

# EXPOSURE DRAFT



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

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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# EXPOSURE DRAFT



# EXPOSURE DRAFT

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## Contents

1	Name .....	1
2	Commencement.....	1
3	Authority .....	1
4	Schedules.....	2
<b>Schedule 1—Repeals</b>		<b>3</b>
	<i>Tobacco Advertising Prohibition Regulation 1993</i>	3
	<i>Tobacco Plain Packaging Regulations 2011</i>	3
	<i>Trade Practices (Consumer Product Safety Standard) (Reduced Fire Risk Cigarettes) Regulations 2008</i>	3
<b>Schedule 2—Consequential amendments</b>		<b>4</b>
	<i>Customs (Prohibited Imports) Regulations 1956</i>	4

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# EXPOSURE DRAFT



# EXPOSURE DRAFT

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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Note: This table relates only to the provisions of this instrument as originally made.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

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# EXPOSURE DRAFT

# EXPOSURE DRAFT

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Commonwealth, States and Territories: see section 140K of that Act and corresponding provisions of Acts of States and Territories applying that Schedule.

## 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.

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## 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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# EXPOSURE DRAFT

Schedule 2 Consequential amendments

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## Schedule 2—Consequential amendments

### *Customs (Prohibited Imports) Regulations 1956*

#### 1 Subregulation 4DA(2) (note 2)

Repeal the note, substitute:

Note 2: Subregulation 4(2) prohibits the importation of chewing tobacco and snuffs intended for oral use unless certain conditions and restrictions are complied with (see Schedule 3).

#### 2 Schedule 3 (at the end of the table)

Add:

12	Goods which are chewing tobacco or snuffs intended for oral use	The goods must not be imported unless the quantity imported is no greater than 1.5 kilograms
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#### 3 Schedule 12 (table item 5)

Repeal the item.

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# EXPOSURE DRAFT