

# EXPOSURE DRAFT



EXPOSURE DRAFT (31/05/2023)

## **Public Health (Tobacco and Other Products) (Consequential Amendments) Regulations 2023**

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I, General the Honourable David Hurley AC DSC (Retd), Governor--General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2023

David Hurley  
Governor--General

By His Excellency's Command

Mark Butler [DRAFT ONLY—NOT FOR SIGNATURE]  
Minister for Health and Aged Care

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## 1 Name

This instrument is the *Public Health (Tobacco and Other Products) (Consequential Amendments) Regulations 2023*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	
2. Schedules 1 and 2	At the same time as section 3 of the <i>Public Health (Tobacco and Other Products) Act 2023</i> commences.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the following:

- (a) subsection 104(1) of the Australian Consumer Law;
- (b) the *Tobacco Advertising Prohibition Act 1992*;
- (c) the *Tobacco Plain Packaging Act 2011*.

Note: The reference in paragraph (a) to the Australian Consumer Law is a reference to Schedule 2 to the *Competition and Consumer Act 2010* as it applies as a law of the Commonwealth, States and Territories: see section 140K of that Act and corresponding provisions of Acts of States and Territories applying that Schedule.

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## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1—Repeals**

### ***Tobacco Advertising Prohibition Regulation 1993***

#### **1 The whole of the instrument**

Repeal the instrument.

### ***Tobacco Plain Packaging Regulations 2011***

#### **2 The whole of the instrument**

Repeal the instrument.

### ***Trade Practices (Consumer Product Safety Standard) (Reduced Fire Risk Cigarettes) Regulations 2008***

#### **3 The whole of the instrument**

Repeal the instrument.

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## Schedule 2 Consequential amendments

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### Schedule 2—Consequential amendments

#### *National Trade Measurement Regulations 2009*

##### **1 At the end of Division 4.3**

Add:

##### **4.8A Exemption—retail packaging of tobacco products**

Regulation 4.7 does not apply to the retail packaging of a tobacco product (within the meaning of the *Public Health (Tobacco and Other Products) Act 2023*) if the name and address of the entity in Australia who packaged the product, or on whose behalf it was packaged, is required to be displayed on the retail packaging under section 91 of the *Public Health (Tobacco and Other Products) Regulations 2023*.

##### **2 At the end of Subdivision 1 of Division 4.4**

Add:

##### **4.16B Exemption—retail packaging of tobacco products**

This Division does not apply to the retail packaging of a tobacco product (within the meaning of the *Public Health (Tobacco and Other Products) Act 2023*) if a measurement mark is required to be marked on the retail packaging under section 87 of the *Public Health (Tobacco and Other Products) Regulations 2023*.