

TOBACCO PRODUCTS CONTROL AMENDMENT ACT 2009 — EXEMPTIONS

**935. Hon HELEN BULLOCK to the minister representing the Minister for Health:**

I refer to the Tobacco Products Control Amendment Act 2009, as shown on the Department of Health website.

- (1) Are there any exemptions under the act for individuals or entities who retail in tobacco and tobacco products?
- (2) If yes to (1), who would meet the criteria for an exemption, and how would they apply?
- (3) Have any exemptions been granted since the act was proclaimed?
- (4) If yes to (3), when were the exemptions granted and who were they applied to?

**Hon HELEN MORTON replied:**

I thank the member for some notice of this question.

- (1) Amendments introduced under the Tobacco Products Control Amendment Act 2009—the amendment act—provided for a ban on tobacco product displays in retail premises, but allowed for the continuation of the existing conditional exemption for “specialist” tobacco retailers.
- (2) Although the relevant provisions in the legislation are not written specifically as exemptions, their effect is to provide a defence to allow for a specialist retailer who is able to demonstrate that a significant majority of their primary trade—80 per cent or more of gross sales for the 2004–05 financial year returns—was through the sale of tobacco products to continue to display up to one square metre of tobacco products that may be visible from outside the premises, and to have an unlimited display of tobacco products within the retail premises.
- (3) No.
- (4) Not applicable.