

NORTHERN TERRITORY OF AUSTRALIA
TOBACCO CONTROL AMENDMENT ACT 2003

Act No. 24 of 2003

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 24 of 2003

AN ACT

to amend the *Tobacco Control Act*

[Assented to 26 June 2003]
[Second reading 28 May 2003]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Tobacco Control Amendment Act 2003*.

2. Commencement

This Act comes into operation on 31 May 2003.

3. Principal Act

The *Tobacco Control Act* is in this Act referred to as the Principal Act.

4. Definitions

Section 5 of the Principal Act is amended –

- (a) by omitting the definition of "food service area" and substituting the following:

" 'food service area' has the meaning in section 5A;

'indoor food service area' means a food service area that is part of an enclosed public area or part of an enclosed workplace area;"

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- (b) by inserting after the definition of "liquor licensee" the following:
- " 'outdoor food service area' means a food service area that is not an enclosed public area or an enclosed workplace area;"; and
- (c) by omitting the definition of "specialist tobacconist" and substituting the following:
- " 'specialist tobacconist' means a person who conducts a business selling tobacco products by retail where –
- (a) 85% or more of the average annual gross turnover of the business is derived from the sale of tobacco products; and
 - (b) the business is conducted separately from, and not in conjunction with, any other business;".

5. New section

The Principal Act is amended by inserting after section 5 the following:

"5A. Food service area

"(1) An area is a food service area during any period food is prepared or served in the area.

"(2) However, an area is not a food service area during a period if the only food prepared or served in the area during the period is a prescribed class of food.

"(3) In this section –

'pre-packaged food' means food that is sealed in the container or package in which the manufacturer of the food intended the food to be sold by retail;

'preparing or serving', of food, does not include –

- (a) selling pre-packaged food; or
- (b) eating food (including food prepared or served elsewhere);

'service', of food, includes self-service."

6. Exempt areas

Section 11 of the Principal Act is amended –

- (a) by omitting subsection (2)(b) and substituting the following:

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- "(b) an indoor food service area;"
- (b) by omitting subsection (2)(d) and substituting the following:
- "(d) an entrance area that is not part of an outdoor food service area;"
and
- (c) by inserting after subsection (3) the following:
- "(3A) For the purposes of subsection (3)(a), a smoke-free area of equal amenity is to be additional to any smoke-free areas specified in subsection (2)."

7. Conditions of displays other than on vending machines

Section 21 of the Principal Act is amended –

- (a) by omitting subsections (3), (4) and (5) and substituting the following:
- "(3) The numbers of packets of cigarettes, cigars (other than cigars sold singly) or other tobacco products that are displayed cannot exceed the prescribed number (if any) of packets of each kind of packet for each kind of cigarette, cigar or other tobacco product that is available under each brand name.
- "(4) The numbers of cigars sold singly that are displayed cannot exceed the prescribed number (if any) of cigars of each size for each kind of cigar that is available under each brand name.
- "(5) The numbers of cartons of cigarettes that are displayed cannot exceed the prescribed number (if any) of cartons of each kind of packet for each kind of cigarette that is available under each brand name."; and
- (b) by adding at the end the following:
- "(15) For the purposes of this section –
- (a) 2 or more cigarettes, cigars or other tobacco products are different kinds of cigarettes, cigars or tobacco products if –
- (i) their ingredients or other contents differ; or
- (ii) their lengths, shapes or weights differ; and
- (b) 2 or more packets are different kinds of packets if they differ from one another in size, kind of packaging or both but are not different kinds of packets only because they are or are not packaged with other items (including other tobacco products)."