

Tobacco Control Regulations 2009

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Tobacco Control Regulations 2009

TABLE OF AMENDMENTS

The Tobacco Control Regulations 2009 were notified on 30 July 2009 and commenced on 1 August 2009 (reg 2).

Amending Legislation	Notified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Tobacco Control (Amendment) Regulations 2023 SL 27	26 September 2023	26 September 2023

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IN EXERCISE of the powers conferred upon it by Section 30 of the *Tobacco Control Act 2009*, the Cabinet hereby makes the following Regulations:

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Tobacco Control Regulations 2009*.

2 Commencement

These Regulations come into force on 1 August 2009, subject to the commencement provisions of the Act.

3 Interpretation

In these Regulations:

‘*cigar*’ means a roll of cut tobacco for smoking enclosed in a tobacco leaf or the leaf of another plant;

‘*retail place*’ includes a kiosk, cart or any other structure if a tobacco product is offered for retail sale to the public from that kiosk, cart or any other structure;

‘*the Act*’ means the *Tobacco Control Act 2009*;

‘*the Regulations*’ means any regulations made under the Act and includes these Regulations; and

‘*word*’ includes an abbreviation, an initial and a number.

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**PART 2 — CONDITIONS FOR DISPLAY OF TOBACCO PRODUCT
ADVERTISEMENTS IN SHOPS AND RETAIL PLACES**

4 Point of sale advertising - shops and retail places

For the purposes of Section 3(3) of the Act, a tobacco product advertisement in a shop or other retail place:

- (a) shall be within 1 metre of the point of sale;
- (b) if placed on or near a window, shall face the inside of the shop or other retail place;
- (c) shall not be affixed to the outer side of any outside wall or outer window or door; and
- (d) shall not be larger than 500 square centimetres.

[The next page is 123,801]

PART 3 — DISPLAY OF PRESCRIBED SIGNAGE

5 No-sales-to-children signage

- (1) For the purposes of Section 9(3) of the Act, the prescribed signs relating to the prohibition of the sale of tobacco products to persons under the age of 18 years are the signs set out in Schedule 1, and every retailer of tobacco products shall post within the retail premises or place from which he or she sells tobacco products at least one copy of each of the two prescribed signs.
- (2) The prescribed signs shall be:
 - (a) a minimum A3 in size (420 millimetres in width and 297 millimetres in height); and
 - (b) displayed in a manner that ensures that they are clearly visible:
 - (i) at an entrance to the premises; or
 - (ii) at a point of sale on the premises or retail place.
- (3) Nothing in this Regulation prohibits the use of a sign, in addition to the prescribed signs, that conveys by way of graphics, pictures, symbols or text a message about the prohibition of the sale of tobacco products to persons under the age of 18 years.

6 No smoking signs in schools, hospitals, enclosed public places and enclosed workplaces

- (1) For the purposes of Section 14(2) of the Act, the prescribed requirements for a “no smoking” sign are as follows:
 - (a) that the signs contain:
 - (i) a no smoking symbol, in the form of a red circle and diagonal line printed over a depiction of a cigarette and smoke, the outer diameter of which is at least 70 millimetres;
 - (ii) the phrase “No Smoking” or “Smoking Prohibited” in letters of at least 15 millimetres in height; and
 - (iii) the statement “It is an offence to smoke in a school, a hospital, an enclosed public place or an enclosed workplace”; and
 - (b) that the signs are displayed in such manner as to ensure that a person is reasonably likely to see one or more of them either on entering the school, hospital, enclosed public place or workplace or from within the enclosed public place or enclosed workplace.

[subreg (1) am SL 27 of 2023 reg 4, opn 26 Sep 2023]

- (2) Nothing in subregulation (1), prohibits the use of signs, in addition to those referred to in subregulation (1), that convey by way of graphics, pictures, symbols or text a no smoking message.
- (3) For the purposes of Section 17(1)(d) of the Act, the prescribed requirements for health warning signs to be displayed in designated smoking areas are:
 - (a) that the signs contain the words “Health Warning” at the top, followed by the health warnings listed in column 2 of items 1, 4 and 6 of Schedule 2;
 - (b) that the signs are a minimum of A3 in size 420 millimetres in width and 297 millimetres in height;

- (c) that the text on the signs is black on a white background or white on a red background, and printed in type that is of such a size that the text as nearly as possible fills the background on which it is printed; and
- (d) that the signs are affixed securely to a wall or fixture so that they cannot be easily removed, and positioned inside the designated smoking area in such manner as to ensure that the signs are clearly visible and legible to a person using the designated smoking area.

[The next page is 124,001]

PART 4 — INFORMATION TO BE PRINTED ON TOBACCO PRODUCT PACKAGES

DIVISION 1 — GENERAL

7 Interpretation in relation to packaging

(1) In this Part:

‘corresponding explanatory message’, in relation to a warning message, means the explanatory message that appears in the same item in Schedule 2 as the warning message;

‘explanatory message’ means a message set out in Column 3 of Schedule 2;

‘face’ in relation to retail package of which the outer surface includes 2 or more flat areas that are bounded by edges of the package, means any of those flat areas;

‘flip-top pack’ means a retail package of the kind commonly called a flip-top pack or hinge-top pack;

‘pouch’ means a retail package that is:

- (a) made from flexible material; and
- (b) takes the form of a rectangular pocket with a flap that covers the opening;

‘retail package’:

- (a) means a package in which a tobacco product is sold at retail;
- (b) subject to paragraph (c), if several packages are contained inside a larger package (for example, packets of cigarettes in a carton) and the whole is offered for retail sale as one unit, includes the larger package and each smaller package therein; and
- (c) does not include:
 - (i) a display case that is sold with the tobacco product displayed in it;
 - (ii) a wrapper on, or a package containing, a single cigar; or
 - (iii) a larger package which is formed by an outer wrapper of cellophane or other transparent material;

‘soft pack’ means a retail package of the kind commonly called a soft pack or soft cup; and

‘warning message’ means a message set out in Column 2 of Schedule 2.

(2) For the purposes of these Regulations:

- (a) openings, gaps or edges that are created in a face of a retail package when the package is opened are to be disregarded;
- (b) an area of a surface that bears decorative ridges, embossing, bulges or other irregularities but is otherwise flat is taken to be a flat area;
- (c) a soft pack is taken to be a solid that has all its faces rectangular and that has edges equal in length to the edges of the smallest rectangular solid inside which the pack will fit when it is not compressed;
- (d) a face that has rounded corners but is otherwise square or rectangular is taken to be square or rectangular, as the case requires;

- (e) the surface area of a retail package is the area that would be covered by the outer layer of the package if it were opened out and pressed flat; and
- (f) a cylindrical package includes a package that is, in one plane, elliptical, rather than circular, in cross-section.

8 Retail package shall bear warning message and, in certain cases, explanatory message

Subject to this Division, a retail package of tobacco shall bear:

- (a) a warning message and the corresponding explanatory message; or
- (b) if permitted or required by another provision of these Regulations:
 - (i) a warning message, the same warning message repeated and the corresponding explanatory message; or
 - (ii) a warning message and the same warning message repeated.

9 Messages on certain smaller packages

- (1) Where the largest face of a retail package (other than a retail package of a kind described in item 8 of Schedule 3) has an area of 40 square centimetres or less and would, but for this subregulation, be required to bear an explanatory message, then:
 - (a) an explanatory message need not be printed on that face; and
 - (b) both that face and the face on which the warning message is to be printed, shall bear the same warning message.
- (2) A retail package of a kind described in item 8 of Schedule 3:
 - (a) is not required to bear an explanatory message; and
 - (b) shall bear a warning message printed on the package twice.

10 Format of warning message and explanatory message

Warning message of an explanatory message shall be in the following format:

- (a) the text shall be printed:
 - (i) within a black rectangular or square border of which the lines are no wider than the upper case letter "I" in the 18 point type size of the type face prescribed in paragraph (b); and
 - (ii) on a white background within the border referred to in sub-paragraph (i);
- (b) the text shall be printed in the type face known as Helvetica, in upper case and lower case letters as the text of the message is set out in Schedule 2, in type that is:
 - (i) clear and legible;
 - (ii) subject to paragraph (c), of the same height throughout the message;
 - (iii) black;
 - (iv) of normal weight; and
 - (v) of such a size that the text as nearly as possible fills the background on which it is printed; and
- (c) the headings in the explanatory messages, being a repetition of the corresponding health warnings, shall be in type of a point size not greater than 3 points larger than the type used for the remainder of the explanatory message.

11 Position of warning message and explanatory message

- (1) For a retail package of a kind described in item 1 or 2 of Schedule 3:
 - (a) the warning message is to be printed:
 - (i) on the face of the package specified in the relevant item; and
 - (ii) so that the upper edge of the background is no further than 3 millimetres below the upper edge of the face on which the message is printed; and
 - (b) the explanatory message is to be printed:
 - (i) on the face of the package that is opposite to the face on which the warning message is to be printed; and
 - (ii) so that the upper edge of the background is no further than 3 millimetres below the upper edge of the face on which the message is printed.
- (2) For a retail package of the kind described in item 3, 5, 6, or 7 of Schedule 3:
 - (a) the warning message is to be printed on the face of the package specified in the relevant item; and
 - (b) the explanatory message is to be printed on the face of the package that is opposite to the face on which the warning message is to be printed.
- (3) For a pouch described in item 4 of Schedule 3, the warning message is to be printed on the face of the pouch specified in the item.
- (4) Where the flap of a pouch described in item 4 of Schedule 3 is, in area, less than 33.33% of the area of the face on which the warning message is to be printed, the explanatory message is to be printed:
 - (a) on the face that is partly covered by the flap when the package is closed; and
 - (b) not in the area that is covered by the flap when the package is closed.
- (5) Where the flap of a pouch described in item 4 of Schedule 3 is, in area, at least 33.33% of the area of the face on which the warning message is to be printed, the explanatory message is to be printed on the outside of the flap.
- (6) For a retail package of a kind described in item 8 of Schedule 3, the 2 warning messages are to be printed on the package as far apart as possible.
- (7) For a retail package of a kind described in item 9 of Schedule 3:
 - (a) the warning message is to be printed on the face of the package specified in the item; and
 - (b) the explanatory message is to be printed as far as possible from the warning message on the package.

12 Area to be covered by warning message and explanatory message

- (1) A warning message that is printed on a retail package of a kind described in items 1 to 7 (inclusive) of Schedule 3, shall cover at least 30% of the area of the face on which it is printed.
- (2) An explanatory message that is printed on a retail package of a kind described in items 1 to 7 (inclusive) of Schedule 3, shall cover at least 30% of the area of the face on which it is printed.
- (3) A warning message that is printed on a retail package of a kind described in item 8 or 9 of Schedule 3, shall cover at least 15% of the total surface area of the package.

- (4) An explanatory message that is printed on a retail package of a kind described in item 9 of Schedule 3 shall cover at least 20% of the total surface area of the package.

13 Orientation of message

The text of a warning message or an explanatory message shall be oriented as follows:

- (a) if the face on which the message is to be printed has other text printed on it, and all, or the majority of, that other text is oriented in one direction, the text shall be oriented in that direction; or
- (b) if paragraph (a) does not apply, the text may be oriented in any direction.

14 Messages not to be obscured, etc

- (1) Where a message that is required by these Regulations to be printed on a retail package is likely to be obscured or obliterated by a wrapper on the package, the message shall be printed on both the wrapper and the package.
- (2) A message, other than a message on a carton, shall not be likely to be obliterated, removed or rendered permanently unreadable when the retail package on which it is printed is opened in the normal way.

15 Use of adhesive labels

- (1) A message that is required by these Regulations to be printed on a retail package may be printed on an adhesive label that is affixed to the retail package.
- (2) Subregulation (1) does not apply to a flip-top pack or a soft pack after 20 April 2010.
- (3) An adhesive label referred to in subregulation (1), shall:
 - (a) comply with these Regulations in all respects other than as specifically set out in this Regulation;
 - (b) be affixed to the face of the package on which the message that it bears is required to be printed, but may be affixed anywhere on that face; and
 - (c) be fastened firmly to the retail package so as not to be easily removable.
- (4) An adhesive label referred to in subregulation (1) may be affixed in any orientation.

16 Messages to appear in rotation

- (1) Each warning message and (where required by these Regulations) the corresponding explanatory message shall be printed in rotation on retail packages of tobacco, so that, during the period of 12 months beginning on 1 January in each year, each message appears as nearly as possible on an equal number of retail packages of each kind of tobacco.
- (2) Tobacco is of different kinds for the purposes of subregulation (1), if:
 - (a) it is sold under different brand names; or
 - (b) it is sold under one brand name but is distinguished in one or more of the following ways:
 - (i) containing or not containing menthol;
 - (ii) being differently flavoured;
 - (iii) having different contents of tar;

- (iv) allegedly differing in “mildness”;
- (v) having or not having filter tips or cork tips;
- (vi) being sold in retail packages containing different numbers of pieces;
or
- (vii) being of different length or mass.

17 Minister may approve variation

- (1) Where, upon receipt and consideration of a written application from a person who imports tobacco or from a manufacturer of tobacco products for permission to sell tobacco products the packaging of which contains messages that do not fulfil all of the requirements prescribed by these Regulations, the Minister determines that the messages on the relevant packaging vary only slightly from the prescribed requirements and are substantially to the same effect as the prescribed requirements, the Minister may approve such variation in packaging.
- (2) A written application made under subregulation (1), shall include all details of the manner in which the proposed packaging varies from the requirements prescribed by these Regulations, and shall include a full scale illustration of all relevant faces and surfaces of the proposed packaging.
- (3) Any approval by the Minister under subregulation (1) of variation in packaging shall be made in writing and published in the Gazette, giving details of the manner in which the approved variation differs from the prescribed requirements.
- (4) Any packaging approved under this Regulation, shall be deemed to comply with the requirements prescribed by these Regulations.
- (5) An approval by the Minister under subregulation (1), shall be valid in respect of the import and sale of the relevant tobacco products by a person, not only by the person who made the application, and, subject to subregulation (6), shall remain valid unless and until it is revoked by the Minister by notice in the Gazette.
- (6) Any revocation of approval under subregulation (5), shall take effect 60 days after it is published in the Gazette.

DIVISION 2 — RETAIL PACKAGES CONTAINING CIGARETTES

18 Message to be printed on the side of a retail package of cigarettes

- (1) For the purposes of this Regulation, a reference to the sides of a retail package containing cigarettes is a reference:
 - (a) in the case of a cylindrical retail package, to those parts of the curved surface of the package that, if the vertical centre-line of the largest brand-name on the curved surface of the package is taken to be at 0 degrees, extend:
 - (i) from 60 degrees to 120 degrees; and
 - (ii) from 240 degrees to 300 degrees,
around the circumference of a flat face of the package;
 - (b) in the case of a package that has 2 faces that are hexagonal or octagonal, and of which all the other faces are square or rectangular, to the square or rectangular faces of the package, other than the front and the back;

- (c) in the case of a carton, to the larger 2 of the 4 faces other than the front and the back; and
 - (d) in any other case, to the surfaces of the package, other than the back and the front, that are vertical when the package is held so that the axis of the cigarettes within it is vertical.
- (2) For the purposes of subregulation (1):
- (a) the front of a retail package (other than a retail package of a kind described in item 8 or 9 of Schedule 3) is that face of the package on which the warning message is required to be printed; and
 - (b) the back of a retail package (other than a retail package of a kind described in item 8 or 9 of Schedule 3) is the face:
 - (i) on which the explanatory message is required to be printed; or
 - (ii) on which the explanatory message would, but for subregulation 9(1), be required to be printed.
- (3) The following message shall be printed on a retail package of cigarettes:
- Smoking exposes you to more than 40 harmful chemicals.
 - These chemicals damage blood vessels, body cells and the immune system.
 - QUIT NOW to reduce your risk of chronic illness or premature death.
- (4) The message required by subregulation (3):
- (a) in the case of a retail package other than a retail package of a kind described in item 8 or 9 of Schedule 3, shall be printed, if:
 - (i) both or all of the sides of the package are the same in area, on one side of the package;
 - (ii) one side of the package is larger than the other or others - on the larger or largest side; or
 - (iii) 2 or more sides of the package are larger than the other or others - on one of those larger sides; or
 - (b) in the case of a retail package of a kind described in item 8 or 9 of Schedule 3, may be printed anywhere on the package.
- (5) The message required by subregulation (3) shall be printed:
- (a) in the type face known as Helvetica, in type that is:
 - (i) clear and legible;
 - (ii) black;
 - (iii) of normal weight; and
 - (iv) of such a size that the text as nearly as possible fills the background on which it is printed; and
 - (b) in upper and lower case, as the text of the message is set out in subregulation (3);
 - (c) if the message is required to appear on the side of the package, oriented so that the lines of type making up the message are parallel to the longest edges of the face on which the message is printed; and
 - (d) on a rectangular or square background of the kind set out in subregulation (6).
- (6) The background referred to in subregulation (5)(d):
- (a) shall be white; and
 - (b) shall occupy:
 - (i) in the case of a retail package other than a flip-top pack, a carton or a package of a kind described in item 8 or 9 of Schedule 3, the whole of one side;

- (ii) in the case of a carton, at least 25% of the side on which the message is printed;
- (iii) in the case of a flip-top pack, the whole of one side except the part of that side that forms the top; or
- (iv) in the case of a retail package of a kind described in item 8 or 9 of Schedule 3, at least 9% of the total surface area of the package.

DIVISION 3 — CIGARS

19 Packages of cigars shall bear certain messages

A retail package containing cigars shall bear:

- (a) a warning message, and the corresponding explanatory message, in accordance with Division 1;
- (b) a warning message, the warning message repeated, and the corresponding explanatory message, in accordance with regulation 20; or
- (c) a warning message and the corresponding explanatory message, in accordance with Regulation 21.

20 Messages on package with hinged lid

- (1) A warning message and explanatory message may be printed on a retail package in accordance with this Regulation if and only if the package has a hinged lid formed by one face of the package.
- (2) A retail package containing cigars bears a warning message and the corresponding explanatory message in accordance with this subregulation if:
 - (a) the warning message is printed on both the outside of the lid and the base of the package;
 - (b) each warning message occupies at least 25% of the area of the face on which it is printed;
 - (c) the explanatory message is printed on the inside surface of the lid;
 - (d) the explanatory message occupies at least 33% of the area of the inside surface of the lid; and
 - (e) the warning message and the explanatory message are otherwise in accordance with Division 1.

21 Messages on other packages of cigars

A retail package containing cigars bears a warning message and the corresponding explanatory message in accordance with this Regulation if:

- (a) the warning message is printed on the face of the package that is specified in Schedule 3, for a package of that kind;
- (b) the corresponding explanatory message is printed on the face of the package that is opposite to the face on which the warning message is, under paragraph (a), to be printed;
- (c) the areas occupied by the warning message and the explanatory message are as set out in the item of Schedule 4, that applies to that package; and
- (d) the warning message and the explanatory message are otherwise in accordance with Division 1.

[The next page is 124,201]

PART 5 — TESTING AND REPORTING ON TAR, NICOTINE AND CARBON MONOXIDE CONTENT OF CIGARETTES

22 Reports on average tar, nicotine and carbon monoxide content of cigarettes

- (1) A person who imports cigarettes to the Republic shall, at least once in each calendar year, submit to the Minister a report which, in respect of each different kind of cigarette product that person has imported to the Republic in the preceding year, provide the following details:
 - (a) the average amounts of tar, nicotine and carbon monoxide, respectively, produced by a cigarette, when cigarettes of that kind are tested according to the testing methods specified in Regulation 23; or
 - (b) if, when cigarettes of that kind are tested according to the testing methods specified in Regulation 23:
 - (i) the average amount of tar produced by a cigarette does not exceed 15 milligrams;
 - (ii) the average amount of nicotine produced by a cigarette does not exceed 1.5 milligrams; and
 - (iii) the average amount of carbon monoxide produced by a cigarette does not exceed 20 milligrams,figures worked out by taking from the columns of Schedule 5, that relate respectively to tar, nicotine and carbon monoxide the lowest figures that are greater than or equal to the average amount of tar, nicotine and carbon monoxide, respectively, produced by a cigarette of that kind.
- (2) A person who imports cigarettes to the Republic shall be deemed to have fulfilled their reporting obligation under subregulation (1), if each manufacturer of tobacco products whose products the person imports submits to the Minister a report that complies with the requirements of subregulation (1) and Regulation 23.

23 Testing methods

- (1) The testing methods to be used for the purposes of Regulation 22(1) to determine the average amount of tar, nicotine and carbon monoxide produced by a cigarette are the following standard methods published by the International Standards Organisation:
 - (a) tar-ISO 4387 (Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine);
 - (b) nicotine-ISO 10315 (Cigarettes-determination of nicotine in smoke condensates-gas chromatographic method); and
 - (c) carbon monoxide-ISO 8454 (Cigarettes-determination of carbon monoxide in the vapour phase of smoke (NDIR method)).
- (2) The testing methods specified in subregulation (1) are to be used in accordance with the following standards published by the International Standards Organisation:
 - (a) ISO 3308 (Routine analytical cigarette-smoking machine-definitions and standard conditions);
 - (b) ISO 8243 (Cigarettes-sampling); and

- (c) ISO 3402 (Tobacco and tobacco products-atmosphere for conditioning and testing).

24 Minister may request testing

The Minister may at any time submit any kind of cigarette to testing in accordance with the testing methods prescribed in Regulation 23, and may send samples of cigarettes to a place outside the Republic for the purpose of such testing.

25 Cigarettes that exceed prescribed limits of tar or nicotine

- (1) Where the results of tests reported to the Minister under Regulation 22 or 24 show that any of the tested products exceed the limits of tar or nicotine levels prescribed under Section 7 of the Act, cigarettes of that kind shall not be sold.
- (2) A person commits an offence under Section 7 of the Act, if he or she sells cigarettes that he or she knows or can reasonably be expected to know exceed the prescribed limits of tar or nicotine levels, notwithstanding that he or she has not yet submitted a report under Regulation 22 or that the cigarettes have not been tested under Regulation 24.

[The next page is 124,301]

PART 6 — LICENCES

[Pt 6 insrt SL 27 of 2023 reg 5, opn 26 Sep 2023]

26 Licence to import tobacco products

- (1) For the purposes of Section 17A of the Act, a person shall not import tobacco products for a commercial purpose unless the person has obtained an importer licence in accordance with the Act and these Regulations.
- (2) For the purposes of Section 17F of the Act, an application for an importer licence shall be made in the form as set out in Form 1 of Schedule 6.
- (3) The fee for an application for an importer licence shall be as set out in Schedule 7.

27 Licence to sell or distribute tobacco products to retailers

- (1) For the purposes of Section 17A of the Act, a person shall not sell or distribute tobacco products to retailers unless the person has obtained a distributor licence in accordance with the Act and these Regulations.
- (2) For the purposes of Section 17F of the Act, an application for a distributor licence shall be made in the form as set out in Form 2 of Schedule 6.
- (3) The fee for an application for a distributor licence shall be as set out in Schedule 7.

28 Licence to sell tobacco products to consumers

- (1) For the purposes of Section 17A of the Act, a person shall not sell tobacco products to consumers unless the person has obtained a retail licence in accordance with the Act and these Regulations.
- (2) For the purposes of Section 17F of the Act, an application for a retail licence shall be made in the form as set out in Form 3 of Schedule 6.
- (3) The fee for an application for a distributor licence shall be as set out in Schedule 7.

29 Renewal of licence

- (1) An application for the renewal of an importer licence, a distributor licence or a retail licence shall be made in the application form for an importer, distributor or retail licence, as the case may be, as set out in Schedule 6.
- (2) The fee for an application for the renewal of an importer licence, a distributor licence or a retail licence shall be the same as the fee for the application for an importer, distributor or retail licence, as the case may be, as set out in Schedule 7.

30 Transfer or assignment of licence

- (1) For the purposes of Section 17K of the Act, an application for the transfer or assignment of a licence shall be in the form as set out in Form 4 of Schedule 6.
- (2) The fee for an application for the transfer or assignment of a licence shall be as set out in Schedule 7.

31 Decision of the Secretary

- (1) Where the Secretary grants an importer licence, distributor licence or retail licence to an applicant, the licence shall be issued in the form as set out in Form 5 of Schedule 6.
- (2) Where the Secretary refuses to grant an importer licence, distributor licence or retail licence to an applicant, he or she shall:
 - (a) inform the applicant of the refusal in writing in the form as set out in Form 6 of Schedule 6; and
 - (b) provide the reason for the refusal.

[The next page is 124,401]

SCHEDULE 1

[Regulation 5]

**PROHIBITION OF THE SALE OF TOBACCO PRODUCTS TO MINORS
SIGNS**

**IT IS ILLEGAL
TO SELL OR SUPPLY A
TOBACCO PRODUCT
TO A PERSON
UNDER 18 YEARS
(Maximum penalty: \$5,000)**

Under 18 No Tobacco	I CAN'T SELL
	YOU CAN'T BUY

[The next page is 124,601]

SCHEDULE 2

[Regulation 8]

WARNING MESSAGES AND EXPLANATORY MESSAGES

Column 1	Column 2	Column 3
Item	Warning message	Explanatory message
1	SMOKING CAUSES LUNG CANCER	SMOKING CAUSES LUNG CANCER Tobacco smoke contains many cancer-causing chemicals including tar. When you breathe the smoke in, these chemicals can damage the lungs, and can cause cancer. Lung cancer is the most common cancer caused by smoking. Lung cancer can grow and spread before it is noticed. It can kill rapidly.
2	SMOKING IS ADDICTIVE	SMOKING IS ADDICTIVE Nicotine, a drug in tobacco, makes smokers feel they need to smoke. The more you smoke, the more your body will depend on getting nicotine and you may find yourself hooked. It may be difficult to give up smoking once you are hooked on nicotine.
3	SMOKING KILLS	SMOKING KILLS Smoking is one of the greatest preventable causes of death. Tobacco use kills more than five million people world wide each year. In Australia, tobacco smoking causes more than four times the number of deaths caused by car accidents.
4	SMOKING CAUSES HEART DISEASE	SMOKING CAUSES HEART DISEASE Tobacco smoking is a major cause of heart disease. It can cause blockages in the body's arteries. These blockages can lead to chest pain and heart attacks. In Australia, heart attack is the most common cause of death. Smokers run a far greater risk of having a heart attack than people who don't smoke.
5	SMOKING WHEN PREGNANT HARMS YOUR BABY	SMOKING WHEN PREGNANT HARMS YOUR BABY Poisons in tobacco smoke reach your baby through the bloodstream. If you smoke when you are pregnant, you greatly increase the chance of having a baby with a low birth-weight. Smoking may lead to serious complications which could harm your baby.

Column 1	Column 2	Column 3
Item	Warning message	Explanatory message
6	YOUR SMOKING CAN HARM OTHERS	YOUR SMOKING CAN HARM OTHERS Tobacco smoke causes cancer and poisons people. People who breathe in your tobacco smoke can be seriously harmed. Your smoking can increase the risk of lung cancer and heart disease. Children who breathe your smoke may suffer asthma attacks and chest illnesses.

[The next page is 124,801]

SCHEDULE 3

[Regulation 11]

POSITIONS ON RETAIL PACKAGES WHERE WARNING MESSAGE IS TO BE PRINTED

Column 1	Column 2	Column 3
Item	Type of retail package	Face of the package on which warning message is to be printed
1	Flip-top pack	That face that includes the front face of the flip-top
2	Soft pack	If the brand name is printed on only one of the largest faces, or is printed on larger type on one of those faces, that face; otherwise, either of the largest faces
3	Any other retail package (except a pouch) all the faces of which are rectangular or square	(a) If one of the largest faces of the package forms, or forms part of, a lid – that face. (b) In the case of a carton referred to in the definition of ‘retail package’ in subregulation 7(1), any of the largest faces of the carton. (c) In any other case, that one of the largest faces of the package that is towards a person who holds the package correctly for the purpose of removing its contents.
4	Pouch	That one of the largest faces of the folded package that is not overlapped by the flap of the package.
5	Cylindrical package containing cigarettes or cigars	That part of the curved surface of the package that extends one-twelfth of the circumference of the package each side of the vertical centre line of the brand name label on that surface (or, if that label appears more than once on that surface, the larger or largest or those labels).
6	Cylindrical package containing tobacco	That one of the circular faces that forms, or forms part of, the lid.
7	Package in the shape of a hexagonal or octagonal prism, containing cigarettes or cigars	That one of the rectangular faces of the package that bears the brand name label; or, if that label appears on more than one of those faces, the face on which the larger or largest of those labels appears.

Column 1	Column 2	Column 3
Item	Type of retail package	Face of the package on which warning message is to be printed
8	A retail package: (a) the shape of which is not described in items 1 to 7 (inclusive); and (b) the total surface area of which is less than 145 square centimetres	The package shall bear 2 warning messages, printed as far apart as possible. The messages shall be printed on the face, or faces, of the package that allow this result to be achieved.
9	A retail package: (a) the shape of which is not described in items 1 to 7 (inclusive); and (b) the total surface area of which is at least 145 square centimetres	Any face of the package

[The next page is 125,001]

SCHEDULE 4

[Regulation 21]

AREAS TO BE OCCUPIED BY MESSAGES ON CERTAIN PACKAGES OF CIGARS

Column 1	Column 2	Column 3	Column 4
Item	Area of front and back face of package (cm2)	Area to be occupied by warning message (cm2)	Area to be occupied by explanatory message (cm2)
1	Less than 70	15	20
2	Not less than 70 but less than 90	20	27
3	Not less than 90 but less than 110	25	33
4	Not less than 110 but less than 130	30	40
5	Not less than 130 but less than 150	35	46
6	Not less than 150 but less than 170	40	53
7	Not less than 170 but less than 250	53	70
8	250 or greater	73	96

[The next page is 125,021]

SCHEDULE 5

[Regulation 22]

**FIGURES FOR DESCRIBING AVERAGE AMOUNTS OF TAR, NICOTINE
AND CARBON MONOXIDE**

Tar (milligrams)	Nicotine (milligrams)	Carbon monoxide (milligrams)
1	0.2	2
2	0.3	3
4	0.4	5
8	0.8	10
12	1.2	15
16	1.5	20

[The next page is 125,051]

SCHEDULE 6

[Sch 6 insrt SL 27 of 2023 reg 6, opn 26 Sep 2023]

FORM 1

(Regulation 26(2))

APPLICATION FORM FOR IMPORTER LICENCE FOR TOBACCO PRODUCTS



TOBACCO CONTROL REGULATIONS 2009

APPLICATION FORM FOR IMPORTER LICENCE FOR TOBACCO PRODUCTS

1. DETAILS OF IMPORTER

Importer:

Address:

E-mail:

Phone number:

2. DETAILS OF CONSIGNMENT

Consignor:

Consignee:

Transported by: ☐ Sea ☐ Air

Date of Arrival in the Republic of Nauru: / /20

Vessel Registration/Flight Number:

3. DESCRIPTION OF TOBACCO PRODUCT

Type of tobacco product:

Brand of tobacco product:

Quantity:

4. PURPOSE OF IMPORTATION

Personal / Commercial Use:

5. DECLARATION

I declare that the information I have provided in this application is complete, correct and up to date in every detail.

Signature of importer:

Date:

6. CHECKLIST

☐ Evidence of payment of the application fee

☐ In the case of a partnership, a certificate of registration of partnership issued under the *Partnership Act 2018*

- ☐ In the case of an individual, partnership or corporation, a current business licence issued under the *Business Licences Act 2017*
- ☐ In the case of a corporation, an incorporation certificate issued under the *Corporations Act 1972*; and
- ☐ Import licence

7. OFFICIAL USEAdditional information required: ☐ Yes ☐ NoTo be referred to the authorised officer: ☐ Yes ☐ NoRecommendation by authorised officer: ☐ Approve Application ☐ Reject Application

Reason(s) for recommendation:

Name of authorised officer:

Signature of authorised officer:

Date: / /20

Time:

Decision of Secretary: ☐ Application Approved ☐ Application Rejected

Name of Secretary:

Signature of Secretary:

Date: / /20

Time:

FORM 2

(Regulation 27(2))

APPLICATION FORM FOR DISTRIBUTOR LICENCE FOR TOBACCO PRODUCTS



TOBACCO CONTROL REGULATIONS 2009
APPLICATION FORM FOR DISTRIBUTOR LICENCE FOR TOBACCO
PRODUCTS

1. DETAILS OF DISTRIBUTOR

Distributor:

Address:

E-mail:

Phone number:

2. DETAILS OF IMPORTER

Importer:

Address:

E-mail:

Phone number:

3. DESCRIPTION OF TOBACCO PRODUCT

Type of tobacco product:

Brand of tobacco product:

Quantity:

4. DETAILS OF RETAILER

Retailer:

Address:

E-mail:

Phone number:

5. DECLARATION

I declare that the information I have provided in this application is complete, correct and up to date in every detail.

Signature of distributor:

Date:

6. CHECKLIST

- ☐ Evidence of payment of the application fee
- ☐ In the case of a partnership, a certificate of registration of partnership issued under the *Partnership Act 2018*
- ☐ In the case of an individual, partnership or corporation, a current business licence issued under the *Business Licences Act 2017*

- ☐ In the case of a corporation, an incorporation certificate issued under the *Corporations Act 1972*; and
- ☐ Import licence

7. OFFICIAL USE

Additional information required: ☐ Yes ☐ No

To be referred to the authorised officer: ☐ Yes ☐ No

Recommendation by authorised officer: ☐ Approve Application ☐ Reject Application

Reason(s) for recommendation:

Name of authorised officer:

Signature of authorised officer:

Date: / /20

Time:

Decision of Secretary: ☐ Application Approved ☐ Application Rejected

Name of Secretary:

Signature of Secretary:

Date: / /20

Time:

FORM 3

(Regulation 28(2))

APPLICATION FORM FOR RETAIL LICENCE FOR TOBACCO PRODUCTS



TOBACCO CONTROL REGULATIONS 2009

APPLICATION FORM FOR RETAIL LICENCE FOR TOBACCO PRODUCTS

1. DETAILS OF RETAILER

Retailer:

Address:

E-mail:

Phone number:

2. DETAILS OF DISTRIBUTOR

Distributor:

Address:

E-mail:

Phone number:

3. DESCRIPTION OF TOBACCO PRODUCT

Type of tobacco product:

Brand of tobacco product:

Quantity:

Personal / Commercial Use:

4. DECLARATION

I declare that the information I have provided in this application is complete, correct and up to date in every detail.

Signature of retailer:

Date:

5. CHECKLIST

- ☐ Evidence of payment of the application fee
- ☐ In the case of a partnership, a certificate of registration of partnership issued under the *Partnership Act 2018*
- ☐ In the case of an individual, partnership or corporation, a current business licence issued under the *Business Licences Act 2017*
- ☐ In the case of a corporation, an incorporation certificate issued under the *Corporations Act 1972*; and
- ☐ Import licence

6. OFFICIAL USEAdditional information required: ☐ Yes ☐ NoTo be referred to the authorised officer: ☐ Yes ☐ No

Recommendation by authorised officer: ☐ Approve Application ☐ Reject Application	
Reason(s) for recommendation:	
Name of authorised officer:	Signature of authorised officer:
Date: / /20	Time:
Decision of Secretary: ☐ Application Approved ☐ Application Rejected	
Name of Secretary:	Signature of Secretary:
Date: / /20	Time:

FORM 4

(Regulation 30(2))

APPLICATION FORM FOR TRANSFER OR ASSIGNMENT OF LICENCE



TOBACCO CONTROL REGULATIONS 2009

APPLICATION FORM FOR TRANSFER OR ASSIGNMENT OF LICENCE

1. DETAILS OF TRANSFEROR

Transferor:

Address:

E-mail:

Phone number:

2. TYPE OF LICENCE TO BE TRANSFERRED OR ASSIGNED

Importer / Distributor / Retail:

3. DETAILS OF TRANSFeree OR ASSIGNEE

Transferee or assignee:

Address:

E-mail:

Phone number:

4. REASON FOR TRANSFER OR ASSIGNMENT

Reason:

5. DECLARATION

I declare that the information I have provided in this application is complete, correct and up to date in every detail.

Signature of transferor:

Date:

6. CHECKLIST☐ Evidence of payment of the application fee☐ Importer / Distributor / Retail licence**7. OFFICIAL USE**Additional information required: ☐ Yes ☐ NoTo be referred to the authorised officer: ☐ Yes ☐ NoRecommendation by authorised officer: ☐ Approve Application ☐ Reject Application

Reason(s) for recommendation:

Name of authorised officer:

Signature of authorised officer:

Date: / /20

Time:

Decision of Secretary: ☐ Application Approved ☐ Application Rejected

Name of Secretary:

Signature of Secretary:

Date:	/	/20	Time:
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FORM 5



TOBACCO CONTROL REGULATIONS 2009

(Regulation 31(1))

[IMPORTER / DISTRIBUTOR / RETAIL] LICENCE FOR TOBACCO PRODUCTS

[insert name of applicant] of **[insert district]**, proprietor of **[insert business name]** is hereby licensed to **[import tobacco products / sell or distribute tobacco products to retailers / sell tobacco products to consumers]**.

This licence is valid for 12 months from the date of issue of this licence **[and is subject to the following conditions]**:

[insert conditions, if any]

Secretary for Health and Medical Services

/ /20

Licence no	:
Licence fee paid	:
Date licence fee paid	:
TIN Number	:

FORM 6



TOBACCO CONTROL REGULATIONS 2009

*(Regulation 31(2)(a))***REFUSAL TO GRANT [IMPORTER / DISTRIBUTOR / RETAIL] LICENCE FOR
TOBACCO PRODUCTS**

To: [insert name of applicant] of [insert district], proprietor of [insert business name]

Your application for [an importer licence / a distributor licence / retail licence for tobacco products] on [insert date of application] is hereby refused for the following reason(s):

[insert reason(s) for refusal]

You are not authorised to [import tobacco products / sell or distribute tobacco products to retailers / sell tobacco products to consumers].

Secretary for Health and Medical Services

/ /20

[The next page is 125,071]

SCHEDULE 7

(Regulations 26(3), 27(3), 28(3), 29(2) and 30(2))

FEEs

[Sch 7 insrt SL 27 of 2023 reg 7, opn 26 Sep 2023]

APPLICATION	FEE
Importer Licence	\$5,000
Distributor Licence	\$4,500
Retail Licence	\$4,500
Transfer or Assignment of Licence	\$4,500