

NORTHERN TERRITORY OF AUSTRALIA

TOBACCO CONTROL REGULATIONS 2002

As in force at 1 July 2019

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2019

TOBACCO CONTROL REGULATIONS 2002

Regulations under the *Tobacco Control Act 2002*

Part 1 Preliminary

1 Citation

These Regulations may be cited as the *Tobacco Control Regulations 2002*.

2 Commencement

- (1) Part 1, Part 2 (other than regulation 9) and Part 3, Division 1 come into operation on the commencement of Part 1, Part 2 and Part 3, Division 1 respectively of the Act.
- (2) Part 3, Division 2 comes into operation on the commencement of sections 23 and 27 of the Act to the extent that those sections relate to a health warning referred to in section 23(1)(a) and 27(a) of the Act.
- (3) Regulation 9 and Part 4 come into operation on 31 May 2003.
- (4) Part 5 comes into operation on the commencement of sections 23 and 27 of the Act to the extent that those sections relate to a notice referred to in section 23(1)(b) and 27(b) of the Act.
- (5) Part 6 comes into operation on the commencement of Part 4 (other than section 28) of the Act.
- (6) Part 7 comes into operation on the commencement of Part 7 of the Act.

3 Definitions

In these Regulations:

casino has the same meaning as in the *Gaming Control Act 1993*.

casino licence, see section 3 of the *Gaming Control Act 1993*.

casino licensee means a licensee under a casino licence.

declared high roller room means an area declared to be a high roller room under regulation 8A.

gaming machine has the same meaning as in the *Gaming Machine Act 1995*.

gaming machine area has the same meaning as in the *Gaming Machine Act 1995*.

gaming machine licence has the same meaning as in the *Gaming Machine Act 1995*.

marked, in relation to a package, means printed on the package or affixed to the package by an adhesive label or other means.

occupier of an educational facility means the principal or other person who is responsible for the day to day administration of an educational facility.

outdoor smoking areas, see regulation 15B(1).

restaurant means liquor licensed premises categorised in the liquor licence as a restaurant subject to conditions to the effect that liquor may be sold for consumption on or at the premises:

- (a) ancillary to a meal; or
- (b) without a meal if the premises have the appearance of, and trade predominantly as, a restaurant.

4 Prescribed class of food for food service area

For the purposes of section 5A(2) of the Act, food that is free of charge is a prescribed class of food.

5 Photographic identification

For the purposes of paragraph (c) of the definition of **photographic identification** in section 5 of the Act, the card known as the "18 Plus Card", which is issued by the Registrar of Motor Vehicles, is a form of photographic identification.

5A Prescribed community events and community facilities

For section 7(1)(m) of the Act, Schedule 1 prescribes the community events and community facilities.

Part 2 Requirements relating to smoke-free areas

Division 1 Signs for smoke-free areas

6 Form of signs

- (1) For section 8(1) of the Act, in relation to the smoke-free areas mentioned in section 7(1)(a) to (l) of the Act, a sign indicating that an area is a smoke-free area is to comply with the following requirements:
 - (a) the size of the sign is to be at least A5 (148 millimetres x 120 millimetres);
 - (b) the sign is to have a white background;
 - (c) the sign is to contain the phrase "NO SMOKING" marked in a bold, sans serif font in black capital letters at least 13 millimetres high so that the whole phrase is at least 13 centimetres wide;
 - (d) the sign is to contain the international no smoking symbol of a circle (at least 98 millimetres in diameter) with a diagonal line across it, both printed in red, over a depiction of a cigarette and smoke printed in black;
 - (e) the sign is to contain the phrase "*Tobacco Control Act 2002*" marked in an italicised, sans serif font in black capital and lower case letters at least 10 millimetres and 7 millimetres high respectively so that the whole phrase is at least 13 centimetres wide;
 - (f) the sign is to contain the phrase "Penalties Apply" marked in a sans serif font in black capital and lower case letters at least 7.5 millimetres and 6 millimetres high respectively.
- (2) For section 8(1) of the Act, in relation to the smoke-free areas mentioned in section 7(1)(m) of the Act, the sign indicating that the area is a smoke-free area is to comply with the following requirements:
 - (a) the requirements mentioned in subregulation (1); and
 - (b) the sign is to contain the phrase "within 10 metres of the entry and boundary" written immediately under the phrase "NO SMOKING" marked in a sans serif font in black capital and lower case letters at least 7.5 millimetres and 6 millimetres high respectively.

7 Smoke-free areas that are not required to display signs

For the purposes of section 8(4) of the Act, signs are not required to be displayed in any of the following classes of smoke-free areas:

- (a) enclosed workplace areas;
- (b) educational facilities;
- (c) places of worship;
- (d) courts;
- (da) Parliament House;
- (e) libraries;
- (f) museums and art galleries;
- (g) cinemas and theatres;
- (h) dance floors;
- (i) entrance areas into or onto any of the classes of smoke-free areas specified in paragraphs (a) to (h) (inclusive).

Division 2 Conditions of exempt areas

8 Casino high roller room may be designated as exempt area

For section 11(1) of the Act, a casino licensee for a casino may, by notice given to the Director-General, designate a declared high roller room in the casino to be an exempt area.

8A Minister may declare high roller room within casino

- (1) The Minister responsible for administering the *Gaming Control Act 1993* may, by *Gazette* notice, declare an area in a casino to be a high roller room if the casino licensee applies for the declaration and the Minister is satisfied about the following:
 - (a) the area described in the application is a separate room in the casino for conducting gaming that involves minimum and maximum bets that are generally substantially higher than elsewhere in the casino;
 - (b) the room is used substantially for gaming by local, interstate or international visitors to the casino who are individual casino patrons specifically invited to the room (rather than because of a club membership or reward scheme) and a register of patron

numbers and place of residence is kept and reported to the Director-General;

- (c) the room is adequately ventilated using an air-conditioning system that is separate from the air-conditioning system or systems used for the remainder of the casino.
- (2) The declaration is subject to the conditions specified in the *Gazette* notice.
 - (3) Without limiting the conditions that may be specified under subregulation (2), the *Gazette* notice must specify that:
 - (a) the ratio of operating gaming tables located in the room to operating gaming machines located in the room must be as specified in the notice; and
 - (b) the total number of gaming machines located in the room must not exceed the number specified in the notice.
 - (4) The casino licensee must comply with the conditions of the declaration.

Maximum penalty: 100 penalty units.

Note for subregulation (4)

The transitional provision in section 61 of the Act applies in relation to this offence.

- (5) For this regulation:
 - (a) a gaming table is operating only if there is a croupier attending the table; and
 - (b) a gaming machine is not operating if:
 - (i) there is a sign on the machine indicating that it is not operational; or
 - (ii) the machine is not able to be used (for example, because it is out of order or is not switched on).

10 Educational facilities

For the purposes of section 11(1) of the Act, the occupier of an educational facility is permitted to designate an area within the facility to be an exempt area, subject to the following conditions:

- (a) that a majority of staff at the facility (including non-teaching staff) agree to an area being so designated;

- (b) that the area so designated is not normally accessible to children and is not in the line of sight of children during the times when it is designated as an exempt area.

11 Outdoor public venues

- (1) For the purposes of section 11(1) of the Act, the occupier of an outdoor public venue (other than a venue where there is an on-site food service) is permitted to designate an area within the venue to be an exempt area, subject to the following conditions:

- (a) that the area so designated does not contain more than 50% of the venue's fixed seating;
- (b) that the occupier establishes and maintains a smoke-free area of equal amenity to the exempt area that contains at least 50% of the venue's fixed seating.

- (2) In this regulation:

on-site food service, in relation to an outdoor public venue, means a business, or an enterprise of a commercial, charitable or community nature, that provides food or drink at the venue.

13 Personal living areas in shared accommodation

For the purposes of section 11(1) of the Act, a resident of shared accommodation is permitted to designate the resident's personal living area within the shared accommodation to be an exempt area, subject to the condition that the occupier of the shared accommodation has in place reasonable measures to minimise employees' and other residents' exposure to environmental tobacco smoke.

14 Public transport

For the purposes of section 11(1) of the Act, the occupier of public transport that is a vessel is permitted to designate the upper deck or decks of the vessel to be an exempt area, subject to the condition that the occupier has in place reasonable measures to minimise employees' and passengers' exposure to environmental tobacco smoke.

15A Oil and gas platforms

For the purposes of section 11(1) of the Act, the occupier of an oil or gas platform is permitted to designate an enclosed workplace area on the platform to be an exempt area, subject to the condition that the area is adequately ventilated.

15B Liquor licensed premises – outdoor smoking area

- (1) For the purposes of section 11(1) of the Act, the licensee of liquor licensed premises may designate one or more parts of the outdoor eating and drinking areas in or on the premises to be exempt areas (***outdoor smoking areas***).
- (2) The outdoor smoking areas must comprise not more than 50% of the total outdoor eating and drinking areas in or on the liquor licensed premises.
- (3) In addition, the outdoor smoking areas have effect as exempt areas only if all of the following conditions are satisfied:
 - (a) each outdoor smoking area must be clearly delineated from other areas in or on the liquor licensed premises and marked by signage indicating it is an outdoor smoking area;
 - (c) each outdoor smoking area must have buffers along its perimeter that is adjacent to other parts of the outdoor eating and drinking areas in or on the premises;
 - (d) except as provided by subregulation (5), entertainment (for example, live performances, gaming machines and pool tables) must not be provided in the outdoor smoking areas;
 - (e) the licensee of the premises must ensure the outdoor smoke-free areas in or on the premises are at least of equal amenity to the outdoor smoking areas in or on the premises;
 - (f) the licensee of the premises must maintain a smoking management plan that is up to date and available for inspection by authorised officers and patrons;
 - (g) staff service is not available from staff in, or to patrons in, the outdoor smoking areas.
- (4) For subregulation (3)(c), ***buffer*** means:
 - (a) a screen that is impervious to smoke and at least 2.1 metres high; or
 - (b) an area satisfying all of the following requirements:
 - (i) the area is at least 2 metres wide;
 - (ii) patrons are not permitted to smoke in the area;
 - (iv) staff service is not available from staff in the area or to patrons in the area;

- (v) if the area contains tables or seating – the area must be marked by signage clearly indicating it is a buffer area and stating that the restrictions mentioned in subparagraphs (ii) to (iv) apply in the area;
- (vi) at least half of the area must be taken from the area that would otherwise form part of the outdoor smoking area.

Examples for subregulation (4)(a)

1 A thick screening hedge that is 2.1 metres high.

2 An artificial screen, or a wall, that is 2.1 metres high.

- (5) Subregulation (3)(d) does not prevent the provision of the following forms of entertainment:
 - (a) visual equipment (for example, television and projected screens);
 - (b) audio equipment (for example, speakers and juke boxes), other than equipment that is being controlled by a disc jockey.
- (6) For subregulation (3)(f), a **smoking management plan**:
 - (a) is a document prepared by the licensee of the liquor licensed premises stating how smoking is managed at the liquor licensed premises with the aim of reducing the harm from smoking in or on the premises; and
 - (b) must:
 - (i) identify the outdoor eating and drinking areas; and
 - (ii) identify the outdoor smoking areas; and
 - (iii) identify the buffers for the outdoor smoking areas; and
 - (iv) state how the licensee will minimise the exposure of staff and patrons to environmental tobacco smoke; and
 - (v) describe the training or instruction that is given to staff to ensure the Act and the plan are complied with; and
 - (vi) provide for signage that clearly identifies where smoking is or is not allowed.
- (7) In this regulation:

outdoor smoke-free area means any part of an outdoor eating and drinking area that is not an exempt area.

staff service:

- (a) includes taking orders from a patron or delivering or serving food or drinks to a patron or table; but
- (b) does not include:
 - (i) clearing of plates, cutlery, glasses, rubbish or hazards; or
 - (ii) provision of crowd control or security work as defined in the *Private Security Act 1995*.

15C Certificate for outdoor smoking area

- (1) The licensee of liquor licensed premises who has designated, or proposes to designate, an area to be an outdoor smoking area under regulation 15B may apply to the Director-General for the issue of a certificate for all or part of the outdoor smoking area.
- (2) The certificate is a document signed by the Director-General, stating the following matters:
 - (a) for an existing outdoor smoking area – the Director-General is satisfied the area meets the requirements in regulation 15B(2) to (4), to the extent to which they relate to specified buildings and installations existing in or on the premises (the **relevant requirements**) when the certificate is issued;
 - (b) for a proposed outdoor smoking area – the Director-General is satisfied the area will meet the requirements in regulation 15B(2) to (4), to the extent to which they relate to specified proposed buildings and installations in or on the premises (the **relevant requirements**) when they are built or installed as proposed;
 - (c) for the purposes of deciding whether the relevant requirements are complied with for paragraph (a) or (b) – the Director-General is satisfied specified areas comprise all the outdoor eating and drinking areas in or on the premises.
- (3) The application for the certificate must be:
 - (a) in a form approved by the Director-General; and
 - (b) accompanied by a fee of an amount equal to 50 revenue units.
- (4) The Director-General may issue the certificate only if the Director-General is satisfied about the things mentioned in subregulation (2)(a) to (c) as stated in the certificate.

- (5) In deciding the application, the Director-General may:
- (a) require a report to be obtained by the licensee in relation to compliance with the relevant requirements (for example, a report about buildings and installations to which the requirements relate); and
 - (b) require the licensee to give the report and any other information relating to the application to the Director-General; and
 - (c) take into account the report, information and other matters as the Director-General considers appropriate.
- (6) Without limiting subregulation (5), the Director-General may require a report prepared by an architect, a building certifier or another person approved by the Director-General to be obtained for subregulation (5)(a).
- (7) In a proceeding for an offence against the Act, the certificate is evidence of the matters stated in the certificate.
- (8) The Director-General may cancel the certificate if the Director-General is no longer satisfied about the things mentioned in subregulation (2)(a) to (c) as stated in the certificate.

Part 3 Health warnings

Division 1 Health warnings on packaging

16 Prescribed health warnings

For section 12 of the Act, a package is to display a warning message, and (if applicable) a corresponding explanatory message, in compliance with the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations* of the Commonwealth as in force from time to time.

Division 2 Health warnings at points of sale

17 Health warnings on vending machines

For section 23(1)(a) of the Act, a health warning for display on a vending machine is to comply with the following requirements:

- (a) the size of the warning is to be at least A3 (420 millimetres x 297 millimetres);

- (b) the warning is to have a white background;
- (c) the warning is to contain one of the following statements marked in black letters of the maximum, proportionate size that can be accommodated within the size of the warning:
 - (i) "WANT TO QUIT SMOKING?";
 - (ii) "SMOKING KILLS";
 - (ii) "SMOKING CAN KILL YOU";
 - (iv) "NEED HELP TO QUIT SMOKING?";
- (d) the warning is to contain the phrase "Call the Quitline on" marked in black capital and lower case letters at least 28 millimetres and 18 millimetres high respectively so that the whole phrase is at least 334 millimetres wide;
- (e) the warning is to contain the number "137 848" in bold, black numbers at least 35 millimetres high;
- (f) the warning may (but need not) include an attribution to the Northern Territory Government.

18 Health warnings at other points of sale

For section 27(a) of the Act, a health warning for display at a point of sale other than a vending machine is the same as a health warning prescribed by regulation 17 for display on a vending machine.

Part 4 Restrictions on advertising and points of sale

19 Price boards

- (1) For section 18 of the Act, the requirements with which a price board is to comply are set out in this regulation.
- (2) There is to be only one price board for tobacco products at a point of sale (other than a vending machine) in or on premises.
- (3) The area of the price board cannot exceed 1 square metre.
- (4) A price board must not:
 - (a) include a lighting effect that has the effect, or is intended to have the effect, of attracting attention to the board; and

- (b) without limiting paragraph (a) – be illuminated by any of the following if it will have the effect of causing the board to appear brighter than its surroundings:
 - (i) interior lighting;
 - (ii) exterior lighting attached to the board;
 - (iii) a spotlight or other illuminating device trained directly or indirectly on the board; and
 - (c) include a device that causes movement, or the appearance of movement, of all or any part of the board; and
 - (d) be positioned so that it faces towards a window or public entrance unless the board is more than 2 metres from the window or public entrance.
- (6) The price board cannot be within 1 metre from a display of products designed or marketed for consumption or use by children (including but not limited to displays of confectionary and toys).
- (7) The information on the price board is limited to the following:
- (a) names of tobacco products;
 - (b) sizes or quantities of tobacco products;
 - (c) prices of tobacco products;
 - (d) tar contents of tobacco products;
 - (e) countries of origin of tobacco products;
 - (f) barcodes or reference numbers for tobacco products.
- (8) The information referred to in subregulation (7) (other than barcodes) is to be in letters that are:
- (a) all the same font and size and not more than 2 centimetres high or 1.5 centimetres wide; and
 - (b) marked only in black on a white background or only in white on a black background.

Part 5 Notices prohibiting sale or supply to children

23 Notices on vending machines

For section 23(1)(b) of the Act, a notice on a vending machine indicating that selling tobacco products to children is prohibited is to comply with the following requirements:

- (a) the size of the notice is to be at least A4 (210 millimetres x 297 millimetres);
- (b) the notice is to have a white background;
- (c) the notice is to contain the word "NOTICE" marked in a sans serif font in black capital letters at least 12 millimetres high so that the whole word is at least 60 millimetres wide;
- (d) below the word referred to in paragraph (c), there is to be marked a red, horizontal line at least 275 millimetres wide and 3 millimetres thick;
- (e) below the line referred to in paragraph (d), the phrases "The sale and supply of tobacco products to children is prohibited. You must be at least 18 years old to purchase tobacco products. Photographic identification may be required." are to be marked in a sans serif font in black capital and lower case letters at least 13 millimetres and 9 millimetres high respectively;
- (f) below the phrases referred to in paragraph (e), there is to be marked another red, horizontal line at least 275 millimetres wide and 3 millimetres thick;
- (g) below the line referred to in paragraph (f), the phrase "Tobacco Control Act 2002" is to be marked in an italicised, sans serif font in black capital and lower case letters at least 10 millimetres and 7 millimetres high respectively;
- (h) below the phrase referred to in paragraph (g), the phrase "Severe Penalties Apply" is to be marked in a bold, sans serif font in black capital and lower case letters at least 7.5 millimetres and 6 millimetres high respectively so that the whole phrase is at least 7.5 centimetres wide;
- (i) the notice may (but need not) include an attribution to the Northern Territory Government.

24 Notices at other points of sale

- (1) For section 27(b) of the Act, a notice at a point of sale other than a vending machine indicating that selling tobacco products to children is prohibited is the same as a notice prescribed by regulation 23.
- (2) A notice referred to in subregulation (1) is to be conspicuously displayed in the line of sight of customers at the point of sale.

Part 6 Requirements relating to tobacco retail licences**25 Application for grant of licence**

- (1) For an application for the grant of a tobacco retailer licence, the information prescribed for section 29(1)(c) of the Act is a national police certificate about the individual who is proposed to be the manager of the business to be conducted on the premises to which the application relates.
- (2) For an application for the grant of a tobacco retailer licence, the fee prescribed for section 29(1)(c) of the Act is as follows:
 - (a) for the licence period of 1 year – 200 revenue units;
 - (b) for the licence period of 3 years – 600 revenue units;
 - (c) for the licence period of 5 years – 1 000 revenue units.

25A Application for renewal of licence

- (1) For an application for the renewal of a tobacco retailer licence, the information prescribed for section 29(1)(c) of the Act is a national police certificate about the individual who is the manager of the business (the **manager**) conducted on the premises to which the application relates.
- (2) Subregulation (1) does not apply if:
 - (a) a national police certificate about the manager has been provided to the Director-General within the previous 5 years; and
 - (b) the manager has not changed; and

- (c) the application is accompanied by a declaration by the manager stating:
 - (i) that the manager has not been convicted of any offences since the national police certificate was provided; and
 - (ii) whether the manager is the subject of any pending charges for an offence.
- (3) For an application for the renewal of a tobacco retailer licence, the fee prescribed for section 29(1)(c) of the Act is as follows:
 - (a) for the licence period of 1 year – 200 revenue units;
 - (b) for the licence period of 3 years – 600 revenue units;
 - (c) for the licence period of 5 years – 1 000 revenue units.

26 Application for approval to transfer licence

For section 36(1)(b) of the Act, an application for approval to transfer a tobacco retail licence is to be accompanied by a national police certificate about the proposed manager of the business to be conducted on the premises to which the application relates.

Part 7 Infringement notices

27 When infringement notice may be served

If an authorised officer believes that a person has committed an offence against a provision of the Act or these Regulations specified in column 1 of Schedule 2, the authorised officer may serve an infringement notice on the person.

28 Prescribed amount

The prescribed amount that may be paid, instead of the penalty that may otherwise be imposed, for an offence specified in column 1 of Schedule 2 is the amount specified opposite in column 2.

29 Particulars to be included in infringement notice

An infringement notice is to include the following particulars:

- (a) the name and address of the alleged offender, if known;
- (b) the date, time and place of the offence;
- (c) the nature of the offence and the prescribed amount payable in respect of that offence;

- (d) the person to whom the alleged offender may pay the prescribed amount and the address of that person;
- (e) the date of the infringement notice and a statement that the prescribed amount may be paid within 28 days after that date;
- (f) a statement to the effect that, if the alleged offender wishes to pay the prescribed amount, he or she should complete the relevant part of the infringement notice and return the notice with the prescribed amount to the person specified in the notice;
- (g) a statement to the effect that, if the alleged offender wishes to be dealt with by a court in relation to the offence, he or she should not pay the prescribed amount but should complete the relevant part of the infringement notice and return the notice to the person specified in the notice;
- (h) a statement that, if the alleged offender does nothing in response to the infringement notice, a summons may be issued requiring the alleged offender to appear before the Local Court to be dealt with in relation to the offence;
- (i) any other particulars approved by the Chief Health Officer.

30 Expiation of offence

- (1) If an alleged offender pays the prescribed amount specified in an infringement notice in accordance with the notice, the alleged offender is taken to have expiated the offence and no further proceedings are to be taken in respect of the offence.
- (2) If an alleged offender tenders a cheque in payment of a prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on presentation.

31 Withdrawal of infringement notice

An infringement notice may be withdrawn at any time within 28 days after it is served, but before payment of the prescribed amount specified in the infringement notice, by serving on the alleged offender a notice:

- (a) signed by the Chief Health Officer; and
- (b) stating that the infringement notice is withdrawn.

32 How service effected

Service of an infringement notice, or a notice of withdrawal of an infringement notice, is effected:

- (a) by serving it personally on the alleged offender; or
- (b) by posting it to the alleged offender at his or her last known address; or
- (c) by leaving it for the alleged offender at his or her last known place of residence or business with a person apparently resident or employed there and apparently not less than 16 years of age.

33 General

This Part:

- (a) does not prevent more than one infringement notice in respect of the same offence being served on an alleged offender, but it is sufficient for the application of regulation 30 to an alleged offender on whom more than one infringement notice has been served for the alleged offender to pay the prescribed amount in accordance with any one of those notices; and
- (b) does not prejudice or affect (except as provided by regulation 30) the institution or prosecution of proceedings, and does not limit the penalty that may be imposed by a court, for an offence; and
- (c) does not require an infringement notice to be served and does not affect the liability of a person to be prosecuted in a court for an offence in respect of which an infringement notice has not been served.

Part 8 Miscellaneous matters**34 Guidelines**

- (1) The Chief Health Officer may make guidelines to help persons understand their obligations under the Act and these Regulations.
- (2) The Chief Health Officer must give notice about the making of the guidelines by *Gazette* notice, including information about where the guidelines may be obtained.

Part 9 Transitional matters for Tobacco Control Amendment Regulations 2009

35 Application on repeal of previous regulation 9

(1) If, on 1 January 2010, previous regulation 9 applied to liquor licensed premises and those premises were open for trade and continued to trade after midnight on that day, previous regulation 9 continues to apply to those premises on 2 January 2010 despite its repeal.

(2) In this regulation:

previous regulation 9 means regulation 9 as in force on 1 January 2010.

Part 10 Transitional matter for Red Tape Reduction (Miscellaneous Amendments) Act 2016

36 Application for renewal of licence

(1) The former provision continues to apply in relation to an application for the renewal of a tobacco retailer licence made after the commencement if, within the 5 years preceding the making of the application, the Director-General had been provided with a criminal history report.

(2) In this section:

commencement means the commencement of Part 3, Division 4 of the *Red Tape Reduction (Miscellaneous Amendments) Act 2016*.

criminal history report means a criminal history report mentioned in the former provision.

former provision means regulation 25A(2)(a) as in force immediately before the commencement.

Schedule 1 Prescribed community events and community facilities

regulation 5A

BMX and motorbike racing facilities

Car racing facilities

Community festivals

Community markets

Horse racing facilities

Playground equipment

Public swimming pools

Show grounds

Skate parks

Sports fields

Schedule 2 Infringement notices prescribed offences and amounts

regulations 27 and 28

Column 1 Offence Provision	Column 2 Prescribed Amount
Section 8(1) Failing to display sign or signs about area being smoke-free area	0.8 penalty unit
Section 9(1) Offence by person smoking in smoke-free area	0.8 penalty unit
Section 10(1) Offence by occupier if person smokes in smoke-free area	0.8 penalty unit
Section 11(4) Smoking in exempt area in contravention of prescribed conditions	0.8 penalty unit
Section 11A(1) Offence to smoke in car with child under 16	2 penalty unit
Section 12(1) Selling tobacco products enclosed in package without health warning	0.8 penalty unit
Section 12(2) Selling tobacco products enclosed in 2 or more packages without health warning on each package	0.8 penalty unit
Section 12(3) Selling tobacco products in package with wording to effect that smoking not health hazard	0.8 penalty unit
Section 13 Selling cigarettes other than in packets containing 20 or more	0.8 penalty unit
Section 14 Selling loose tobacco other than in packets containing 25 grams or more	0.8 penalty unit

Section 15(1) Displaying, publishing or broadcasting advertisement for tobacco product in public place	4 penalty units
Section 16 Brand marketing or value-added marketing	4 penalty units
Section 17 Advertising price discounting	0.8 penalty unit
Section 18 Price board or shelf ticket that contravenes prescribed requirements	0.8 penalty unit
Section 19(1) Sponsoring public event where sponsorship arrangement includes display, publication or broadcast of tobacco products etc.	4 penalty units
Section 20(1) Displaying tobacco products in contravention of Act or Regulations	0.8 penalty unit
Section 23(1) Failing to display health warning or notice indicating prohibition on sale of tobacco products to children	0.8 penalty unit
Section 25(1) Point of sale restrictions	0.8 penalty unit
Section 25(2) Point of sale restrictions	0.8 penalty unit
Section 26(1) Vending machine restrictions	0.8 penalty unit
Section 26(2) Vending machine restrictions	0.8 penalty unit
Section 27(1) Signs to be displayed at point of sale other than vending machine	0.8 penalty unit
Section 33 Failing to display tobacco retail licence	0.8 penalty unit

Section 37 Failing to notify Director-General of change relevant to tobacco retail licence	0.8 penalty unit
Section 45 False identification	0.8 penalty unit
Section 46 Selling children's products resembling tobacco products	4 penalty units
Section 48(2) Failing to return identity card	0.8 penalty unit
Section 52 Obstructing or hindering authorised officer	0.8 penalty unit
Section 54 Providing false or misleading information	0.8 penalty unit

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Tobacco Control Regulations (SL No. 59, 2002)***

Notified	18 December 2002
Commenced	r 9 and pt 4: 31 May 2003; rem: 1 January 2003 (r 2, s 2 <i>Tobacco Control Act 2002</i> (Act No. 68, 2002) and Gaz G50, 18 December 2002, p 6)

Amendments of Tobacco Control Regulations (SL No. 32, 2003)

Notified	1 July 2003
Commenced	1 July 2003

Amendment of Tobacco Control Regulations (SL No. 38, 2003)

Notified	11 July 2003
Commenced	11 July 2003

Tobacco Control Amendment (Quitline Number) Regulations 2005 (SL No. 12, 2005)

Notified	18 May 2005
Commenced	18 May 2005

Tobacco Control Amendment Regulations 2009 (SL No. 40, 2009)

Notified	14 December 2009
Commenced	r 6: 2 January 2010; rem: 14 December 2009

Tobacco Control Legislation Amendment Act 2010 (Act No. 25, 2010)

Assent date	30 June 2010
Commenced	pt 3: 2 January 2011; rem: 30 June 2010 (s 2)

Tobacco Control Legislation Amendment Regulations 2010 (SL No. 29, 2010)

Notified	9 December 2010
Commenced	2 January 2011 (r 2 and s 2 <i>Tobacco Control Legislation Amendment Act 2010</i> (Act No. 25, 2010))

Tobacco Control Amendment Regulations 2012 (SL No. 12, 2012)

Notified 28 March 2012
Commenced 28 March 2012

Penalties Amendment (Miscellaneous) Act 2013 (Act No. 23, 2013)

Assent date 12 July 2013
Commenced 28 August 2013 (*Gaz* G35, 28 August 2013, p 2)

Tobacco Control Amendment Regulations 2014 (SL No. 16, 2014)

Notified 11 June 2014
Commenced 11 June 2014

Tobacco Control Legislation Amendment Act 2014 (Act No. 40, 2014)

Assent date 13 November 2014
Commenced 1 December 2014 (*Gaz* S122, 1 December 2014)

Licensing (Repeals and Consequential Amendments) Act 2014 (Act No. 44, 2014)

Assent date 5 December 2014
Commenced 1 January 2015 (*Gaz* S130, 19 December 2014, p 2)

Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)

Assent date 6 April 2016
Commenced 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

Red Tape Reduction (Miscellaneous Amendments) Act 2016 (Act No. 12, 2016)

Assent date 10 May 2016
Commenced 1 July 2016 (*Gaz* G26, 29 June 2016, p 2)

Tobacco Control Legislation Amendment Act 2019 (Act No. 4, 2019)

Assent date 27 February 2019
Commenced 1 July 2019 (*Gaz* G15, 10 April 2019, p 4)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1,3, 8A and 15B.

4 LIST OF AMENDMENTS

r 3	amd No. 32, 2003, r 2, No. 40, 2009, r 4; Act No. 25, 2010, s 30
r 4	sub No. 32, 2003, r 3
r 5A	ins Act No. 4, 2019, s 13
r 6	amd Act No. 4, 2019, s 14
r 7	amd No. 32, 2003, r 4
r 8	exp No. 59, 2002, rr 8(2) and 15(2) ins No. 40, 2009, r 5 amd Act No. 44, 2014, s 145
r 8A	ins No 40, 2009, r 5 amd Act No. 25, 2010, s 13; Act No. 40, 2014, s 41; Act No. 44, 2014, s 145
r 9	amd No. 32, 2003, r 5 rep No 40, 2009, r 6
r 10A	ins No. 38, 2003, r 2 exp No. 38, 2003, r 10A(4)

ENDNOTES

r 11	amd Act No. 25, 2010, s 31
r 12	amd No. 32, 2003, r 6 rep Act No. 25, 2010, s 32
r 15	exp No. 59, 2002, rr 8(2) and 15(2)
r 15A	ins No. 32, 2003, r 7
r 15B	ins Act No. 25, 2010, s 33 amd No. 29, 2010, r 4; No. 16, 2014, r 3
r 15C	ins Act No. 25, 2010, s 33 amd No. 29, 2010, r 4; Act No. 44, 2014, s 145
r 16	amd No 40, 2009, r 8
r 17	amd No. 12, 2005, r 3; No 40, 2009, r 8
r 18	amd No 40, 2009, r 8
pt 4 hdg	amd Act No. 25, 2010, s 34
r 19	amd No 40, 2009, r 8; Act No. 25, 2010, s 35
r 20	amd No 40, 2009, r 8 rep Act No. 25, 2010, s 36
r 21	amd No. 32, 2003, r 8; No 40, 2009, r 8 rep Act No. 25, 2010, s 36
r 21A	ins No. 32, 2003, r 9 amd No 40, 2009, r 8 rep Act No. 25, 2010, s 36
r 22	amd No 40, 2009, r 8 rep Act No. 40, 2014, s 42
rr 23 – 24	amd No 40, 2009, r 8
r 25	amd No 40, 2009, r 8; Act No. 25, 2010, s 37 sub No. 12, 2012, r 3 amd Act No. 12, 2016, s 41
r 25A	ins No. 12, 2012, r 3 amd Act No. 44, 2014, s 145; Act No. 12, 2016, s 42
r 26	amd No 40, 2009, r 8; Act No. 12, 2016, s 43
r 27	amd Act No. 4, 2019, s 15
r 28	amd Act No. 4, 2019, s 16
r 29	amd Act No. 8, 2016, s 45
rr 32 – 33	amd No 40, 2009, r 8
pt 8 hdg	ins No 40, 2009, r 7
r 34	ins No 40, 2009, r 7
pt 9 hdg	ins No 40, 2009, r 7
r 35	ins No 40, 2009, r 7
pt 10 hdg	ins Act No. 12, 2016, s 44
r 36	ins Act No. 12, 2016, s 44
sch 1	ins Act No. 4, 2019, s 17
sch 2	amd Act No. 23, 2013, s 6; Act No. 40, 2014, s 43; Act No. 44, 2014, s 145; Act No. 4, 2019, s 18