



Western Australia

Tobacco Control Act 1990

Tobacco Control (General) Regulations 1991

These regulations were repealed by the *Tobacco Products Control Act 2006* s. 126 (No. 5 of 2006) as at 31 Jul 2006 (see s. 2 and *Gazette* 25 Jul 2006 p. 2701).

Ceased on 31 Jul 2006

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Tobacco Control (General) Regulations 1991

Contents

Part 1 — Preliminary

1.	Citation	1
2.	Commencement	1
3.	Interpretation	1

Part 2 — Point of sale advertising

4.	Tobacco advertisements not to be visible from public places outside shops or other retail outlets	3
5.	Maximum dimensions of tobacco advertisements	3
6.	Tobacco advertisements to form part of advertising displays	3
6A.	Electronic advertising	4
8.	Lettering of health warnings	4
9.	Areas of tobacco advertisements to be devoted to health warnings	4
10.	Position and lettering of attributions	5

Notes

	Compilation table	6
	Provisions that have not come into operation	6

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”;

r. 3

“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.

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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 is a compilation of the *Tobacco Control (General) Regulations 1991* and includes the amendments made by the other written laws referred to in the following table ^{1a}.

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)

Reprint of the *Tobacco Control (General) Regulations 1991* as at 4 Jan 2002
(includes amendments listed above)

These regulations were repealed by the *Tobacco Products Control Act 2006* s. 126 (No. 5 of 2006) as at 31 Jul 2006 (see s. 2 and *Gazette* 25 Jul 2006 p. 2701)

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and Year	Assent	Commencement
<i>Tobacco Products Control Act 2006</i> s. 126 ²	5 of 2006	12 Apr 2006	To be proclaimed (see s. 2)

² On the date as at which this compilation was prepared, the *Tobacco Products Control Act 2006* s. 126, which gives effect to Sch. 2, had not come into operation. It reads as follows:

“

126. Repeals, transitional provisions, consequential amendments to other Acts

Schedule 2 has effect.

”.

Schedule 2 Division 1 cl. 2(1) reads as follows:

“

**Schedule 2 — Repeals, transitional provisions,
consequential amendments to other Acts**

[s. 126]

Division 1 — Repeals

2. Regulations under the *Tobacco Control Act 1990* repealed

(1) The *Tobacco Control (General) Regulations 1991* are repealed.

”.

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
advertising display	3(1)
dispensing unit	3(1)
health warning	3(1)
illuminated sign.....	3(1)
shopkeeper	3(1)