

Therapeutic Goods (Vaping Goods—Possession and Supply) Amendment Determination 2025

I, Chris Beford, as delegate of the Minister for Health and Aged Care, make the following Determination.

Dated 7 March 2025

Chris Bedford

First Assistant Secretary  
Regulatory Practice and Support Division  
Health Products Regulation Group  
Department of Health and Aged Care

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1 Name

This instrument is the *Therapeutic Goods (Vaping Goods—Possession and Supply) Amendment Determination 2025*.

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 day after this instrument is registered. |  |

Note: This table relates only to the provisions of this instrument as originally made.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 section 41R of the *Therapeutic Goods Act 1989*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Therapeutic Goods (Vaping Goods—Possession and Supply) Determination 2024

1 Section 4 (definition of *authority*)

Repeal the definition, substitute:

***authority*** means:

(a) a Commonwealth authority; or

(b) a department of State of the Commonwealth or a State; or

(c) a department or administrative unit of the Public Service of a Territory; or

(d) an authority of the Commonwealth, a State or Territory (including a local council or other body responsible for local government).

2 Schedule 1 (table item 4, column 4, paragraph (a))

Omit “31 March 2025”, substitute “31 December 2025”.

3 Schedule 1 (table item 5, column 4, paragraph (a))

Omit “31 January 2025”, substitute “31 December 2025”.

4 Schedule 1 (table item 6, column 4, paragraph (a))

Omit “31 March 2025”, substitute “31 December 2025”.

5 Schedule 2 (table item 7, column 4, paragraph (a))

Omit “31 March 2025”, substitute “31 December 2025”.

6 Schedule 2 (table item 8, column 4, paragraph (a))

Omit “31 March 2025”, substitute “31 December 2025”.

7 Schedule 2 (table item 10, column 4, paragraph (a))

Omit “31 March 2025”, substitute “31 December 2025”.

8 Schedule 2 (table item 11, column 4, paragraph (a))

Omit “31 March 2025”, substitute “31 December 2025”.

9 Schedule 2 (table item 13, column 4, subparagraph (b)(ii) (second occurring)

Omit “(ii) exempt from”, substitute “(iii) exempt from”.

10 Schedule 2 (at the end of the table)

Add:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 14 | vaping goods | the following persons:  (a) an authority; or  (b) an agent or employee of an authority | all of the following:  (a) the vaping goods are possessed or supplied by the person for the purpose of facilitating, or in connection with, one or more of the following:  (i) an investigation as to whether the applicable laws of the Commonwealth, a State or a Territory have been complied with;  (ii) proceedings in respect of which the vaping goods may afford evidence;  (iii) surrender, seizure, forfeiture, transportation, storage, destruction or disposal of the vaping goods;  (iv) bona fide medical or scientific research or testing of vaping goods;  (b) in the course of supply—the person reasonably believes that:  (i) the recipient can lawfully possess the vaping goods under the Act and all other applicable laws of the Commonwealth, a State or a Territory; and  (ii) the vaping goods will not be used by any person;  (c) if the vaping goods are possessed or supplied by an agent or employee of an authority—the agent or employee is acting solely in their official capacity |  |
| 15 | vaping goods | a person who is:  (a) a party to a contract with an authority to transport, store, destroy or dispose of vaping goods; or  (b)subcontracted by a person specified in paragraph (a) to provide services under that contract;  (c) an agent or employee of a person specified in paragraphs (a) or (b) | all of the following:  (a) the vaping goods are possessed or supplied by the person for the sole purpose of performance of the contract;  (b) in the course of supply—the person reasonably believes that:  (i) the recipient can lawfully possess the vaping goods under the Act and all other applicable laws of the Commonwealth, a State or a Territory; and  (ii) the vaping goods will not be used by any person;  (c) if the vaping goods are possessed or supplied by a person specified in paragraph (c) of column 3—the person is acting solely in their capacity as an employee or agent |  |