

**Table 11B.2 Detailed Summary of Tobacco Licensing Schemes across Australian jurisdictions (as at 24 April 2025)**

	ACT	NSW (not yet in operation)	NT	Qld	SA	TAS	Vic (not yet in operation)	WA
<b>Relevant legislation</b>	<a href="#">Tobacco and Other Smoking Products Act 1927 (ACT)</a> – Pt 7  <a href="#">Tobacco and Other Smoking Products Regulation 2018 (ACT)</a>	<a href="#">Public Health (Tobacco) Act 2008 (NSW)</a> – Pt 5  <a href="#">Public Health (Tobacco) Regulations 2022 (NSW)</a>  Note: Latest online version of the <i>Public Health (Tobacco) Act 2008</i> (NSW) does not yet incorporate amendments under the <a href="#">Public Health (Tobacco) Amendment Act (No 2) 2024 (NSW)</a> ('Amendment Act')	<a href="#">Tobacco Control Act 2002 (NT)</a> – Pt 4  <a href="#">Tobacco Control Regulations 2002 (NT)</a> – Pt 6	<a href="#">Tobacco and Other Smoking Products Act 1998 (Qld)</a> <sup>1</sup> – Pt 2  <a href="#">Tobacco and Other Smoking Products Regulation 2021 (Qld)</a>	<a href="#">Tobacco and E-cigarette products Act 1997 (SA)</a> – Pt 2  <a href="#">Tobacco and E-cigarette products Regulations 2019 (SA)</a>  *Amendments under the <a href="#">Statutes Amendment (Tobacco and E-Cigarette Products—Closure Orders and Offences) Act 2025</a> have not yet commenced	<a href="#">Public Health Act 1997 (Tas)</a> – Pt 4  <a href="#">Public Health (Smoking Product Licence) Regulations 2019 (Tas)</a>	<a href="#">Tobacco Act 1987 (Vic)</a> – Pts 3AA & 3AAB  Note: Latest online version of the <i>Tobacco Act 1987</i> (Vic) does not yet incorporate amendments under the <a href="#">Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024 (Vic)</a> ('Amendment Act')  <a href="#">Tobacco Regulations 2017 (Vic)</a>	<a href="#">Tobacco Products Control Act 2006 (WA)</a> – Pt 4  <a href="#">Tobacco Products Control Regulations 2006 (WA)</a>
<b>Authority responsible for administering licence scheme</b>	Access Canberra (Commissioner for Fair Trading)	NSW Health	Director of Tobacco Control (Department of Health)	Qld Health	Consumer and Business Services (CBS) SA	Director of Public Health (Department of Health)	Department of Justice and Community Safety	Department of Health (as the CEO's delegate)
<b>Commencement of licensing scheme</b>	2000	No fixed date for commencement of the licensing	2003	2024	1999	1999	1 July 2025	2007
<b>Status</b>	Act & Regs in force	Amendment Act assented to 2 Dec 2024 introduces scheme.	Act & Regs in force	Act & Regs in force	Act & Regs in force	Act & Regs in force	Amendment Act assented to 3 Dec 2024 introduces scheme.	Act & Regs in force

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		Amendment Regs not yet released						
<b>MAJOR FEATURES</b>								
<b>Licence required by retailers and wholesalers</b>	Yes	Yes	<b>Retail only</b>	Yes	Yes	Yes	Yes	Yes
<b>Entities to which a licence may be granted</b>	Individuals and corporations	Individuals and corporations	Individuals, partnerships/associations & corporations	Adult individual, corporation or partnership <sup>2</sup>	Individuals, trusts or corporate entities. <b>May be held jointly by two or more persons<sup>3</sup></b>	<b>Individuals (must be a 'natural person')</b>	Individuals, corporations, partnerships	Individuals, corporations, trustees, partnerships and associations
<b>Licence duration</b>	Remains in force until 31 August next following the grant of the licence <sup>4</sup>	12 months or a shorter period specified in the licence <sup>5</sup>	1 year, 3 years or 5 years <sup>6</sup>	1 year or a shorter period stated in the licence and agreed to by the licensee <sup>7</sup>	Retail tobacco licences: 12 months from the date of issue <sup>8</sup>  Wholesale licences: duration not specified	12 months or a shorter period specified in the licence <sup>9</sup>	From the date specified by the Regulator to the end of the FY in which it is issued <sup>10</sup>	12 months <sup>11</sup>
<b>Licensing fee</b>	\$638.90 per business (pro rata) <sup>12</sup>	To be prescribed in the regulations <sup>13</sup>	By duration: <sup>14</sup> <ul style="list-style-type: none"><li>• 1 year: 200 revenue units (\$282)</li><li>• 3 years: 600 revenue units (\$846)</li><li>• 5 years: 1000 revenue units (\$1410)</li></ul>	By licence type: <sup>15</sup> <ul style="list-style-type: none"><li>• Retail: \$448</li><li>• Wholesale: \$636</li></ul>	By licence type: <sup>16</sup> <ul style="list-style-type: none"><li>• Retail: \$340</li><li>• Wholesale: \$650</li></ul>	By product type: <sup>17</sup> <ul style="list-style-type: none"><li>• Tobacco only or tobacco and vapes: 717 fee units (\$1,340.79)</li><li>• Vapes only: 360 fee units (\$673.20)</li><li>• Vapes where tobacco licence already held: no fee</li></ul>	To be prescribed in the regulations <sup>18</sup>	By licence type: <sup>19</sup> <ul style="list-style-type: none"><li>• Retail or indirect sale:<sup>20</sup> \$242</li><li>• Wholesale: \$591</li></ul>
<b>Penalty for selling without a licence</b>	Without a wholesale licence: 100 penalty units (\$16,000 for a	Without a wholesale licence: 400 penalty units (\$44,000) for an	Without a wholesale licence: not covered in Act	1,000 penalty units (\$161,300). <sup>27</sup> On-the-spot fine of	For an individual: \$350,000 for a first offence, \$700,00 for a	50 penalty units (\$10,100) for a first offence, 100 penalty units	For a natural person: 840 penalty units (\$165,975) or	Without a wholesale licence: for an individual—\$10,000 fine for a

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	<p>person, \$81,000 for a corporation)<sup>21</sup></p> <p>Without a retail licence: 50 penalty units (\$8,000 for a person, \$40,500 for a corporation)<sup>22</sup></p>	<p>individual, 2,000 penalty units (\$220,000) for a corporation<sup>23</sup></p> <p>Without a retail licence: for an individual—100 penalty units (\$11,000) for a first offence, 400 penalty units (\$44,000) for a second or subsequent offence; for a corporation—2,000 penalty units (\$220,000).<sup>24</sup> On-the-spot fine of \$1,100 for an individual, \$5,500 for a corporation.<sup>25</sup></p>	<p>Without a retail licence: 500 penalty units (\$92,500)<sup>26</sup></p>	<p>20 penalty units (\$3,226) for an individual or 100 penalty units (\$16,130) for a corporation.<sup>28</sup></p>	<p>later offence, \$5,000 expiation fee; for a body corporate: \$750,000 for a first offence, \$1.1 million for a later offence, \$20,000 expiation fee<sup>29</sup></p>	<p>(\$20,200) for a later offence.<sup>30</sup> On-the-spot fine of 8 penalty units (\$1,616).<sup>31</sup></p>	<p>5 years imprisonment; for a body corporate: 4200 penalty units (\$829,878)<sup>32</sup></p>	<p>first offence, \$20,000 fine for a later offence; for a body corporate—\$40,000 for a first offence, \$80,000 for a later offence<sup>33</sup></p> <p>Without a retail licence: \$50,000 fine.<sup>34</sup></p> <p>On-the-spot fine of \$1,000.<sup>35</sup></p>
<b>EXCLUSIONS/RESTRICTIONS ON ELIGIBILITY</b>								
<b>Online sales prohibited</b>	No	No	No	No	<b>Yes</b> <sup>36</sup>	No	No	No
<b>Licenses for tobacco vending machines prohibited</b>	<b>Yes</b> <sup>37</sup>	No	No	No. However, a vending machine in licensed liquor premises must be in area only accessible to staff. <sup>38</sup> Sales from one service counter only.	<b>Yes</b> <sup>39</sup>	No	No	No

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Any exclusion zones e.g., near schools	No	No	No	No	No	No	No	No
Any retailer types excluded, e.g. shops mainly selling lollies, toys	No	No	No	No	No	No	No	No
Grandfathering provisions or density limits	No	No	No	No	No	No	No	No
<b>MAJOR RESTRICTIONS IMPOSED ON ALL LICENSEES</b>								
Restriction of sale by wholesalers to unlicensed retailers?	Yes <sup>40</sup>	Not in Act; Amendment Regs not yet released	Not in Act	Yes <sup>41</sup>	Not in Act	Not in Act	Not in Act; Amendment Regs still to be passed	Yes <sup>42</sup>
Restriction of purchase by retailers <i>from</i> unlicensed wholesalers?	Yes <sup>43</sup>	Not in Act	Not in Act	Not in Act	Not in Act	Not in Act	Not in Act; Amendment Regs still to be passed	Not in Act
Prohibition on sales <i>by</i> minors?	No	Not in Act; Amendment Regs not yet released	Yes <sup>44</sup>	Yes <sup>45</sup>	No (but sale by persons under 16 prohibited) <sup>46</sup>	No	Not in Act; Amendment Regs still to be passed	Yes <sup>47</sup>
Restriction on location of price boards/point of sale to products aimed at minors (e.g. lollies, toys)?	No	No	Yes <sup>48</sup>	No	No	Yes <sup>49</sup>	No	Yes <sup>50</sup>
Instruction re. sales <i>to</i> minors specified?	No. However, ACAT may make an occupational discipline order directing that a licence be varied	Not in Act; Amendment Regs not yet released	No	Yes <sup>52</sup>	No	Yes <sup>53</sup>	Not in Act; Amendment Regs still to be passed	Instructions must be given before licensee allows an employee or agent to sell tobacco products

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	to impose conditions regarding the sale of smoking products to people under 18 years. <sup>51</sup>							(e.g. instructions relating the age verification of purchasers). <sup>54</sup>
<b>Training of servers required?</b>	No. However, where applicant found to have committed two offences re. supply of smoking products to persons under 18 in 2 years preceding their licence application, the Commissioner may impose a licence condition that the applicant undertake a specified approved training program on obligations. <sup>55</sup>	Not in Act; Amendment Regs not yet released	No	A regulation may prescribe a general condition that requires a licensee to provide employees with particular training about supplying smoking products. <sup>56</sup>	No	No	Regulations may prescribe a licence condition requiring that the licensee and their employees undertake training. <sup>57</sup>	Act specifies that Regulations can include conditions requiring licensees to provide staff training on Act requirements. <sup>58</sup>
<b>Potential for general conditions to be prescribed by regulation?</b>	No	Yes <sup>59</sup>	No	Yes <sup>60</sup>	Yes <sup>61</sup>	Yes <sup>62</sup>	Yes <sup>63</sup>	Yes <sup>64</sup>
<b>Power to impose specific conditions on</b>	Yes <sup>65</sup>	Yes <sup>66</sup>	Yes <sup>67</sup>	Yes <sup>68</sup>	Yes <sup>69</sup>	Yes <sup>70</sup>	Yes <sup>71</sup>	Yes <sup>72</sup>

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individual licences?								
APPLICATION AND ASSESSMENT PROCESS								
Information required for licence application	Any information that the Commissioner requires the applicant to give to decide the application (or for the administration of the Act) <sup>73</sup> Requests for information must be in writing.	Any information required by the Secretary. <sup>74</sup> There does not appear to be a specific 'fit and proper person' requirement. However, in deciding licence applications, the Secretary may consider whether the applicant has been found guilty of an offence relating to the sale or supply of tobacco products, non-tobacco products or vaping goods. <sup>75</sup>	National police certificate must be submitted about the individual who is proposed to be the manager of the business to be conducted on the premises to which the licence application relates. <sup>76</sup>	Sufficient information and ID to identify and verify the directors of the corporation; the location or website of the retail or wholesale outlet, details of other licenses held, and details of corporations and partnerships. <sup>77</sup>	Applications must be accompanied by <b>information required by the Minister</b> . <sup>78</sup> Minister must be satisfied that an applicant (including each person who occupies a position of authority in any trust/corporate entity making an application) is a 'fit and proper person'. <sup>79</sup> The Minister must Commissioner of Police a copy of the application or notify them of the identity of the applicant. As soon as practicable, the Commissioner of Police must make available to the Minister relevant information about criminal convictions (and	To assess a licence application, <b>the Director may make any enquiries they think fit from any government agency (in any jurisdiction)</b> that performs functions in respect of the regulation of poisons, a smoking product, non-tobacco cigarette, smoke or other smoking-related matter. <sup>81</sup> The Director may also require the applicant to authorise the Director to obtain police reports detailing any convictions and proceedings taken against the applicant. <sup>82</sup>	An application must include or be accompanied by ' <b>any prescribed information</b> '. <sup>83</sup> In addition, the Regulator may request the applicant provide any other document or information that the Regulator considers appropriate for assessing the suitability of the applicant to hold a licence, or verifying any information included with the application. The Act notes that this can include a 'criminal history check' in respect of the applicant or any associate of the applicant.	Applicant must provide <b>any information that the CEO requires</b> in order to properly consider the application. <sup>84</sup> The current approved forms for licence applications contain a number of questions relating to the applicant's suitability to hold a licence (such as whether the applicant has, in the 10 years prior to the application, been convicted anywhere in the world of an offence involving fraud or dishonesty). <sup>85</sup>

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					any other info the Commissioner considers relevant to whether the application should be granted). <sup>80</sup>			
<b>Grounds for refusal to grant/renew licence</b>	<p><b>Licence not to be granted or renewed if</b> Commissioner is satisfied, on reasonable grounds, that the applicant:</p> <ul style="list-style-type: none"> <li>• <b>holds another licence that is suspended;</b></li> <li>• <b>is disqualified from holding a tobacco licence</b> under a disciplinary order;</li> <li>• <b>does not sufficiently understand</b> the obligations of a licensee;</li> <li>• has been found to have committed two offences relating to the supply of smoking products to a person under</li> </ul>	<p>The Act gives Secretary broad discretion for refusal. The Secretary may refuse a licence because:<sup>87</sup></p> <ul style="list-style-type: none"> <li>• the applicant has been found guilty of an offence re. supply of tobacco products, non-tobacco smoking products or vaping goods;</li> <li>• any information given by the applicant under the Act/Regs is false or misleading in a material way;</li> <li>• the applicant has failed to comply with another retail or wholesale licence;</li> <li>• on the recommendation of, or receipt of</li> </ul>	<p>No specific criteria for the granting of a licence (or specific grounds for refusal) prescribed by the regulation. However the regulations imply that a licence will not be granted where the national police certificate provided by the applicant suggests that the manager is not a fit and proper person to conduct a tobacco retailing business.<sup>88</sup></p> <p>Legislation also provides that a licence cannot be granted where the Director is aware of any reason why a</p>	<p>The chief executive may grant an application for, or a renewal or restoration of, a retail or wholesale licence only if satisfied the applicant is a fit and proper person.<sup>90</sup></p> <p>Applications can be rejected because the applicant:<sup>91</sup></p> <ul style="list-style-type: none"> <li>• applied for a licence in the previous 6 months and application was refused; or</li> <li>• held a licence that was cancelled within the previous 6 months.</li> <li>• is not the liquor licensee for the</li> </ul>	<p>No specific grounds for refusal, however Act requires Minister not to grant a licence unless satisfied the applicant is a 'fit and proper person'.<sup>93</sup></p> <p><b>The Minister must take into consideration broad criteria when determining if a person is 'fit and proper', including the 'reputation, honesty and integrity...of the person'.<sup>94</sup></b> A person will not be considered 'fit and proper' to hold a licence if found guilty/ convicted of one or more of the offences set out</p>	<p>Director must have regard to certain factors including:</p> <ul style="list-style-type: none"> <li>• Whether the applicant is <b>likely to comply with the Act;</b></li> <li>• Whether the applicant is <b>over 18 years;</b></li> <li>• Whether the applicant is a <b>fit and proper person to fold a licence.</b></li> </ul> <p>The Director may also consider:</p> <ul style="list-style-type: none"> <li>• Any convictions and proceedings taken against the applicant <b>(in any Aus jurisdiction);</b></li> <li>• <b>Results of any enquiries made by the Director with other agencies across Australia</b> that</li> </ul>	<p>The Regulator may refuse to grant a licence application if the Regulator considers that the applicant or any associate of the applicant is not a 'suitable person' to hold a licence.<sup>96</sup></p> <p>The Regulator appears to have a broad discretion regarding the factors the Regulator may consider when assessing whether a person is a 'suitable person'.<sup>97</sup></p> <p>The Regulator may also refuse to grant a licence if any associate of the applicant is a 'disqualified person' (i.e. a person who has</p>	<p>In determining suitability to hold a licence, the <b>CEO must have regard to</b> whether applicant:</p> <ul style="list-style-type: none"> <li>• has previously been refused or disqualified from holding a licence in WA (or a corresponding law in another jurisdiction);</li> <li>• is the holder of a licence that has been suspended;</li> <li>• has previously been convicted of an offence under the Act (or a corresponding law in another jurisdiction);</li> <li>• has, in the 10 years before the application, been convicted anywhere in the world of a fraud or dishonesty</li> </ul>

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	18 in the two years before the date of the application (whether in the ACT or elsewhere) The licence must also not be granted or renewed if the <b>ACAT would have grounds for cancelling</b> the licence if the applicant already held one. <sup>86</sup>	relevant information from, a law enforcement agency; • of a ground prescribed by regulation.	licence should not be granted. <sup>89</sup>	licensed premises at which smoke. products are proposed to be sold <sup>92</sup>	in the Regulations.	perform functions regarding the regulation of poisons or smoking products (or other smoking related matters); • <b>Any other matter the Director</b> considers relevant to the application. <sup>95</sup>	been disqualified from holding a licence).	offence (or is the subject of a pending charge for such an offence); • is likely to carry on the activities of a licence holder honestly and fairly; • is a fit and proper person to hold a licence. <sup>98</sup>
<b>TRANSPARENCY PROVISIONS</b>								
<b>Publicly available register of licensees</b>	<b>Yes</b> <sup>99</sup>	Register must be kept by the Secretary, however Act does not specifically require the register to be publicly available (although the Regulations can make further provisions regarding information in the register that must be made publicly available). <sup>100</sup>	<b>Yes</b> <sup>101</sup>	The chief executive <b>may</b> publish information contained in the register of licences, other than personal information, on the Department's website. <sup>102</sup>	<b>Yes</b> <sup>103</sup>	Register must be kept by Director, there does not appear to be any requirement for it to be public. <sup>104</sup>	<b>Yes</b> <sup>105</sup>	<b>Yes</b> <sup>106</sup>



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<b>Sales information required from licensees</b>	No specific power to require provision of sales data.	No specific power in the Act to require provision of sales data. However, the Secretary has broad discretion to request information when considering an application to renew a licence. <sup>107</sup> It is unclear whether this may include sales data.	On request by the Chief Health Officer, a wholesaler must provide information about the quantity of tobacco products sold or supplied to retailers of tobacco products. <sup>108</sup>	No specific power to require provision of sales data.  However, the chief executive may require licensees to give information that the chief executive requires to determine whether the licensee is a fit and proper person; or considers necessary for the administration of this Act. <sup>109</sup>	It is a condition of a licence that the licensee must keep and retain <i>‘information relevant to the business carried out under the licence’</i> and <i>‘provide such information to the Minister in the manner prescribed by the regulations.’</i> <sup>110</sup>  Reg 3B lists information which must be retained by a licensed wholesaler under s 9(4), including details of each sale and purchase/receipt of tobacco products made by the licensee within the previous year, to be provided by the wholesale licensee in their annual return under s 11 of Act.	Yes. Sales data to be provided annually by all retailers. <b>Retailers to report the</b> following information for every smoking product sold: <ul style="list-style-type: none"> <li>• Product type</li> <li>• Brand name</li> <li>• Product description</li> <li>• Quantity sold.<sup>111</sup></li> </ul>	No specific power in the Act to require provision of sales data. However, the Regulator may impose a licence condition requiring the licensee to report to the Regulator on ‘any activity conducted under the licence.’ <sup>112</sup>	On request by the CEO, <b>a wholesaler must provide details of:</b> <ul style="list-style-type: none"> <li>• <b>any person to whom they have sold</b> tobacco products,;</li> <li>• <b>the chemical composition of a tobacco product sold or available for sale under the licence;</b></li> <li>• <b>information about the volume of sales</b> made under the licence during a period specified by the CEO.<sup>113</sup></li> </ul>

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COMPLIANCE AND ENFORCEMENT PROCEDURES								
<b>Responsible agency/officers</b>	Access Canberra (Commissioner for Fair Trading).	Inspectors appointed by the Secretary of the Department of Health. <sup>114</sup>	<p>Authorised officers appointed by the Chief Health Officer.<sup>115</sup></p> <p>Members of the police force are authorised officers.</p>	<p>Part 11 Monitoring and enforcement is administered by an authorised person appointed by the chief executive officer.<sup>116</sup></p> <p>A police officer is an authorised person.<sup>117</sup></p>	<p>Authorised officers appointed by the Minister.<sup>118</sup></p> <p>Members of the police force are authorised officers.<sup>119</sup></p>	<p>Persons authorised by the Director (i.e. tobacco control officers employed by Department of Health).<sup>120</sup></p> <p>Police officers also appear to have powers relating to compliance and enforcement under the Act.<sup>121</sup></p>	<p>Licensing inspectors appointed by the Regulator.<sup>122</sup></p> <p>Police officers also have powers of entry, inspection and seizure under the Act.</p>	<p>Investigators appointed by the CEO (in practice, investigators appear to be employees of the Department of Health).<sup>123</sup></p> <p>Police officers have the same powers (and can perform the same functions) as investigators.<sup>124</sup></p>
<b>Powers and procedures to issue notices, make orders or prosecute offences</b>	The ACT Civil and Administrative Tribunal (ACAT) has the power to <b>make orders for occupational discipline</b> in relation to a licensee (including orders suspending, cancelling or directing the Commissioner to impose conditions on a tobacco licence). <sup>125</sup>	Police officers can issue <b>penalty notices</b> for offences under the Act. <sup>126</sup>	An authorised officer may serve an <b>infringement notice</b> on a person that has committed an offence against the Act or regulations. <sup>127</sup>	<p>An authorised person may:</p> <p>(a) give an <b>improvement notice</b> requiring a person to remedy a contravention of the Act<sup>128</sup></p> <p>(b) give a <b>notice requiring disclosure</b> of information about an offence<sup>129</sup></p> <p>Prosecutions appear to be the responsibility of Queensland Health.<sup>130</sup></p> <p>The chief executive may, if illicit trade is</p>	<p>An authorised officer may issue a <b>compliance direction</b> to a person.<sup>134</sup></p> <p>The Minister may, if illicit trade is suspected at a premises, order that specified premises be closed for:</p> <ul style="list-style-type: none"> <li>• a period up to 72 hours (an <b>interim closure order</b>);<sup>135</sup></li> <li>• *a period of 28 days (a <b>short term closure order</b>).<sup>136</sup></li> </ul>	<p>An authorised officer, police officer or council may serve an <b>infringement notice</b> on a person for a prescribed offence.<sup>142</sup></p>	<p>The Regulator may issue a licensee with an <b>improvement notice</b> for non-compliance.<sup>143</sup></p> <p>The Regulator may accept an <b>enforceable undertaking</b>.<sup>144</sup></p> <p>Proceedings for an offence or infringement notice under the Act may be commenced by a police officer or inspector.<sup>145</sup></p>	<p>Authorised officers and approved officers may issue <b>infringement notices</b> under the <i>Criminal Procedure Act 2004</i> Part 2 for offences specified in Schedule 4 of the regulations.<sup>146</sup></p>

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				<p>suspected at a premises, order the premises be closed for a period up to 72 hours (an interim closure order).<sup>131</sup></p> <p>A magistrate may extend a closure order for a period up to 6 months.<sup>132</sup></p> <p>The District Court may grant an injunction: (i) restraining a person from supplying illicit tobacco/ nicotine products, and (ii) requiring them to do anything.<sup>133</sup></p>	<p>A magistrate may, extend the closure period up to *12 months (a <b>long term closure order</b>).<sup>137</sup></p> <p>The Minister may make information about a closure order publicly available.<sup>138</sup></p> <p>The Minister may take disciplinary action against a licensee by issuing:</p> <ul style="list-style-type: none"> <li>(a) a <b>compliance notice</b>;</li> <li>(b) a <b>default notice</b>;</li> <li>(c) an order for <b>disciplinary action</b>.<sup>139</sup></li> </ul> <p>The Minister may accept an <b>enforceable undertaking</b>.<sup>140</sup></p> <p>If a court finds a person guilty of an offence under the Act, the court may order: (a) a licence be subject to specified conditions,</p>			

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					(b) a licence be suspended for a specified period, (c) a licence be cancelled, (d) a person be disqualified from holding a licence. <sup>141</sup>			
GROUNDS AND PROCEDURES FOR SUSPENSION/CANCELLATION OF LICENCE								
<b>Licence suspension or cancellation</b>	An occupational discipline order issued by ACAT can <b>suspend</b> or <b>cancel</b> a licence or <b>disqualify</b> the person from holding a licence for five years. <sup>147</sup>	The Secretary may revoke a licence. <sup>148</sup>	The Director may cancel or suspend a licence. <sup>149</sup>	The chief executive may suspend or cancel a licence. <sup>150</sup>	The Minister may take disciplinary action against the holder of a licence in certain circumstances. <sup>151</sup>	The Director may cancel a licence. <sup>152</sup>  A smoking product licence relating to personal vaporiser products is void if – (a) the holder of the licence ceases to be the owner of a pharmacy business, within the meaning of the <i>Pharmacy Control Act 2001</i> (Tas); or (b) the pharmacy business premises relating to that pharmacy business is no longer registered under that Act. <sup>153</sup>	The Regulator may cancel or suspend the licence. <sup>154</sup>  Note the Chief Commissioner of Police may apply to the Regulator to suspend or cancel a licence. <sup>155</sup>	On application by the CEO, the State Administrative Tribunal (SAT) may exercise its discretion to take disciplinary action by making orders suspending or cancelling a licence, or disqualifying the licence holder from holding a licence for such a period as it thinks fit. <sup>156</sup>

	ACT	NSW (not yet in operation)	NT	Qld	SA	TAS	Vic (not yet in operation)	WA
<b>Grounds for license suspension or cancellation</b>	<p>Grounds include any of the following grounds:</p> <ul style="list-style-type: none"> <li>• The licensee has contravened the Act or a condition of the licence;</li> <li>• A licence was granted to the person as a result of false or misleading information provided by or on behalf of the licensee;</li> <li>• The licensee has been convicted of an offence under Part 7 of the Act;</li> <li>• The licensee has been convicted or found guilty of an offence in Australia punishable by imprisonment for at least one year;</li> <li>• The licensee has been</li> </ul>	<p>Ground for revoking a licence:</p> <ul style="list-style-type: none"> <li>• the licensee has been found guilty of a relevant offence</li> <li>• the licensee has provided false or misleading information</li> <li>• the licensee has failed to comply with a licence condition</li> <li>• on the recommendation or receipt of information from a law enforcement agency</li> <li>• another ground prescribed by the regulations.<sup>158</sup></li> </ul>	<p>Licence can be suspended if retailer is found guilty of</p> <ul style="list-style-type: none"> <li>• selling a tobacco product to a child;</li> <li>• supplying a tobacco product to a person who the retailer knows (or ought to have known) will supply the product to a child;</li> <li>• two or more offences against the Act or regulations;</li> <li>• Licence can also be suspended if retailer is</li> <li>• issued with two or more infringement notices within a 12- month period;</li> <li>• provided the Director with information in support of their application for a licence that was</li> </ul>	<p>Licences can be suspended if the chief executive reasonably believes any of the following disciplinary grounds apply</p> <ul style="list-style-type: none"> <li>• the licence was granted, renewed or restored because of materially incorrect, false or misleading information;</li> <li>• the licensee has contravened a condition of the licence;</li> <li>• the licensee, or an employee of the licensee, has contravened this Act, whether or not the licensee has been convicted of an offence for the contravention;</li> <li>• the licensee attempted to obstruct an authorised</li> </ul>	<p>The Minister may take disciplinary action against the holder of a licence in certain circumstances. Disciplinary action can include suspension of or cancellation of a licence.<sup>162</sup></p> <p>Grounds for disciplinary action include:</p> <ul style="list-style-type: none"> <li>• Where the licence was improperly obtained;</li> <li>• Circumstances come to light that show the holder of a licence is not a 'fit and proper person'</li> <li>• The holder of a licence has contravened the Act or a licence condition;</li> <li>• The holder of a licence has been convicted of an offence under the Act</li> </ul>	<p>The Director may cancel a licence if the holder of the licence (or a person acting on their behalf):</p> <ul style="list-style-type: none"> <li>• Fails to comply with a condition of the licence;</li> <li>• Is considered by the Director to no longer be a fit and proper person to hold the licence;</li> <li>• Fails to comply with any relevant regulations or guidelines;</li> <li>• Fails to comply with Part 4 of the Act;</li> <li>• Is convicted of an offence under Part 4 of the Act;</li> <li>• Purports to transfer their licence to another person.<sup>164</sup></li> </ul>	<p>The Regulator may cancel or suspend the licence if they form the reasonable belief that</p> <ul style="list-style-type: none"> <li>• the licensee (or any associate or the licensee) is no longer a suitable person;</li> <li>• the licensee has breached a condition of the licence</li> <li>• the licence was issued, transferred or renewed on the basis of false or misleading information.<sup>165</sup></li> </ul> <p>The Regulator may suspend a licence with immediate effect up to 90 days if it is believed on reasonable grounds that the licensee has committed an illicit tobacco offence.<sup>166</sup></p>	<p>The SAT may take disciplinary action if the licence holder:</p> <ul style="list-style-type: none"> <li>• is the subject of a pending charge for an offence under the Act;</li> <li>• has breached a provision of the Act or a condition of the licence;</li> <li>• has been convicted of an offence under the Act (or a corresponding law in another jurisdiction);</li> <li>• is the subject of a pending charge anywhere in the world for a fraud or dishonesty offence;</li> <li>• is no longer likely to carry on the activities of a licence holder honestly and fairly</li> <li>• is no longer a fit and proper</li> </ul>

	ACT	NSW (not yet in operation)	NT	Qld	SA	TAS	Vic (not yet in operation)	WA
	<p>convicted, or found guilty of an offence outside of Australia which would (if it had been committed in the ACT) be punishable by imprisonment for at least one year;</p> <ul style="list-style-type: none"> <li>• The licensee becomes bankrupt or personally insolvent; or</li> <li>• If the licensee is a corporation, the licensee is being wound up.<sup>157</sup></li> </ul>		<p>false or misleading in a material particular.<sup>159</sup></p>	<p>person in the exercise of a power under this Act</p> <ul style="list-style-type: none"> <li>• the licensee failed to comply with a request to make premises available for inspection made under s 43;</li> <li>• the licensee held another retail or wholesale licence that was suspended or cancelled under this Act;</li> <li>• if the licensee is a partnership— a partner held a retail or wholesale licence that was suspended or cancelled under this Act.<sup>160</sup></li> </ul> <p>The chief executive may cancel a retail or wholesale licence if the chief executive</p>	<p>or an offence punishable by imprisonment;</p> <ul style="list-style-type: none"> <li>• The business carried out under the licence is improperly conducted;</li> <li>• It would be contrary to the public interest if the holder were to continue to hold a licence.<sup>163</sup></li> </ul>			<p>person to hold a licence.<sup>167</sup></p> <p>The SAT may also take disciplinary action if a licence was granted or renewed in error as a result of information provided which was false or misleading in a material particular.<sup>168</sup></p>

	ACT	NSW (not yet in operation)	NT	Qld	SA	TAS	Vic (not yet in operation)	WA
				<p>reasonably believes</p> <ul style="list-style-type: none"> <li>• a disciplinary ground applies in relation to the licence; or</li> <li>• the licensee is not a fit and proper person to be a licensee; or</li> <li>• if the licensee is a partnership and 1 or more partners is not a fit and proper person to be a licensee; or</li> <li>• the licensee is placed in administration, is wound up or is deregistered under the Corporations Act.<sup>161</sup></li> </ul>				
<b>Process for suspending or cancelling licence</b>	The Commissioner may apply to ACAT for an occupational discipline order and it is at ACAT's discretion whether those orders suspend or cancel the licence. <sup>169</sup>	The Secretary must provide a show cause notice if they propose to revoke a licence, giving the licensee not less than 14 days to make written submissions in response. <sup>171</sup>	The Director must invite the licensee to provide written reasons as to why the Director should not decide to cancel or suspend a tobacco retail licence. <sup>172</sup>	Before cancelling the licence, the chief executive must give the licensee a show cause notice. <sup>173</sup> However, immediate suspension without show cause notice may	The Minister may give the licensee a notice specifying the potential disciplinary action and requiring the licensee within not less than 14 days to show cause why that	The Director must serve notice on the licensee in writing if they are cancelling the licence. <sup>176</sup> The licensee may apply to the Magistrates Court for a review of that decision. <sup>177</sup>	A 'show cause' notice must generally be issued by the Regulator before the licence can be suspended or cancelled, following which the licensee must be given at least	The licensee may apply to the SAT for review of a decision by the CEO to refuse to issue or renew a licence. <sup>180</sup>

	ACT	NSW (not yet in operation)	NT	Qld	SA	TAS	Vic (not yet in operation)	WA
	The Commissioner must believe one or more of the following grounds for occupational discipline apply: (a) the licensee has contravened the Act or licence condition (b) licence was granted on basis of false or misleading information (c) licensee is convicted of an offence under the Act or an offence punishable by at least 1 year imprisonment (d) licensee becomes bankrupt, insolvent or wound up. <sup>170</sup>			apply if the chief executive reasonably believes a disciplinary ground exists for suspending or cancelling a licence; and carrying on the business to which the licence relates is an unacceptable risk to public health. <sup>174</sup>	action should not be taken. <sup>175</sup>		28 days to provide the Regulator with written reasons as to why the licence should not be suspended/ cancelled. <sup>178</sup>  The Regulator may suspend a licence with immediate effect for a period of up to 90 days if the Regulator believes on reasonable grounds that (a) the licensee has committed an illicit tobacco offence and (b) the licensee may continue to possess or supply illicit tobacco in or from the licensed premises. <sup>179</sup>	

*Thanks to Claire Grace, Quit Victoria, for compiling earlier versions of this table.*

**Links to 'Term and Fee' information by State and Territory as at 2025:**

ACT: <https://www.accesscanberra.act.gov.au/s/article/tobacco-licensing-and-smoking-in-public-places-tab-forms-and-fees>

NSW: Not yet available

NT: <https://nt.gov.au/industry/licences/tobacco-licences>



Qld: <https://www.business.qld.gov.au/industries/manufacturing-retail/retail-wholesale/smoking-products-licence>

SA: <https://ablis.business.gov.au/service/sa/retail-tobacco-merchants-licence/621>

Tas: <https://ablis.business.gov.au/service/tasmania/tobacco-sellers-licence/7413>

Vic: Not yet available

WA: [https://ww2.health.wa.gov.au/Articles/S\\_T/Tobacco-sellers-licensing](https://ww2.health.wa.gov.au/Articles/S_T/Tobacco-sellers-licensing)

### **Penalty unit amount by State and Territory as at February 2025:**

For an overview, see: [Penalty unit - Wikipedia](#)

Commonwealth: \$313: [Crimes \(Amount of Penalty Unit\) Instrument 2023 \(Cth\)](#)

ACT: \$160 for an individual, \$810 for a corporation: [Legislation Act 2001 \(ACT\)](#) s 133

NSW: \$110: [Crimes \(Sentencing Procedure\) Act 1999 No 92 \(NSW\)](#) s 17

NT: \$185: [Penalty Units Regulations 2010 \(NT\)](#)

Qld: \$161.30: [Penalties and Sentences Regulation 2015 \(Qld\)](#) reg 3

SA: Various – as prescribed in the [Tobacco and E-Cigarette Products Act 1997 \(SA\)](#)

Tas: \$202: [Penalty units indexed amounts | Department of Justice](#). See also [Penalty Units and Other Penalties Act 1987 \(Tas\)](#) s 4A

Vic: \$197.59: <https://www.gazette.vic.gov.au/gazette/Gazettes2024/GG2024S225.pdf>

WA: Various – see [Tobacco Products Control Act 2006 \(WA\)](#) s 115. See also: [Penalties under the Tobacco Products Control Act 2006](#)

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- <sup>1</sup> Licensing requirements came into operation in Queensland on 1 September 2024. See *Tobacco and Other Smoking Products Act 1998* (Qld): <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1998-001>.
- <sup>2</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 17(1).
- <sup>3</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 10.
- <sup>4</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 49.
- <sup>5</sup> *Public Health (Tobacco) Act 2008* (NSW) s 34.
- <sup>6</sup> *Tobacco Control Act 2002* (NT) s 29(1)(b).
- <sup>7</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 23.
- <sup>8</sup> See <https://www.cbs.sa.gov.au/sections/Licences/tobacco-licensing-and-enforcement-in-sa/licence-conditions-for-selling-tobacco-products>.
- <sup>9</sup> *Public Health Act 1997* (Tas) s 74E.
- <sup>10</sup> *Tobacco Act 1987* (Vic) s 34ZC(4).
- <sup>11</sup> *Tobacco Products Control Act 2006* (WA) s 43.
- <sup>12</sup> *Tobacco and Other Smoking Products (Fees) Determination 2024 (No 1)* (ACT).
- <sup>13</sup> *Public Health (Tobacco) Act 2008* (NSW) s 58.
- <sup>14</sup> *Tobacco Control Regulations 2002* (NT) reg 25(2).
- <sup>15</sup> *Tobacco and Other Smoking Products Regulation 2021* (Qld) sch 2.
- <sup>16</sup> *Tobacco and E-Cigarette Products (Fees) (No 2) Notice 2024* (SA) sch 1.
- <sup>17</sup> *Public Health (Smoking Product Licence) Regulations 2019* (Tas) reg 4.
- <sup>18</sup> *Tobacco Act 1987* (Vic) s 43(1)(a).
- <sup>19</sup> *Tobacco Products Control Regulations 2006* (WA) reg 25.
- <sup>20</sup> The term ‘indirect sale’ means a sale by retail where the seller (or the seller’s employee or agent) and the purchaser are not in the same place at the time of the sale and includes a sale made by way of internet, electronic mail, telephone, facsimile or mail order but does not include a sale made by way of a vending machine: *Tobacco Products Control Act 2006* (WA) s 1 (definition of ‘indirect sale’).
- <sup>21</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 62(1).
- <sup>22</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 63(1).
- <sup>23</sup> *Public Health (Tobacco) Act 2008* (NSW) s 38(1).
- <sup>24</sup> *Public Health (Tobacco) Act 2008* (NSW) s 37(1).
- <sup>25</sup> *Public Health (Tobacco) Regulation 2022* (NSW) sch 2.
- <sup>26</sup> *Tobacco Control Act 2002* (NT) s 28.
- <sup>27</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 65.
- <sup>28</sup> *State Penalties Enforcement Regulation 2014* (Qld) sch 1, entry for the *Tobacco and Other Smoking Products Act 1998* (Qld) s 65(1).
- <sup>29</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 6.
- <sup>30</sup> *Public Health Act 1997* (Tas) s 74A.
- <sup>31</sup> *Public Health (Infringement Notices) Regulations 2022* (Tas) sch 1.
- <sup>32</sup> *Tobacco Act 1987* (Vic) s 33A(1).
- <sup>33</sup> *Tobacco Products Control Act 2006* (WA) s 17.
- <sup>34</sup> *Tobacco Products Control Act 2006* (WA) s 16.
- <sup>35</sup> *Tobacco Products Control Regulations 2006* (NT) sch 4.
- <sup>36</sup> The sale of tobacco products and e-cigarette products is prohibited if the order for the product has been placed by mail, telephone, fax, email, internet or other electronic means. See section 30(1)(e) and (2) of the *Tobacco and E-cigarette Products Act 1997* (SA).

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- <sup>37</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 49A.
- <sup>38</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) pt 3 div 3.
- <sup>39</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 37.
- <sup>40</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 62. Maximum penalty of 100 penalty units (\$16,000 for an individual and \$81,000 for a corporation).
- <sup>41</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 51. Maximum penalty of 1,000 penalty units (\$161,300).
- <sup>42</sup> *Tobacco Products Control Act 2006* (WA) s 57(1). Penalty of \$20,000.
- <sup>43</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 67(1). Penalty: 50 penalty units (\$8,000 for a person, \$40,500 for a corporation)
- <sup>44</sup> *Tobacco Control Act 2002* (NT) s 42A. If the purchaser was, at the time of sale, an adult – a maximum penalty of 100 penalty units (\$18,500). If the purchaser was, at the time of sale, a child – a maximum penalty of 200 penalty units (\$37,000).
- <sup>45</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 68. Maximum penalty of 140 penalty units for a first offence (\$22,582), 280 penalty units for a second offence (\$45,164) and 420 penalty units for a third or later offence (\$67,746).
- <sup>46</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 39D. Maximum penalty of \$250,000 in the case of an individual and \$500,000 in the case of a body corporate.
- <sup>47</sup> *Tobacco Products Control Act 2006* (WA) s 18A. Penalty of \$10,000 for an individual for a first offence and \$20,000 for a second or subsequent offence, and \$40,000 for a body corporate for a first offence and \$80,000 for a second of subsequent offence.
- <sup>48</sup> *Tobacco Control Regulations 2002* (NT) reg 19(6).
- <sup>49</sup> *Public Health Act 1997* (Tas) s 71(4).
- <sup>50</sup> *Tobacco Products Control Regulations 2006* (WA) reg 34(5).
- <sup>51</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 58(2)(a)(iii).
- <sup>52</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) ss 63, 64.
- <sup>53</sup> *Public Health Act 1997* (Tas) s 64(6).
- <sup>54</sup> *Tobacco Products Control Regulations 2006* (WA) reg 20.
- <sup>55</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 48(3).
- <sup>56</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 237(5).
- <sup>57</sup> *Tobacco Act 1987* (Vic) s 43(1)(b)(ii).
- <sup>58</sup> *Tobacco Products Control Act 2006* (WA) s 41(3).
- <sup>59</sup> *Public Health (Tobacco) Act 2008* (NSW) s 36(2).
- <sup>60</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 237(4).
- <sup>61</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 9(4).
- <sup>62</sup> *Public Health Act 1997* (Tas) s 74C(4A).
- <sup>63</sup> *Tobacco Act 1987* (Vic) s 34ZD(4).
- <sup>64</sup> *Tobacco Products Control Act 2006* (WA) s 41.
- <sup>65</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 48.
- <sup>66</sup> *Public Health (Tobacco) Act 2008* (NSW) s 36.
- <sup>67</sup> *Tobacco Control Act 2002* (NT) s 29(2)(a).
- <sup>68</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 15. Conditions of licences: A retail or wholesale licence is subject to conditions (1) imposed on the licence by the chief executive under Part 2 of Act (the specific conditions) or (2) prescribed by regulation (the general conditions). See also ss 21(3), 30(1).
- <sup>69</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 9.
- <sup>70</sup> *Public Health Act 1997* (Tas) s 74C(1)(a), (4).
- <sup>71</sup> *Tobacco Act 1987* (Vic) s 34ZD(1)(b).
- <sup>72</sup> *Tobacco Products Control Act 2006* (WA) s 42.
- <sup>73</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 47(1).

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<sup>74</sup> *Public Health (Tobacco) Act 2008* (NSW) s 39.

<sup>75</sup> *Public Health (Tobacco) Act 2008* (NSW) s 39K.

<sup>76</sup> *Tobacco Control Act 2002* (NT) s 29(1)(c); *Tobacco Control Regulations 2002* (NT) reg 25(1).

<sup>77</sup> Section 18 of the *Tobacco and Other Smoking Products Act 1998* (Qld) specifies (a) in the approved form; and (b) if the applicant is a corporation—include sufficient information to identify the directors of the corporation; and (c) accompanied by proof of ID; and (d) if the application relates to a retail or wholesale outlet—identify the location of the retail or wholesale outlet; and (e) if the application relates to an online shop—state the website address of the online shop; and (f) if the application relates to the sale of smoking products at liquor licensed premises—be accompanied by a copy of the liquor licence for the premises; and (g) accompanied by sufficient information to identify all licences to supply a smoking product by retail or wholesale held by the applicant under a law of the Commonwealth or another State; and (h) accompanied by the fee, if any, prescribed by regulation. Note— Two separate applications are required if a person intends to apply for a retail licence and a wholesale licence. (3) if the application relates to the sale of smoking products at liquor licensed premises, the application must be for a retail licence (liquor). (4) If the application is made by a partnership, the application must— (a) nominate either of the following for the partnership— (i) the firm-name; (ii) the Australian registered body number; and (b) include identifying information for each partner; and (c) identify any limited partners.

<sup>78</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 7(2)(b).

<sup>79</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 7(3).

<sup>80</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 9.

<sup>81</sup> *Public Health Act 1997* (Tas) s 74C(5).

<sup>82</sup> *Public Health Act 1997* (Tas) s 74C(6).

<sup>83</sup> *Tobacco Act 1987* (Vic) s 34A.

<sup>84</sup> *Tobacco Products Control Act 2006* (WA) s 38(2).

<sup>85</sup> See, for example, section 7 of approved form TC1A ‘Application for a licence to sell tobacco products’. Available from: [https://ww2.health.wa.gov.au/~media/Files/Corporate/general-documents/Tobacco/PDF/Form\\_TC1A.pdf](https://ww2.health.wa.gov.au/~media/Files/Corporate/general-documents/Tobacco/PDF/Form_TC1A.pdf).

<sup>86</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 50.

<sup>87</sup> *Public Health (Tobacco) Act 2008* (NSW) s 39A.

<sup>88</sup> *Tobacco Control Regulations 2002* (NT) regs 25(1), 25A.

<sup>89</sup> *Tobacco Control Act 2002* (NT) s 29(3)(b).

<sup>90</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) ss 20, 26.

<sup>91</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 19.

<sup>92</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 20(4).

<sup>93</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 7(3).

<sup>94</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 5A.

<sup>95</sup> *Public Health Act 1997* (Tas) s 74C(2).

<sup>96</sup> *Tobacco Act 1987* (Vic) s 34X. Section 34Z notes that a person will not be a suitable person to hold a licence if the person has, within the last 5 years, been found guilty of a ‘suitability offence’ or an indictable offence that in the Regulator’s opinion is linked to (or tends to be linked to) unlawful tobacco activity or organized crime activity. Note that s 34Z is not intended to limit the reasons the Regulator may consider that a person is not a ‘suitable person’.

<sup>97</sup> See explanatory memorandum to the *Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024*, which notes that the ‘criteria in new section 34Z(1) are not exhaustive, and the Regulator has discretion to determine that a person is not a suitable person...for any reasons the Regulator thinks fit.’

<sup>98</sup> *Tobacco Products Control Act 2006* (WA) s 39.

<sup>99</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 53.

<sup>100</sup> *Public Health (Tobacco) Act 2008* (NSW) s 39K.

<sup>101</sup> See public register available at: <https://licensingnt.nt.gov.au/PublicRegister/>.

<sup>102</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 54. See: <https://phconnect-tospa-publicregister.health.qld.gov.au/app/publicregister/services/tospa>.

<sup>103</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 73(3). Reg 31 sets out further information which must be included on the public register of licence holders (including information such as whether any disciplinary action has been taken against the licence holder etc).

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- <sup>104</sup> *Public Health Act 1997* (Tas) s 74J.
- <sup>105</sup> *Tobacco Act 1987* (Vic) s 34ZV.
- <sup>106</sup> *Tobacco Products Control Act 2006* (WA) s 46.
- <sup>107</sup> *Public Health (Tobacco) Act 2008* (NSW) s 39B.
- <sup>108</sup> *Tobacco Control Act 2002* (NT) s 53A.
- <sup>109</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 50.
- <sup>110</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 9(4).
- <sup>111</sup> See ‘Smoking Products Retailer Guide’, July 2020, Tasmanian Government, Department of Health. Available from: [https://www.health.tas.gov.au/sites/default/files/2021-11/Smoking\\_Products\\_Retailers\\_Guide\\_DoHTasmania\\_2020.pdf](https://www.health.tas.gov.au/sites/default/files/2021-11/Smoking_Products_Retailers_Guide_DoHTasmania_2020.pdf).
- <sup>112</sup> *Tobacco Act 1987* (Vic) s 43(1)(b)(i).
- <sup>113</sup> *Tobacco Products Control Act 2006* (WA) s 57.
- <sup>114</sup> *Public Health (Tobacco) Act 2008* (NSW) s 43A(1).
- <sup>115</sup> *Tobacco Control Act 2002* (NT) s 47(1).
- <sup>116</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 170.
- <sup>117</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 170(7).
- <sup>118</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 63.
- <sup>119</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 63.
- <sup>120</sup> *Public Health Act 1997* (Tas) s 3 (definition of ‘authorised officer’).
- <sup>121</sup> *Public Health Act 1997* (Tas) ss 13A, 30A.
- <sup>122</sup> *Tobacco Act 1987* (Vic) s 35D.
- <sup>123</sup> See ‘A guide for selling tobacco products in Western Australia’, Department of Health WA, 2021 (page 14). Available from: <https://www.scgh.health.wa.gov.au/~media/Corp/Documents/Health-for/Tobacco/Guide-for-Selling-Tobacco-Products.pdf>
- <sup>124</sup> *Tobacco Products Control Act 2006* (WA) s 79.
- <sup>125</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 58.
- <sup>126</sup> *Public Health (Tobacco) Act 2008* (NSW) s 50.
- <sup>127</sup> *Tobacco Control Regulations 2002* (NT) reg 27.
- <sup>128</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 211.
- <sup>129</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 215.
- <sup>130</sup> See page 15 of the [explanatory notes](#) to the *Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Act 2024*.
- <sup>131</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 209A.
- <sup>132</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 209B.
- <sup>133</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 209F.
- <sup>134</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 66A.
- <sup>135</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 69CB.
- <sup>136</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 69CBA.
- <sup>137</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 69CC.
- <sup>138</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 69CE.
- <sup>139</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 69D(2).
- <sup>140</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 76A(2).
- <sup>141</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 82A.
- <sup>142</sup> *Public Health Act 1997* (Tas) s 169.

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- <sup>143</sup> *Tobacco Act 1987* (Vic) s 35ZC(1).
- <sup>144</sup> *Tobacco Act 1987* (Vic) s 35ZI(1).
- <sup>145</sup> *Tobacco Act 1987* (Vic) s 39.
- <sup>146</sup> *Tobacco Products Control Regulations 2006* (WA) regs 60(1), 61(1).
- <sup>147</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 58(2).
- <sup>148</sup> *Public Health (Tobacco) Act 2008* (NSW) s 39G.
- <sup>149</sup> *Tobacco Control Act 2002* (NT) s 38.
- <sup>150</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) ss 36-37.
- <sup>151</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 69G.
- <sup>152</sup> *Public Health Act 1997* (Tas) s 74H.
- <sup>153</sup> *Public Health Act 1997* (Tas) ss 74HA, 74LA(2).
- <sup>154</sup> *Tobacco Act 1987* (Vic) ss 34N, 34O, 34Q, 34R.
- <sup>155</sup> *Tobacco Act 1987* (Vic) s 34L.
- <sup>156</sup> *Tobacco Products Control Act 2006* (WA) s 47(3).
- <sup>157</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 56.
- <sup>158</sup> *Public Health (Tobacco) Act 2008* (NSW) s 39G.
- <sup>159</sup> *Tobacco Control Act 2002* (NT) s 38.
- <sup>160</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 36.
- <sup>161</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 37.
- <sup>162</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 69G(2).
- <sup>163</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 69D.
- <sup>164</sup> *Public Health Act 1997* (Tas) s 74H.
- <sup>165</sup> *Tobacco Act 1987* (Vic) s 34P.
- <sup>166</sup> *Tobacco Act 1987* (Vic) s 34R.
- <sup>167</sup> *Tobacco Products Control Act 2006* (WA) s 47(2).
- <sup>168</sup> *Tobacco Products Control Act 2006* (WA) s 47(2).
- <sup>169</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) ss 57, 58(b)-(c).
- <sup>170</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 56.
- <sup>171</sup> *Public Health (Tobacco) Act 2008* (NSW) s 39H.
- <sup>172</sup> *Tobacco Control Act 2002* (NT) s 39.
- <sup>173</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) ss 36(2), 37(2).
- <sup>174</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 38.
- <sup>175</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 69G(1).
- <sup>176</sup> *Public Health Act 1997* (Tas) s 74H(2).
- <sup>177</sup> *Public Health Act 1997* (Tas) ss 74H(3), 160A(e).
- <sup>178</sup> *Tobacco Act 1987* (Vic) s 34P.
- <sup>179</sup> *Tobacco Act 1987* (Vic) s 34R.
- <sup>180</sup> *Tobacco Products Control Act 2006* (WA) s 46.