within the prohibited distance.
  - (1B) In subregulation (1A) —  
***within the prohibited distance*** means —
    - (a) for an offence under regulation 13A(1) —  
within 5 m of a public entrance to an enclosed public place; or
    - (b) for an offence under regulation 13A(2) —  
within 10 m of an air intake for air conditioning equipment that is in or on an enclosed public place.
- (2) In regulation 15(2) after “subregulation (1)” insert:  
  
or (1A)
- (3) In regulation 15(3) delete “subregulation (1).” and insert:  
  
subregulation (1) or (1A).

- (4) In regulation 15(4)(a) delete “subregulation (1); and” and insert:
- subregulation (1) or (1A); and

**7. Regulation 32 amended**

In regulation 32 delete “Commonwealth *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004*” and insert:

*Competition and Consumer (Tobacco) Information Standard 2011* (Commonwealth)

**8. Regulation 33 amended**

In regulation 33:

- (a) delete paragraph (a);
- (b) in paragraph (c) delete “paragraph (a) or (b);” and insert:

paragraph (b).

- (c) delete paragraph (d).

**9. Regulation 35 deleted**

Delete regulation 35.

**10. Regulation 39 amended**

- (1) In regulation 39 delete “For the purposes of section 24(1)” and insert:

- (1) For the purposes of section 24(1), but subject to subregulation (2),

- (2) At the end of regulation 39 insert:

- (2) A sign referred to in regulation 40(2) must not be located at the place referred to in subregulation (1)(a) if price tickets are displayed on a facility used to store the available tobacco products at the place.

**11. Regulation 41 amended**

In regulation 41:

- (a) delete “signage” and insert:

a sign

- (b) delete paragraph (a) and insert:

(a) must not exceed 297 mm x 210 mm; and

- (c) delete paragraph (b).

**12. Regulation 42 amended**

In regulation 42:

- (a) delete “signage complying with regulation 41(a) and (b),” and insert:

a sign complying with regulation 41(a),

- (b) Delete paragraph (a) and insert:

(a) the sign does not exceed 297 mm x 210 mm;  
and

**13. Regulation 51 amended**

- (1) Before regulation 51(1) insert:

(1A) For the purposes of section 23(2)(d), a health warning sign —

- (a) must be at least 297 mm x 210 mm or, if the display is in a cigar cabinet that is designed to be portable and has a volume not exceeding 50 cm<sup>3</sup>, at least 105 mm x 74 mm; and
- (b) must have the content, and be in the form and colouring, of the sign depicted in Schedule 3.

- (2) In regulation 51(1):

- (a) delete “section 25(2)(b) and (3) and regulation 40(4) in relation to tobacco products other than cigars in a cigar cabinet or humidified room” and insert:

section 25(2)(b), and for the purposes of section 25(3) and regulation 40(4) in relation to tobacco products (other than cigars in a cigar cabinet or humidified room),

- (b) in paragraph (b) delete “a sign set out” and insert:
- 1 of the signs depicted
- (3) In regulation 51(2):
- (a) delete “section 25(2)(b) and (3) and regulation 40(4) in relation to tobacco products in a cigar cabinet or humidified room” and insert:
- section 25(3) and regulation 40(4) in relation to cigars in a cigar cabinet or humidified room,
- (b) in paragraph (a) delete “210 mm x 148 mm” and insert:
- 297 mm x 210 mm
- (c) in paragraph (b) delete “set out” and insert:
- of the sign depicted
- (4) In regulation 51(3):
- (a) delete “section 25(2)(b)” and insert:
- sections 23(2)(d) and 25(2)(b)
- (b) delete paragraph (a);
- (c) in paragraph (b) after “subregulation” insert:
- (1A)(b),
- (d) in paragraph (b) delete “case, or allowed under paragraph (a); and” and insert:
- case; and
- (e) in paragraph (c) after “subregulation” insert:
- (1A)(b),
- (f) in paragraph (c) delete “or allowed under paragraph (a)”.

**14. Regulation 59 replaced**

Delete regulation 59 and insert:

**59. Appointment of restricted investigators**

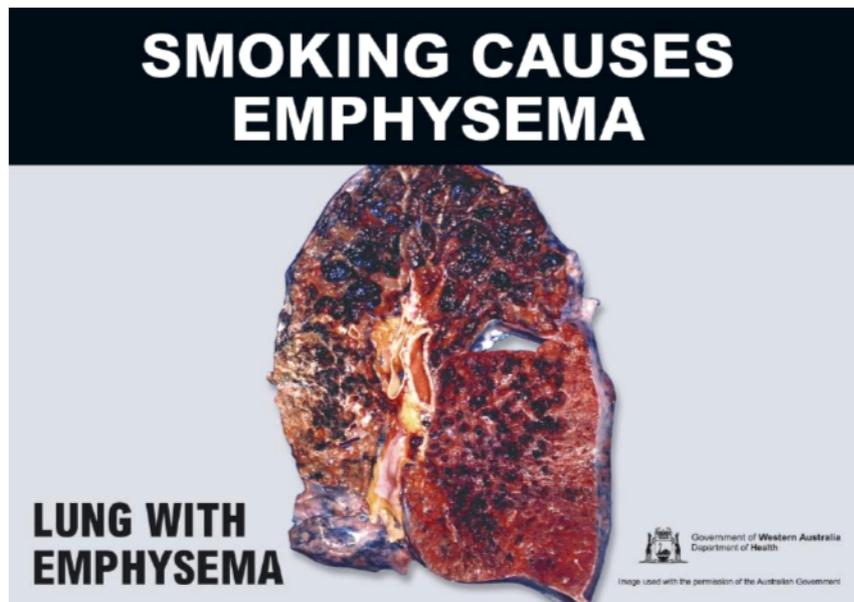
For the purposes of the definition of *enforcement agency* in section 77(1), the chief executive officer of the department of the Public Service principally assisting in the administration of the *Transport Co-ordination Act 1966* is prescribed.

**15. Schedules 2 and 3 replaced**

Delete Schedules 2 and 3 and insert:

**Schedule 2 — Health warning signs for general display or vending machines**

[r. 51(1)(b)]



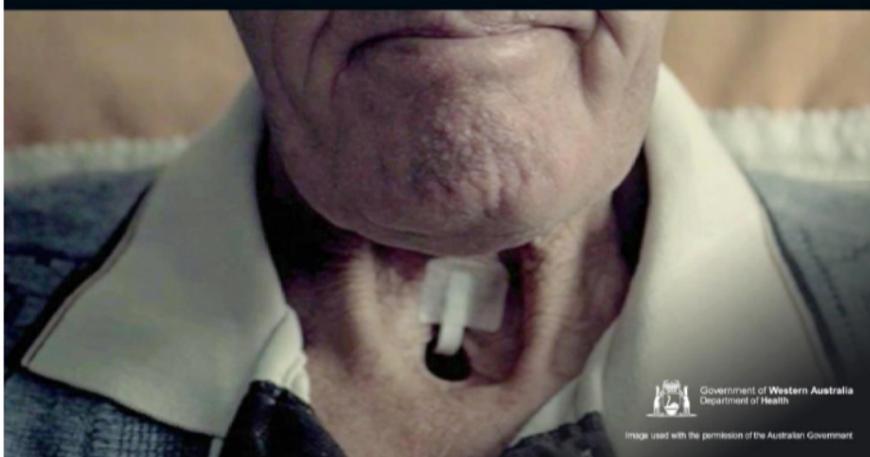
# SMOKING CAUSES PERIPHERAL VASCULAR DISEASE



# SMOKING CAUSES BLINDNESS



# SMOKING CAUSES THROAT CANCER



**Schedule 3 — Health warning signs for display of  
cigars or cigar cutting implements**

[r. 51(1A)(b) and (2)(b)]



**16. Schedule 4 amended**

- (1) In Schedule 4 after the item for section 18 insert:

s. 18A	1 000
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- (2) In Schedule 4 after the item for section 21 insert:

s. 21A	1 000
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s. 21B	1 000
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- (3) In Schedule 4 in the items for sections 25(1), 25(2) and 25(3) delete “1 000” and insert:

200

- (4) In Schedule 4 after the item for section 25(3) insert:

s. 25(4)	200
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(5) In Schedule 4 after the item for regulation 12(1) insert:

r. 13A(1)	200
r. 13A(2)	200

**17. Various penalties amended**

In the provisions listed in the Table in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

**Table**

r. 10(1)	r. 11(1)
r. 12(1)	r. 15(3)
r. 16B(1) and (3)	r. 16D(3)
r. 34(1), (2), (3), (4) and (5)	r. 36(1), (2), (3), (4) and (5)

M. INGLIS, Clerk of the Executive Council.