



Public Health (Tobacco and Other Products) (Consequential Amendments and Transitional Provisions) Amendment (On-Product Health Messages) Rules 2024

I, Mark Butler, Minister for Health and Aged Care, make the following rules.

Dated 12 December 2024

Mark Butler
Minister for Health and Aged Care

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1 Name

This instrument is the *Public Health (Tobacco and Other Products) (Consequential Amendments and Transitional Provisions) Amendment (On-Product Health Messages) Rules 2024*.

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. The whole of this instrument	The later of: (a) the day after this instrument is registered; and (b) the day the <i>Public Health (Tobacco and Other Products) Amendment (On-Product Health Messages and Other Measures) Regulations 2024</i> commences. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	13 December 2024 (paragraph (a) and (b) applies)

Note: This table relates only to the provisions of this instrument as originally made.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 *Public Health (Tobacco and Other Products) (Consequential Amendments and Transitional Provisions) Act 2023*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Public Health (Tobacco and Other Products) (Consequential Amendments and Transitional Provisions) Rules 2024

1 Subsection 4(1)

Insert:

new regulations means the *Public Health (Tobacco and Other Products) Regulations 2024*.

on-product health message has the same meaning as in the new regulations.

2 Subsection 5(2) (notes)

Repeal the notes, substitute:

Note: From the end of the main transition period, and subject to section 6 of this instrument, the retail packaging must include the health promotion inserts (see paragraph 82(1)(a) of the new Act).

3 After section 5

Insert:

5A Display of on-product health messages on cigarettes during main transition period

On-product health messages may be displayed despite compliance with section 26 of old TPP Act

- (1) Despite section 26 of the old TPP Act, a cigarette may, during the main transition period, display an on-product health message as prescribed by section 114A of the new regulations.

Note: From the end of the main transition period, and subject to section 6 of this instrument, certain cigarettes must display on-product health messages (see subsection 114A(1) of the new regulations).

- (2) During the main transition period, for the purposes of subitem 14(2) of Schedule 2 to the transitional Act, a cigarette is taken to continue to comply with the requirements of section 26 of the old TPP Act, if:
 - (a) the cigarette displays an on-product health message in accordance with subsection (1) of this section; and
 - (b) the appearance of the cigarette otherwise complies with the requirements of section 26 of the old TPP Act, as in force immediately before the commencement day.

On-product health messages are not required despite compliance with new Act

- (3) During the main transition period, a cigarette containing a filter is taken to comply with subsections 86(2), (3) and (4) of the new Act if the appearance and physical features of the cigarette comply with those subsections other than the requirement to display an on-product health message.

Transitional provision—equal display of on-product health messages

- (4) If:
- (a) a cigarette containing a filter is manufactured during the main transition period; and
 - (b) the cigarette does not display an on-product health message;
- the cigarette is to be disregarded in working out, for the purposes of section 114C of the new regulations, whether each on-product health message is displayed as nearly as possible in equal numbers on cigarettes manufactured in the calendar year beginning on 1 January 2025.

4 Subsection 6(2)

Omit “Division 2 of Part 4 of Schedule 2 to the transitional Act”, substitute “subsection (4)”.

5 Subsection 6(2) (note)

Repeal the note.

6 At the end of section 6

Add:

Relevant tobacco product requirements

- (4) For the purposes of subsection (2), the tobacco product requirements are any of the following:
- (a) a tobacco product requirement mentioned in Division 2 of Part 4 of Schedule 2 to the transitional Act (which deals with the application of certain new tobacco product requirements in Chapter 3 of the new Act);
 - (b) a tobacco product requirement prescribed by subsection 114A(1) of the new regulations.