



Australian Government

Department of Health, Disability and Ageing

Tobacco Act Compliance Strategy

Accompanying Consultation Paper (May 2026)



Key Points

What is this?

A draft strategy proposing how the Department of Health, Disability and Ageing (the **department**) will approach compliance and enforcement under the *Public Health (Tobacco and Other Products) Act 2023* (the **Tobacco Act**).

Why does it matter?

Compliance and enforcement help ensure the Tobacco Act framework improves public health by encouraging people to quit, or not start, smoking and use of tobacco products.

Key features of the Strategy

- Focus on compliance outcomes that support public health objectives.
- Recognition of illicit trade in tobacco as a key cross-cutting risk.
- Risk-based and proportionate regulation.
- Graduated enforcement approach.
- Emphasis on coordination with other regulators, including where matters involve illicit trade, e-cigarettes, or cross-jurisdictional risks.

Priorities under the Strategy

- Illicit trade in tobacco and e-cigarettes.
- Digital advertising, promotion, and online sales presentation.
- Sponsorships, brand extensions, and promotional association activities.
- Packaging, health messaging, and presentation.
- Product and accessory regulations, including ingredients, flavour, and device restrictions.
- Mandatory reporting obligations.

How the Strategy will be applied

- Targeted compliance and enforcement activities aligned to the priorities and the department's legislative remit.
- Intelligence-led decision-making.
- Triage of compliance issues.
- Use of a range of regulatory tools and responses.

What we want to know

- Is the overall approach appropriate?
- Are the priorities right?
- Is the Strategy clear and practical?

CONSULTATION QUESTIONS

Stakeholders are invited to provide feedback on the following questions. You do not need to respond to every question.

1. Overall approach

a. Do you consider that the Compliance Strategy provides a clear and appropriate framework to guide compliance and enforcement under the Tobacco Act?

2. Regulatory approach

a. Does the Compliance Strategy appropriately reflect a risk-based, proportionate, and outcomes-focused approach to regulation, including graduated enforcement and procedural fairness?

b. Are there any aspects of the regulatory approach that require clarification or refinement?

3. Compliance and enforcement priorities

a. Do you consider that the priorities identify the areas of greatest compliance risk and public health impact? Please provide any additional comments on the priorities, including whether any should be refined, added, or removed.

4. Illicit trade in tobacco and regulatory coordination

a. Does the Compliance Strategy clearly and appropriately reflect the risks associated with illicit trade tobacco and e-cigarettes?

b. Does the Compliance Strategy clearly and appropriately reflect the department's role in taking compliance and enforcement action under the Tobacco Act where products or conduct associated with illicit trade also breach Tobacco Act requirements?

c. Are there any aspects of coordination or delineation of roles that would benefit from further clarification?

5. Implementation and application

a. Does the Compliance Strategy provide sufficient strategic guidance on how the department will apply its compliance and enforcement approach, including how it will: use priorities to guide regulatory focus; apply a risk-based and proportionate approach; consider available regulatory tools and responses; use data and intelligence to inform decision-making; coordinate with other regulators, including through lawful information sharing; and review and update the Strategy over time?

6. Additional feedback

a. Are there any other comments or suggestions to improve the clarity, effectiveness, accessibility, or usability of the Compliance Strategy?

How to provide feedback

Submissions are invited in response to the consultation questions.

Submissions must be received by the Department of Health, Disability and Ageing by **11:59 PM AEST on Wednesday, 3 June 2026**.

To provide a submission, click the 'Share your views' link in the [Consultation Hub](#) to access the consultation questions and when complete, click 'Submit your Response'.

Contact details for enquiries

Yardstick Advisory: TobaccoActComplianceStrategy@yardstickadvisory.com.au.

Department of Health, Disability and Ageing: Tobacco.Control@health.gov.au.

1. Introduction

The department is seeking feedback on a draft Compliance Strategy to guide how it will approach compliance and enforcement under the Tobacco Act. Effective compliance and enforcement are critical to ensuring the objects of the Tobacco Act are met as intended.

This consultation seeks feedback on whether the draft Compliance Strategy:

- provides a clear and appropriate framework for compliance and enforcement under the Tobacco Act;
- reflects a risk-based and proportionate regulatory approach; and
- appropriately identifies and addresses key compliance risks and priorities.

2. Overview of the Compliance Strategy

The Compliance Strategy sets out how the department will:

- identify and prioritise compliance risks;
- apply regulatory tools and enforcement powers; and
- support improved public health outcomes through effective regulation.

The Compliance Strategy is strategic in nature. It does not prescribe operational procedures or case-specific actions. Instead, it provides:

- a set of compliance and enforcement priorities;
- a framework for decision-making; and
- an outline of how compliance and enforcement activities will be applied.

3. Regulatory approach

The Compliance Strategy adopts a risk-based, proportionate, and outcomes-focused approach to regulation. This means:

- regulatory effort is directed toward achieving compliance outcomes that support the public health objectives of the Tobacco Act;
- regulatory effort is focused on areas of greatest risk and impact;
- responses are proportionate to the seriousness of non-compliance; and
- regulatory action is designed to achieve sustainable behavioural change.

The department will apply a graduated approach to enforcement, ranging from education and guidance, monitoring and investigation, through to enforcement action where necessary.

The Compliance Strategy also emphasises coordination with other regulators, including state and territory governments and other Commonwealth agencies, and the importance of visible and credible enforcement to support deterrence.

4. Understanding compliance risk

The Compliance Strategy recognises that compliance risks arise in a complex and evolving environment, including new and emerging products (such as e-cigarettes), digital advertising and online promotion, complex supply chains, and the presence of illicit trade in tobacco and e-cigarettes.

A key feature of the compliance risk environment is the presence of illicit trade in tobacco and e-cigarettes. Some aspects of illicit trade, including excise, border, importation, and criminal enforcement, are primarily matters for other Commonwealth agencies. However, products or conduct associated with illicit trade may also breach Tobacco Act requirements, including in relation to advertising, product standards, packaging, and supply-related conduct – with related risks to the public health objectives of the Act.

The Compliance Strategy identifies a set of key compliance risk domains, including:

- advertising, promotion, and sponsorship;
- packaging and health messaging;
- product standards, ingredients, flavour, and device restrictions;
- permanently banned products; and
- industry reporting obligations.

5. Compliance and enforcement priorities

The Compliance Strategy distinguishes between ‘focus priorities’, which are subject to targeted and proactive compliance and enforcement activity, and ‘ongoing monitoring priorities’, which are subject to routine oversight and may be elevated where risk increases.

The Compliance Strategy identifies a set of priority areas for regulatory focus based on risk and public health impact. These priorities are not ranked, may be addressed concurrently, and may change over time as risks evolve. Focus priorities include:

- **Illicit trade in tobacco and e-cigarettes** – prioritising compliance and enforcement action within the remit of the Tobacco Act, coordinating with other regulators, and strengthening data, intelligence, and information sharing and referral pathways.
- **Digital advertising, promotion, and online availability** – addressing unlawful or non-compliant digital advertising and promotion, including non-compliant webpage presentation or online sales displays.
- **Sponsorships, brand extensions, and promotional association activities** – addressing indirect promotion that may normalise tobacco use.
- **Packaging, health messaging, and presentation** – ensuring compliance with requirements designed to reduce product appeal and communicate health risks.
- **Product and accessory regulations, including ingredients, flavour, and device restrictions** – addressing non-compliance that increases product attractiveness or undermines regulatory controls.
- **Mandatory reporting obligations** – targeting systemic or repeated failures that limit regulatory visibility of supply chains.

6. How the Compliance Strategy will be applied

The Compliance Strategy outlines how compliance and enforcement will be applied in practice. This includes:

- targeted compliance and enforcement activities aligned to the priorities and the department's legislative remit;
- use of data and intelligence to inform decision-making;
- a triage approach to prioritise matters based on risk and impact; and
- application of a range of regulatory tools and responses, escalating where necessary.

The approach is designed to be flexible and adaptive, responsive to emerging risks, and focused on achieving meaningful regulatory outcomes.

7. Regulatory roles and coordination

Tobacco control in Australia involves multiple regulators across Commonwealth, state, and territory jurisdictions. The Compliance Strategy recognises that:

- responsibilities may overlap or intersect, particularly for illicit trade in tobacco and e-cigarettes; and
- effective regulation requires coordination and collaboration.

In relation to illicit trade in tobacco and e-cigarettes, other agencies may have primary responsibility for excise, border, importation, or criminal enforcement. However, the department may take compliance and enforcement action under the Tobacco Act where products or conduct associated with illicit trade also breach Tobacco Act requirements. This action may support broader disruption efforts, alongside information sharing, referral, and coordinated regulatory responses.

The department will work with other regulators to ensure action is taken under the most appropriate legislative framework and support lawful information sharing and coordinated responses to cross-jurisdictional risks.

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All information in this publication is correct as at May 2026

