

**Table 11B.1 Detailed summary of state and territory tobacco licensing schemes (last updated 16 June 2026) (\*indicates proposed law)**

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<b>Principal and Subordinate 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> – Pt 2A	<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>	<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  <a href="#">Tobacco Regulations 2017 (Vic)</a>	<a href="#">Tobacco and Other Products Control Act 2006 (WA)</a> – Pt 4  <a href="#">Tobacco and Other Products Control Regulations 2006 (WA)</a>
<b>Amending Legislation</b>	<a href="#">Tobacco and Other Smoking Products Amendment Act 2025 (ACT)</a>	<a href="#">Public Health (Tobacco) Amendment Act 2024 [NSW]</a>  <a href="#">Public Health (Tobacco) Amendment Act (No 2) 2024 No 87 [NSW]</a>  <a href="#">Tobacco Legislation (Closure Orders) Amendment Act 2025 No 51 [NSW]</a>	N/A	<a href="#">Tobacco and Other Smoking Products and Other Legislation Amendment Regulation 2025 (Qld)</a>  <a href="#">Health Legislation Amendment Act 2025 (Qld)</a>  <a href="#">Tobacco and Other Smoking Products (Dismantling Illegal Trade) and Other Legislation</a>	<a href="#">Statutes Amendment (Tobacco and E-Cigarette Products— Closure Orders and Offences) Act 2025 (SA)</a>	<a href="#">Public Health Amendment (Vaping) Act 2025 (Tas)</a>  * <a href="#">Public Health Amendment (Prohibited Tobacco and Other Products) Bill 2026 (Tas)</a>	<a href="#">Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024 (Vic)</a>  <a href="#">Tobacco Amendment (Retailer and Wholesaler Licensing Scheme) Regulations 2025 (Vic)</a>  <a href="#">Consumer Legislation Amendment Bill 2026 (Vic)</a> – Pt 11	<a href="#">Tobacco Products Control Amendment Regulations 2025 (WA)</a>  <a href="#">Tobacco Products Control Amendment Act 2026 (WA)</a>  <a href="#">Tobacco Products Control Amendment Regulations 2026 (WA)</a>

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		<a href="#">Public Health (Tobacco) Amendment (Tobacco Licensing Scheme) Regulation 2025 [NSW]</a> <a href="#">Public Health (Tobacco) Amendment (Landlord Offences) Act 2026 No 9 [NSW]</a> (to take effect)		<a href="#">Amendment Act 2025 (Qld)</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)	Tobacco Licensing Victoria (Department of Justice and Community Safety)	Department of Health (as the CEO's delegate)
<b>Commencement of licensing scheme</b>	2000	1 July 2025	2003	2024	1999	1999	1 July 2025 (enforcement from 1 Feb 2026)	2007
<b>I. 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. May be held jointly by two or more persons <sup>3</sup>	Individuals (must be a 'natural person') [TBC]	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>	\$1,100 <sup>13</sup>	By duration: <sup>14</sup> • 1 year: \$282 (200 revenue units)	By licence type: <sup>15</sup> • Retail: \$474.88 (448 fee units)	By licence type: <sup>16</sup> • Retail: \$340 • Wholesale: \$650	By product type: <sup>17</sup> • Tobacco only or tobacco and	By application type: <sup>18</sup> • New (during initial licensing	By licence type: <sup>19</sup> • Retail or indirect sale: <sup>20</sup> \$242 • Wholesale: \$591

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			<ul style="list-style-type: none"> <li>• 3 years: \$846 (600 revenue units)</li> <li>• 5 years: \$1,410 (1,000 revenue units)</li> </ul>	<ul style="list-style-type: none"> <li>• Wholesale: \$674.16 (636 fee units)</li> </ul>		<ul style="list-style-type: none"> <li>vapes: \$1,369.47 (717 fee units)</li> <li>• Vapes only: \$687.60 (360 fee units)</li> <li>• Vapes where tobacco licence already held: no fee</li> </ul>	<ul style="list-style-type: none"> <li>period): \$1,175.20 (69.91 fee units)</li> <li>• New, Renewal or Transfer: \$829.60 (49.35 fee units)</li> <li>• Variation or Relocation: \$162.90 (9.69 fee units)</li> <li>• Suspension or cancellation: no fee</li> </ul>	
<b>Penalty for selling without a licence</b>	<p>Without a wholesale licence: 100 penalty units (\$16k for a person, \$81k for a corporation)<sup>21</sup></p> <p>Without a retail licence: 50 penalty units (\$8k for a person, \$40.5k for a corporation)<sup>22</sup></p>	<p>Without a wholesale licence: 400 penalty units (\$44k) for an individual, 2,000 penalty units (\$220k) for a corporation<sup>23</sup></p> <p>Without a retail licence: for an individual—100 penalty units (\$11k) for a first offence, 400 penalty units (\$44k) for a second or subsequent offence; for a corporation—2,000 penalty units (\$220k).<sup>24</sup> On-the-spot fine of \$1.1k (for an individual); \$22k (for a corporation).<sup>25</sup></p>	<p>Without a wholesale licence: not covered in Act</p> <p>Without a retail licence: 500 penalty units (\$94,500)<sup>26</sup></p>	<p>1,000 penalty units (\$166,900).<sup>27</sup> On-the-spot fine of 20 penalty units (\$3,338) for an individual or 100 penalty units (\$16,690) for a corporation.<sup>28</sup></p>	<p>For an individual: \$350k for a first offence, \$700k for a later offence, \$5k expiation fee; for a body corporate: \$750k for a first offence, \$1.1m for a later offence, \$20k expiation fee<sup>29</sup></p>	<p>50 penalty units (\$10,250) for a first offence, 100 penalty units (\$20,500) for a later offence.<sup>30</sup> On-the-spot fine of 8 penalty units (\$1,640).<sup>31</sup></p> <p><b>*Proposed:</b></p> <p>In the case of—</p> <p>(a) body corporate, a fine not exceeding 400 penalty units (\$82k) for the first offence and 1,600 penalty units (\$3.28m) for a subsequent offence; or</p> <p>(b) a natural person, a fine not exceeding 200 penalty units (\$41k) for the first</p>	<p>For a natural person: 840 penalty units (\$170,948) or 5 years imprisonment; for a body corporate: 4200 penalty units (\$854,742)<sup>33</sup></p>	<p>Without a wholesale, retail or indirect sale licence:<sup>34</sup></p> <p>Penalty:</p> <p>(a) for an individual —</p> <p>(i) for a first offence, imprisonment for 10 years and a fine of \$600k; and</p> <p>(ii) for a second or subsequent offence, imprisonment for 10 years and a fine of \$1.2m; and</p> <p>(b) for a body corporate —</p> <p>(i) for a first offence, a fine of \$3m; and</p> <p>(ii) for a second or subsequent offence, a fine of \$6m</p>

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						offence and 800 penalty units (\$164k) for a subsequent offence <sup>32</sup>		Summary conviction penalty: (a) for an individual — (i) for a first offence, imprisonment for 3 years and a fine of \$120k; and (ii) for a second or subsequent offence, imprisonment for 3 years and a fine of \$240k; and (b) for a body corporate — (i) for a first offence, a fine of \$600k; and (ii) for a second or subsequent offence, a fine of \$1.2m

## II. EXCLUSIONS/RESTRICTIONS ON ELIGIBILITY

Online sales prohibited	No	No	No	No	Yes <sup>35</sup>	No	No	No
Licenses for tobacco vending machines prohibited	Yes <sup>36</sup>	No	No	No. However, a vending machine in licensed liquor premises must be in area only accessible to staff. <sup>37</sup> Sales from one service counter only.	Yes <sup>38</sup>	No <b>*Proposed:</b> Yes <sup>39</sup>	No	No
Any exclusion zones e.g., near schools	No	No	No	No	No	No	No	No
Any retailer types excluded, e.g.	No	No	No	No	No	No	No	No

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shops mainly selling lollies, toys								
Grandfathering provisions or density limits	No	No	No	No	No	No	No	No
<b>III. DUE DILLIGENCE REQUIREMENTS – TO TRADE ONLY WITH OTHER LICENSEES</b>								
Restriction of purchase by wholesalers from unlicensed importers or distributors								
Restriction of sale by wholesalers <i>to</i> unlicensed retailers?	Yes <sup>40</sup>	Yes <sup>41</sup>	Not in Act	Yes <sup>42</sup>	Not in Act	Not in Act	Yes (where a corresponding licensing scheme is in force) <sup>43</sup>	Yes <sup>44</sup>
Restriction of purchase by retailers <i>from</i> unlicensed wholesalers?	Yes <sup>45</sup>	Not in Act	Not in Act	Not in Act	Not in Act	Not in Act	Yes (where a corresponding licensing scheme is in force) <sup>46</sup>	Not in Act
Restriction of purchase by retailers <i>from</i> unlicensed importers?								
<b>IV. RESTRICTIONS ON RETAILING IMPOSED ON ALL LICENSEES</b>								
Restriction on location of price boards/point of sale to products aimed at minors (e.g. lollies, toys)?	No	No	Yes <sup>47</sup>	No	No	Yes <sup>48</sup> <b>*Proposed:</b> Extending the prohibition to the display of <i>any</i> smoking paraphernalia in retail premises that can be seen from or in a public place. <sup>49</sup>	No	Yes <sup>50</sup>

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<b>Prohibition on sales by minors?</b>	No	Not in Act	Yes <sup>51</sup>	Yes <sup>52</sup>	No (but sale by persons under 16 prohibited) <sup>53</sup>	No	Yes (to take effect from 1 Jan 2027) <sup>54</sup>	Yes <sup>55</sup>
<b>Instruction re. sales to minors specified?</b>	No. However, ACAT may make an occupational discipline order directing that a licence be varied to impose conditions regarding the sale of smoking products to people under 18 years. <sup>56</sup>	Not in Act	No	Yes <sup>57</sup>	No	Yes <sup>58</sup>	Yes. While not a requirement, it is a defence (in the case of a prosecution of a manager of the tobacco supply business) to the offence of selling to a minor if prevention measures had been taken, which include instructions to staff every six months on procedures to prevent sales to minors. <sup>59</sup>	<b>Instructions must be given before licensee allows an employee or agent to sell tobacco products (e.g. instructions relating the age verification of purchasers).</b> <sup>60</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>61</sup>	Not in Act	No	A regulation may prescribe a general condition that requires a licensee to provide employees with particular training about supplying smoking products. <sup>62</sup>	No	No	Regulations may prescribe a licence condition requiring that the licensee and their employees undertake training. <sup>63</sup>  However, the Amendment Regulations have not prescribed any such requirement.	Act specifies that Regulations can include conditions requiring licensees to provide staff training on Act requirements. <sup>64</sup>

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Potential for general conditions to be prescribed by regulation?	No	Yes <sup>65</sup>	No	Yes <sup>66</sup>	Yes <sup>67</sup>	Yes <sup>68</sup>	Yes <sup>69</sup>	Yes <sup>70</sup>
Power to impose specific conditions on individual licences?	Yes <sup>71</sup>	Yes <sup>72</sup>	Yes <sup>73</sup>	Yes <sup>74</sup>	Yes <sup>75</sup>	Yes <sup>76</sup>	Yes <sup>77</sup>	Yes <sup>78</sup>
Minimum pricing of tobacco products	No	No	No	No	No	No	No	No

## V. 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>79</sup> Requests for information must be in writing.	Any information required by the Secretary. <sup>80</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>81</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>83</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>84</sup>	Applications must be accompanied by information required by the Minister. <sup>85</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>86</sup> The Minister must give the Commissioner of Police a copy of the application or notify them of the identity of the applicant. As soon	To assess a licence application, the Director may make any enquiries they think fit from any government agency (in any jurisdiction) that performs functions in respect of the regulation of poisons, a smoking product, non-tobacco cigarette, smoke or other smoking-related matter. <sup>88</sup> The Director may also require the applicant to authorise the Director to obtain	An application must include or be accompanied by ‘any prescribed information’. <sup>90</sup> The prescribed information to be submitted in/with an application includes— <ul style="list-style-type: none"> <li>• if applicant a body corporate, corporate information (e.g. ACN, ABN, details of directors etc)</li> <li>• contact information</li> <li>• details of the proposed premises (e.g. address, owner’s</li> </ul>	Applicant must provide any information that the CEO requires in order to properly consider the application. <sup>93</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
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		Under the regulations, an applicant for the grant or renewal of a licence and any relevant persons for the applicant must consent to the conduct of a nationwide criminal record check. <sup>82</sup>			as practicable, the Commissioner of Police must make available to the Minister relevant information about criminal convictions (and any other info the Commissioner considers relevant to whether the application should be granted). <sup>87</sup>	police reports detailing any convictions and proceedings taken against the applicant. <sup>89</sup>	<p>info, any associated businesses, liquor licences, online domain names)</p> <ul style="list-style-type: none"> <li>• details of any existing tobacco supply businesses and/or licences and their status</li> <li>• criminal history.<sup>91</sup></li> </ul> <p>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.<sup>92</sup></p>	world of an offence involving fraud or dishonesty). <sup>94</sup>
<b>Grounds for refusal to grant/renew licence</b>	<b>Licence not to be granted or renewed if</b> Commissioner is satisfied, on reasonable grounds, that the applicant:	The Act gives Secretary broad discretion for refusal. The Secretary may refuse a licence because: <ul style="list-style-type: none"> <li>• the applicant has been found</li> </ul>	No specific criteria for the granting of a licence (or specific grounds for refusal) prescribed by the regulation. However the regulations imply	The chief executive may grant an application for, or a renewal or restoration of, a retail or wholesale licence only if satisfied the	No specific grounds for refusal, however Act requires Minister not to grant a licence unless satisfied the applicant is a 'fit	Director must have regard to certain factors including: <ul style="list-style-type: none"> <li>• whether the applicant is <b>likely to comply with the Act;</b></li> </ul>	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	In determining suitability to hold a licence, the <b>CEO must have regard to</b> whether applicant: <ul style="list-style-type: none"> <li>• has previously been refused or disqualified from</li> </ul>

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	<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 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>95</sup></li> </ul>	<p>guilty of an offence re. supply of tobacco products, non-tobacco smoking products or vaping goods;</p> <ul style="list-style-type: none"> <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 relevant information from, a law enforcement agency;</li> <li>• of a ground prescribed by regulation</li> <li>• the applicant, or a relevant person for the applicant, has, for the relevant premises or other premises, been the recipient of a closure order.<sup>96</sup></li> </ul>	<p>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>97</sup></p> <p>Legislation also provides that a licence cannot be granted where the Director is aware of any reason why a licence should not be granted.<sup>98</sup></p>	<p>applicant is a fit and proper person.<sup>99</sup></p> <p>Applications can be rejected because the applicant:<sup>100</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 licensed premises at which smoke products are proposed to be sold<sup>101</sup></li> </ul>	<p>and proper person'.<sup>102</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'.</b><sup>103</sup> 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 in the Regulations.</p>	<ul style="list-style-type: none"> <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 perform functions regarding the regulation of poisons or smoking products (or other smoking related matters);</li> <li>• <b>any other matter the Director</b> considers relevant to the application.<sup>104</sup></li> </ul>	<p>'suitable person' to hold a licence.<sup>105</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>106</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 been disqualified from holding a licence).<sup>107</sup></p>	<p>holding a licence in WA (or a corresponding law in another jurisdiction);</p> <ul style="list-style-type: none"> <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 offence (or is the subject of a pending charge for such an offence);</li> <li>• is likely to carry on the activities of a licence holder honestly and fairly;</li> <li>• is a fit and proper person to hold a licence.<sup>108</sup></li> </ul>

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<b>VI. TRANSPARENCY PROVISIONS</b>								
Publicly available register of licensees	Yes <sup>109</sup>	Yes <sup>110</sup>	Yes <sup>111</sup>	Yes <sup>112</sup>	Yes <sup>113</sup>	Register must be kept by Director, but there does not appear to be any requirement for it to be public, and no register has been published. <sup>114</sup> <b>*Proposed:</b> Yes <sup>115</sup>	Yes <sup>116</sup>	Yes <sup>117</sup>
<b>VII. PROVISIONS TO FACILITATE MONITORING OF COMPLIANCE</b>								
Requirement for licensees to retain records of sales	No.	Yes, it is a standard condition of a licence that the licence holder keep a copy of invoices given, or invoices received for at least 2 years after the date of the relevant sale. <sup>118</sup> The licence holder must produce the invoices for inspection if requested by the Secretary or an inspector. <sup>119</sup>	No.	The chief executive may require licensees, by written notice, 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>120</sup> The licensee must comply with the notice. <sup>121</sup>  Maximum penalty: 50 penalty units (\$8,345)  Licensees must keep for at least 2 years each invoice issued for smoking products sold wholesale to a retailer. <sup>122</sup> Retailers must keep for at	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>125</sup>  Reg 3B lists information which must be retained by a licensed wholesaler, 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 <sup>126</sup>	Yes <sup>127</sup>	Yes. The holder of a licence and an individual who at any time held a licence must ensure that each invoice, order or other record of the purchase or receipt by the licence holder of a tobacco product intended for sale under the licence is kept for a period of 3 years and includes the following particulars: (a) the name of the licence holder; and (b) the address of the premises specified in the licence; and (c) the identifying number of the licence; and

Jurisdiction	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
				<p>least 2 years copies of all invoices issued to the retailer for smoking products purchased wholesale from a licensee.<sup>123</sup></p> <p>Maximum penalty: 140 penalty units (\$23,366)</p> <p>On-the-spot fine: 10 penalty units (\$1,669) for an individual; 50 penalty units (\$8,345) for a corporation.<sup>124</sup></p>				<p>(d) such other particulars as are prescribed.<sup>128</sup></p> <p>Penalty: (a) for an individual — (i) for a first offence, a fine of \$10k; and (ii) for a second or subsequent offence, a fine of \$20k; and (b) for a body corporate — (i) for a first offence, a fine of \$50k; and (ii) for a second or subsequent offence, a fine of \$100k</p> <p>On-the-spot fine: \$1k for individuals, \$2k for body corporates<sup>129</sup></p>
<b>Requirement for licensees to report on sales volumes</b>	No specific power to require provision of sales data.	Yes <sup>130</sup>	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>131</sup>	Yes <sup>132</sup>	Yes <sup>133</sup>	Yes. Sales data to be provided annually by all retailers. <b>Retailers to report the following information for every smoking product sold:</b> <ul style="list-style-type: none"> <li>• Product type</li> <li>• Brand name</li> <li>• Product description</li> <li>• Quantity sold.<sup>134</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>135</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> </ul>

Jurisdiction	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
								<ul style="list-style-type: none"> <li>• <b>information about the volume of sales</b> made under the licence during a period specified by the CEO.<sup>156</sup></li> </ul>
<b>General licence condition prohibiting licensees from engaging in illicit trade?</b>	N/A	No	N/A	No	Yes <sup>137</sup>	No	No	No

### VIII. COMPLIANCE AND ENFORCEMENT PROCEDURES

<b>Responsible agency/officers</b>	<p>Authorised officers appointed by the Director-General.<sup>138</sup></p> <p>Police officers are also authorised officers.<sup>139</sup></p>	<p>Inspectors appointed by the Secretary of the Department of Health.<sup>140</sup></p>	<p>Authorised officers appointed by the Chief Health Officer.<sup>141</sup></p> <p>Members of the police force are authorised officers.<sup>142</sup></p>	<p>Part 11 Monitoring and enforcement is administered by an authorised person appointed by the chief executive officer.<sup>143</sup></p> <p>A police officer is an authorised person.<sup>144</sup></p>	<p>Authorised officers appointed by the Minister.<sup>145</sup></p> <p>Members of the police force are authorised officers.<sup>146</sup></p>	<p>Authorised officers, being the Director of Public Health, medical officers of health, and environmental health officers.<sup>147</sup></p> <p>The Director of Public Health may authorise 'nominated officers', which include police officers, to exercise powers as if they were authorised officers.<sup>148</sup> It is proposed that all nominated officers have the powers of an authorised officer.<sup>149</sup></p>	<p>Licensing inspectors appointed by the Regulator.<sup>150</sup></p> <p>Police officers also have entry, inspection and seizure powers.<sup>151</sup></p> <p>*Proposed: In addition to TLV, the Chief Commissioner of Police can issue a short-term closure notice and seek court-issued long-term closure orders.<sup>152</sup></p>	<p>Investigators appointed by the CEO (in practice, investigators appear to be employees of the Department of Health).<sup>153</sup></p> <p>Police officers have the same powers and can perform the same functions as investigators.<sup>154</sup></p>
<b>Powers and procedures to issue notices, make orders or</b>	<p>The ACT Civil and Administrative Tribunal (ACAT) has the power to <b>make orders for</b></p>	<p>Police officers can issue <b>penalty notices</b> for offences under the Act.<sup>156</sup></p>	<p>An authorised officer may serve an <b>infringement notice</b> on a person that has committed</p>	<p>An authorised person may: (a) give an <b>improvement notice</b> requiring a</p>	<p>An authorised officer may issue a <b>compliance direction</b> to a person.<sup>170</sup></p>	<p>An authorised officer, police officer or council may serve an <b>infringement</b></p>	<p>The Regulator may issue a licensee with an <b>improvement</b></p>	<p>Authorised officers and approved officers may issue <b>infringement notices</b> under</p>

Jurisdiction	ACT	NSW	NT	Qld	SA	Tas	Vic	WA	
prosecute offences	<p><b>occupational discipline</b> in relation to a licensee (including orders suspending, cancelling or directing the Commissioner to impose conditions on a tobacco licence).<sup>155</sup></p>	<p>The Secretary may by written order (a <b>short-term closure order</b>) direct that premises specified in the order are closed for the period, not longer than 90 days, specified in the order if the Secretary reasonably suspects that a relevant breach has occurred, or is likely to occur, on the premises.<sup>157</sup></p> <p>“Relevant breach” means the following—</p> <p>(a) the sale of illicit tobacco,</p> <p>(b) the retail sale of tobacco products or non-tobacco smoking products by a person who does not hold a retail licence that is in effect,</p> <p>(c) the wholesale sale of tobacco products or non-tobacco smoking products by a person who does not hold a wholesale licence that is in effect, (d)</p>	<p>an offence against the Act or regulations.<sup>163</sup></p>	<p>person to remedy a contravention of the Act<sup>164</sup></p> <p>(b) give a <b>notice requiring disclosure</b> of information about an offence<sup>165</sup></p> <p>The chief executive may order a premises be closed for 90 days (<b>short term closure order</b>) if satisfied: (i) illicit tobacco/nicotine products are being supplied or possessed at the premises as part of a business activity; or (ii) smoking products are being sold at the premises without a licence.<sup>166</sup></p> <p>A Magistrate may make an order, on application of the chief executive, that premises be closed for up to a year (<b>long-term closure order</b>) if satisfied the premises is supplying: (i) illicit tobacco/nicotine products or (ii) smoking products</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>171</sup></li> <li>• a period of 28 days (a <b>short term closure order</b>).<sup>172</sup></li> </ul> <p>A magistrate may, extend the closure period up to 12 months (a <b>long term closure order</b>).<sup>173</sup></p> <p>The Minister may make information about a closure order publicly available.<sup>174</sup></p> <p>The Minister may take disciplinary action against a licensee by issuing:</p> <p>(a) a <b>compliance notice</b>;</p> <p>(b) a <b>default notice</b>;</p> <p>(c) an order for <b>disciplinary action</b>.<sup>175</sup></p> <p>The Minister may accept an</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>171</sup></li> <li>• a period of 28 days (a <b>short term closure order</b>).<sup>172</sup></li> </ul> <p>A magistrate may, extend the closure period up to 12 months (a <b>long term closure order</b>).<sup>173</sup></p> <p>The Minister may make information about a closure order publicly available.<sup>174</sup></p> <p>The Minister may take disciplinary action against a licensee by issuing:</p> <p>(a) a <b>compliance notice</b>;</p> <p>(b) a <b>default notice</b>;</p> <p>(c) an order for <b>disciplinary action</b>.<sup>175</sup></p> <p>The Minister may accept an</p>	<p><b>notice</b> on a person for a prescribed offence.<sup>177</sup></p> <p><b>*Proposed:</b></p> <p>The Secretary may order that premises be closed for 90 days (<b>short term closure order</b>) if:</p> <p>(a) smoking products are being, or are likely to be, sold at the premises otherwise than in accordance with the Act; or</p> <p>(b) prohibited smoking products are being, or are likely to be, sold at the premises.<sup>178</sup></p> <p>The Minister may apply to the Appeal Tribunal to order the premises be closed for a period up to 12 months if:</p> <p>(a) smoking products are being, or are likely to be, sold at the premises otherwise than in accordance with the Act; or</p> <p>(b) prohibited smoking products are being, or are likely to be, sold at the premises.<sup>179</sup></p>	<p><b>notice</b> for non-compliance.<sup>181</sup></p> <p>The Regulator may accept an <b>enforceable undertaking</b>.<sup>182</sup></p> <p>Proceedings for an offence or infringement notice under the Act may be commenced by a police officer or inspector.<sup>183</sup></p> <p><b>*Proposed:</b></p> <p><u>The Regulator or the Chief Commissioner of Police may issue a written notice for a period not exceeding 90 days (<b>short-term closure notice</b>) or apply to the Magistrates' Court for an order (<b>long-term closure order</b>), to close premises where:</u></p> <p><u>(a) any illicit tobacco is being, or is likely to be, sold or otherwise supplied at the premises; or</u></p> <p><u>(b) there is any illicit tobacco at the premises in the</u></p>	<p>the <i>Criminal Procedure Act 2004</i> Part 2 for offences specified in Schedule 4 of the regulations.<sup>184</sup></p> <p>The CEO may, by order in writing, close premises specified in the order for up to 72 hours (an <b>interim closure order</b>), if the CEO:</p> <p>(a) reasonably suspects that —</p> <p>(i) a prohibited product is being, or has been, sold or supplied in the premises; or</p> <p>(ii) a prohibited product is, or has been, in the premises; and</p> <p>(b) is satisfied that the order is necessary to prevent or mitigate a risk of harm to public health.<sup>185</sup></p> <p>No more than 1 interim closure order may be made in relation to the same premises in a period of 7 days.<sup>186</sup></p> <p>On the written recommendation of the CEO, the Minister may, by</p>

Jurisdiction	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
		<p>the sale of illicit vaping goods.<sup>158</sup></p> <p>The Secretary may make <b>one or more further short-term closure orders</b> about the same premises if the Secretary reasonably suspects a further relevant breach has occurred or is likely to occur after the making of the previous short-term closure order.<sup>159</sup></p> <p>The Secretary may apply to the Local Court for an order (a <b>long-term closure order</b>) that the premises specified in the order are closed for a period of not more than 12 months. A long-term closure order may be made for premises if the Local Court is satisfied that a relevant breach has occurred, or is likely to occur, on the premises.<sup>160</sup></p> <p>The owner or occupier of premises that are</p>		<p>without a licence.<sup>167</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>168</sup></p> <p>Prosecutions appear to be the responsibility of Queensland Health.<sup>169</sup></p>	<p><b>enforceable undertaking.</b><sup>176</sup></p>	<p>The Secretary is to make publicly available the following information in respect of a closure order:</p> <p>(a) the type of order made;</p> <p>(b) the name and address, and a description, of the premises in respect of which the order was made;</p> <p>(c) the date on which the order was made;</p> <p>(d) the period for which the order is in effect in respect of the premises;</p> <p>(e) any other prescribed information;</p> <p>(f) any other information that the Secretary considers relevant.<sup>180</sup></p>	<p><u>possession or under the control of a person who carries on a tobacco supply business (whether the business is carried on at the premises or elsewhere); or</u></p> <p><u>(c) a tobacco supply business is being carried on at the premises</u></p> <p><u>without a licence.</u><sup>ccxlv</sup></p> <p><u>The Regulator may publish any information the Regulator considers appropriate about a short-term closure notice or long-term closure order on the Regulator's website or in any other way the Regulator considers appropriate.</u><sup>ccxlv</sup></p>	<p>order in writing, close premises specified in the order for up to 90 days (a <b>short-term closure order</b>) if satisfied that —</p> <p>(a) (i) a prohibited product is being, or has been, sold or supplied in the premises; and/or (ii) a prohibited product is, or has been, in the premises; and (b) the order is necessary to prevent or mitigate a risk of harm to public health.<sup>187</sup></p> <p>On the application of the CEO, the Magistrates Court may by order close premises specified in the order for a period up to 12 months (a <b>long-term closure order</b>) if satisfied:</p> <p>(i) a prohibited product is being, or has been, sold or supplied in the premises; and/or (ii) a prohibited product is, or has been, in the premises.<sup>188</sup> A subsequent long term closure order</p>

Jurisdiction	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
		<p>subject to a long-term closure order may apply to the Local Court for a review of the order.<sup>161</sup></p> <p>The Secretary must give public notice of the making of a closure order by posting a copy of the order— (a) on the front of the premises subject to the order, or (b) if it is not reasonably practicable to attach the notice to the front of the premises—in a reasonably conspicuous public place near the front of the premises. The Secretary may also make the following information about a closure order available on the Ministry’s website— (a) a copy of the order, (b) a description of the premises to which the order relates, (c) a summary of the reasons for making the order, (d) the date the order takes effect and</p>						<p>may be made in relation to the same premises.<sup>189</sup></p> <p>While a closure order is in effect, the CEO must publish the details of the order, as varied from time to time, on the website of the Department.<sup>190</sup></p>

Jurisdiction	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
		the duration of the order, (e) other information prescribed by the regulations. <sup>162</sup>						
<b>Impact on licensees if convicted of an offence</b>	ACAT must, if a person is convicted of an offence against the Act twice within 2 years: (a) <b>cancel</b> each licence held by the person (b) <b>disqualify</b> the person for 5 years. <sup>191</sup>	Licence may be revoked. <sup>192</sup>  It is a standard condition of retail licences and wholesale licences that the licence holder must notify the Secretary of a relevant offence within 14 days after the licence holder or, if the licence holder is a corporation, a director of the licence holder is found guilty or convicted of the offence. <sup>193</sup> A 'relevant offence' means an offence— (a) related to tobacco products, non-tobacco smoking products or vaping goods, and (b) committed in the State or elsewhere. <sup>194</sup>  A court that convicts a person for an offence under Pt 5, Div 2 may order that a	If a prosecution for an offence against the Act or regulations is commenced and the defendant found guilty, the court may order that <b>seized goods be forfeited</b> to the Territory. <sup>196</sup>	On the conviction of a person for an offence against the Act, the court may order: <ul style="list-style-type: none"><li>• the forfeiture to the State of: (a) anything used to commit the offence; or (b) anything else the subject of the offence;<sup>197</sup></li><li>• the person to pay to the State costs reasonably incurred by the State because of the offence, such as for— (a) testing, transporting, storing, dismantling, destroying or disposing of smoking products, ice pipes, bongs, illicit tobacco, illicit nicotine products or other evidence; (b) investigating the offence;</li></ul>	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, (b) a licence be <b>suspended</b> for a specified period, (c) a licence be <b>cancelled</b> , (d) a person be <b>disqualified</b> from holding a licence. <sup>200</sup>	Licence may be cancelled. <sup>201</sup>	If a court finds a licensee guilty of a suitability offence <sup>202</sup> the court may, in addition to imposing any other penalty in relation to the offence— (a) <b>suspend</b> the licensee's licence for a period specified by the court; or (b) <b>cancel</b> the licensee's licence; or (c) <b>cancel</b> the licensee's licence <b>and disqualify</b> the licensee from holding a licence for the period not exceeding 5 years specified by the court. <sup>203</sup>	The court may order a person convicted of an offence under the Act to forfeit to the Crown anything that was used in, the subject of, or otherwise involved in, the commission of the offence. <sup>204</sup>

Jurisdiction	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
		product seized under that part in connection with the offence is forfeited to the Crown. The Secretary must dispose of all products forfeited under this section. The person convicted of the offence is liable to pay the Secretary the reasonable costs of disposal. <sup>195</sup>		(c) preparing for prosecuting the offence. <sup>198</sup>  A licensee convicted of an indictable offence or an offence against the Act, a corresponding law, or for fraud, dishonesty or tax or customs evasion, must not, without reasonable excuse, fail to give notice of the conviction to the chief executive within 14 days after being convicted. <sup>199</sup> Maximum Penalty: 140 penalty units (\$22,582)				

#### IX. 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>205</sup>	The Secretary may revoke a licence. <sup>206</sup>	The Director may cancel or suspend a licence. <sup>207</sup>	The chief executive may suspend or cancel a licence. <sup>208</sup>	The Minister may take disciplinary action against the holder of a licence in certain circumstances. <sup>209</sup>	The Director may cancel a licence. <sup>210</sup>	The Regulator may cancel or suspend the licence. <sup>211</sup>  Note the Chief Commissioner of Police may apply to the Regulator to suspend or cancel a licence. <sup>212</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>213</sup>
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Jurisdiction	ACT	NSW	NT	Qld	SA	Tas	Vic	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 convicted, or found guilty of an offence outside of Australia which would (if it had been committed in the ACT) be punishable by imprisonment</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>the licence holder, or a relevant person for the licence holder, has, for the relevant premises or other premises been the recipient of a closure order<sup>215</sup></li> <li>another ground prescribed by the regulations.<sup>216</sup></li> </ul> <p>If a long-term closure order is made for premises, a retail licence or wholesale licence</p>	<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> </ul> <p>Licence can also be suspended if retailer is</p> <ul style="list-style-type: none"> <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 false or misleading in a material particular.<sup>218</sup></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 person in the exercise of a power under this Act</li> <li>the licensee failed to comply with a request to make premises</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>221</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 or an offence punishable by imprisonment;</li> <li>the business carried out under the licence</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>223</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>224</sup></li> </ul> <p>The Regulator may suspend a licence with immediate effect up to 90 days for illicit tobacco offences if:</p> <p>(i) it is believed on reasonable grounds that the licensee has committed an illicit tobacco offence<sup>225</sup></p> <p>*(ii) a short-term or long-term closure order has been issued in relation to the</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 person to hold a licence.<sup>227</sup></li> </ul> <p>The SAT may also take disciplinary action if a licence was granted or</p>

Jurisdiction	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
	<p>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>214</sup></li> </ul>	<p>relating to the premises is cancelled.<sup>217</sup></p>		<p>available for inspection made under s 43;</p> <ul style="list-style-type: none"> <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>219</sup></li> </ul> <p>The chief executive may cancel a retail or wholesale licence if the chief executive 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> </ul>	<p>is improperly conducted;</p> <ul style="list-style-type: none"> <li>it would be contrary to the public interest if the holder were to continue to hold a licence.<sup>222</sup></li> </ul>		<p>licensed tobacco premises.<sup>226</sup></p>	<p>renewed in error as a result of information provided which was false or misleading in a material particular.<sup>228</sup></p>

Jurisdiction	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
				<ul style="list-style-type: none"> <li>the licensee is placed in administration, is wound up or is deregistered under the Corporations Act.<sup>220</sup></li> </ul>				
<b>Process for suspending or cancelling licence</b>	<p>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>229</sup></p> <p>The Commissioner must believe one or more of the following grounds for occupational discipline apply:</p> <p>(a) the licensee has contravened the Act or licence condition</p> <p>(b) licence was granted on basis of false or misleading information</p> <p>(c) licensee is convicted of an offence under the Act or an offence punishable by at least 1 year imprisonment</p> <p>(d) licensee becomes bankrupt,</p>	<p>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>231</sup></p>	<p>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>232</sup></p>	<p>Before cancelling the licence, the chief executive must give the licensee a show cause notice.<sup>233</sup></p> <p>However, immediate suspension without show cause notice may 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>234</sup></p>	<p>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 action should not be taken.<sup>235</sup></p>	<p>The Director must serve notice on the licensee in writing if they are cancelling the licence.<sup>236</sup> The licensee may apply to the Magistrates Court for a review of that decision.<sup>237</sup></p>	<p>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 28 days to provide the Regulator with written reasons as to why the licence should not be suspended/ cancelled.<sup>238</sup></p> <p>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:</p> <p>(a) the licensee has committed an illicit tobacco offence (whether or not the licensee has been charged, had proceedings initiated against</p>	<p>The licensee may apply to the SAT for review of a decision by the CEO to refuse to issue or renew a licence.<sup>240</sup></p>

Jurisdiction	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
	insolvent or wound up. <sup>230</sup>						them or been convicted of the offence) and (b) the licensee may continue to possess or supply illicit tobacco in or from the licensed premises. <sup>239</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 April 2026:

ACT: <https://www.accesscanberra.act.gov.au/business-and-work/hospitality-liquor-and-gaming/tobacco-licences-and-smoking-areas>

NSW: <https://www.health.nsw.gov.au/tobacco/Pages/tobacco-licensing.aspx#licence-fee>

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: <https://www.vic.gov.au/apply-tobacco-licence#licence-application-fees>

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 April 2026 (last review date):

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 (April 2026)

NSW: \$110: [Crimes \(Sentencing Procedure\) Act 1999 No 92 \(NSW\)](#) s 17(28 March 2026)

NT: \$189: [Penalty Units Regulations 2010 \(NT\)](#) (1 July 2025)

Qld: \$166.90: [Penalties and Sentences Regulation 2015 \(Qld\)](#) reg 4

SA: Various – as prescribed in the [Tobacco and E-Cigarette Products Act 1997 \(SA\)](#) (5 June 2025)

Tas: \$205: <https://www.justice.tas.gov.au/about-us/legislation/penalty-units-indexed-amounts>. See also [Penalty Units and Other Penalties Act 1987 \(Tas\)](#) s 4A (1 July 2025 to 30 June 2026)

Vic: \$203.51: <https://www.gazette.vic.gov.au/gazette/Gazettes2025/GG2025S245.pdf> (22 May 2025)

WA: Various – see [Tobacco and Other Products Control Act 2006 \(WA\)](#) Glossary cl 1(1) (definition of ‘tier 1 penalty’, ‘tier 2 penalty’, ‘tier 3 penalty’, ‘tier 4 penalty’).

<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).

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- <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 and Other Products Control Act 2006* (WA) s 43.
- <sup>12</sup> *Tobacco and Other Smoking Products (Fees) Determination 2024 (No 1)* (ACT).
- <sup>13</sup> See: <https://www.health.nsw.gov.au/tobacco/Pages/tobacco-licensing.aspx>.
- <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 Regulations 2017* (Vic) reg 20G.
- <sup>19</sup> *Tobacco and Other 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 and Other Products Control Act 2006* (WA) Glossary cl 1(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> Public Health Amendment (Prohibited Tobacco and Other Products) Bill 2026 (Tas) cl 12 [amended s 74A].
- <sup>33</sup> *Tobacco Act 1987* (Vic) s 33A(1).
- <sup>34</sup> *Tobacco and Other Products Control Act 2006* (WA) ss 16(1), 17, 18.
- <sup>35</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)(c) and (2) of the *Tobacco and E-cigarette Products Act 1997* (SA).
- <sup>36</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 49A.
- <sup>37</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) pt 3 div 3.
- <sup>38</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 37.
- <sup>39</sup> Public Health Amendment (Prohibited Tobacco and Other Products) Bill 2026 (Tas) cl 8 [amended s 69B].
- <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> *Public Health (Tobacco) Regulation 2022* (NSW) s 14H(1).
- <sup>42</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 51. Maximum penalty of 1,000 penalty units (\$166,900).
- <sup>43</sup> *Tobacco Regulations 2017* (Vic) regs 20I(2)(b)(i), (c).
- <sup>44</sup> *Tobacco and Other Products Control Act 2006* (WA) s 57(1). Penalty: (a) for an individual — (i) for a first offence, a fine of \$200k; and (ii) for a second or subsequent offence, a fine of \$400k; and (b) for a body corporate — (i) for a first offence, a fine of \$1m; and (ii) for a second or subsequent offence, a fine of \$2m.
- <sup>45</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>46</sup> *Tobacco Regulations 2017* (Vic) regs 20I(2)(b)(i), (c).
- <sup>47</sup> *Tobacco Control Regulations 2002* (NT) reg 19(6).
- <sup>48</sup> *Public Health Act 1997* (Tas) s 71(4).
- <sup>49</sup> Public Health Amendment (Prohibited Tobacco and Other Products) Bill 2026 (Tas) cl 9 [proposed s 70A].

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<sup>50</sup> *Tobacco and Other Products Control Regulations 2006* (WA) reg 34(5).

<sup>51</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 (\$18,900). If the purchaser was, at the time of sale, a child – a maximum penalty of 200 penalty units (\$37,800).

<sup>52</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 68. Maximum penalty of 140 penalty units for a first offence (\$23,366), 280 penalty units for a second offence (\$46,732) and 420 penalty units for a third or later offence (\$70,098).

<sup>53</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>54</sup> *Tobacco Regulations 2017* (Vic) reg 201(1)(d).

<sup>55</sup> *Tobacco and Other Products Control Act 2006* (WA) s 18A. Penalty: (a) for an individual — (i) for a first offence, a fine of \$60k; and (ii) for a second or subsequent offence, a fine of \$120k; and (b) for a body corporate — (i) for a first offence, a fine of \$300k; and (ii) for a second or subsequent offence, a fine of \$600k On-the-spot fine: \$4k for an individual; \$20k for a body corporate (*Tobacco and Other Products Control Regulations 2006* (WA) sch 4).

<sup>56</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 58(2)(a)(iii).

<sup>57</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) ss 63, 64.

<sup>58</sup> *Public Health Act 1997* (Tas) s 64(6).

<sup>59</sup> *Tobacco Act 1987* (Vic) ss 12(4)(d), (5) (definition of ‘prevention measures’).

<sup>60</sup> *Tobacco and Other Products Control Regulations 2006* (WA) reg 20.

<sup>61</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 48(3).

<sup>62</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 237(5).

<sup>63</sup> *Tobacco Act 1987* (Vic) s 43(1)(b)(ii).

<sup>64</sup> *Tobacco and Other Products Control Act 2006* (WA) s 41(3).

<sup>65</sup> *Public Health (Tobacco) Act 2008* (NSW) s 36(2).

<sup>66</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 237(4).

<sup>67</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 9(4).

<sup>68</sup> *Public Health Act 1997* (Tas) s 74C(4A).

<sup>69</sup> *Tobacco Act 1987* (Vic) s 34ZD(4).

<sup>70</sup> *Tobacco and Other Products Control Act 2006* (WA) s 41.

<sup>71</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 48.

<sup>72</sup> *Public Health (Tobacco) Act 2008* (NSW) s 36.

<sup>73</sup> *Tobacco Control Act 2002* (NT) s 29(2)(a).

<sup>74</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>75</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 9.

<sup>76</sup> *Public Health Act 1997* (Tas) s 74C(1)(a), (4).

<sup>77</sup> *Tobacco Act 1987* (Vic) s 34ZD(1)(b).

<sup>78</sup> *Tobacco and Other Products Control Act 2006* (WA) s 42.

<sup>79</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 47(1).

<sup>80</sup> *Public Health (Tobacco) Act 2008* (NSW) s 39.

<sup>81</sup> *Public Health (Tobacco) Act 2008* (NSW) s 39K.

<sup>82</sup> *Public Health (Tobacco) Regulation 2022* (NSW) s 14D.

<sup>83</sup> *Tobacco Control Act 2002* (NT) s 29(1)(c); *Tobacco Control Regulations 2002* (NT) reg 25(1).

<sup>84</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.

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- <sup>85</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 7(2)(b).
- <sup>86</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 7(3).
- <sup>87</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 9.
- <sup>88</sup> *Public Health Act 1997* (Tas) s 74C(5).
- <sup>89</sup> *Public Health Act 1997* (Tas) s 74C(6).
- <sup>90</sup> *Tobacco Act 1987* (Vic) s 34A.
- <sup>91</sup> *Tobacco Regulations 2017* (Vic) pt 3 div 1.
- <sup>92</sup> *Tobacco Act 1987* (Vic) s 34A(2).
- <sup>93</sup> *Tobacco and Other Products Control Act 2006* (WA) s 38(2).
- <sup>94</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>95</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 50.
- <sup>96</sup> *Public Health (Tobacco) Act 2008* (NSW) s 39A.
- <sup>97</sup> *Tobacco Control Regulations 2002* (NT) regs 25(1), 25A.
- <sup>98</sup> *Tobacco Control Act 2002* (NT) s 29(3)(b).
- <sup>99</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) ss 20, 26.
- <sup>100</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 19.
- <sup>101</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 20(4).
- <sup>102</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 7(3).
- <sup>103</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 5A.
- <sup>104</sup> *Public Health Act 1997* (Tas) s 74C(2).
- <sup>105</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>106</sup> See [Explanatory Memorandum](#) to the Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Bill 2024 (Vic), 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>107</sup> *Tobacco Act 1987* (Vic) ss 34X(1)(a)(ii), (b)(ii).
- <sup>108</sup> *Tobacco and Other Products Control Act 2006* (WA) s 39.
- <sup>109</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 53. See: <https://services.accesscanberra.act.gov.au/s/public-registers/occupational-register?registerid=tobacco-licence>.
- <sup>110</sup> *Public Health (Tobacco) Act 2008* (NSW) s 39K. See: <https://verify.licence.nsw.gov.au/home/Tobacco/>.
- <sup>111</sup> See public register available at: <https://licensingnt.nt.gov.au/PublicRegister/>.
- <sup>112</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>113</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 73(3). *Tobacco and E-Cigarette Products Regulations 2019* (SA), 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). See: <https://secure.cbs.sa.gov.au/OccLicPubReg/LicenceSearch.php>.
- <sup>114</sup> *Public Health Act 1997* (Tas) s 74j.
- <sup>115</sup> Public Health Amendment (Prohibited Tobacco and Other Products) Bill 2026 (Tas) cl 13 [proposed s 74j(3)]. See also: <https://search.parliament.tas.gov.au/search/isysquery/4511ac0d-a8ac-415e-97ee-f957cddbbae6e2/1/doc/>, item 16.
- <sup>116</sup> *Tobacco Act 1987* (Vic) s 34ZV. See: <https://www.vic.gov.au/tobacco-register>.
- <sup>117</sup> *Tobacco and Other Products Control Act 2006* (WA) s 46. See: [https://www.health.wa.gov.au/Articles/N\\_R/Public-register-of-tobacco-sellers-licenses](https://www.health.wa.gov.au/Articles/N_R/Public-register-of-tobacco-sellers-licenses).
- <sup>118</sup> *Public Health (Tobacco) Regulation 2022* (NSW) s 14j(1).
- <sup>119</sup> *Public Health (Tobacco) Regulation 2022* (NSW) s 14j(2).
- <sup>120</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 50.
- <sup>121</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 50(3).
- <sup>122</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 49(3).
- <sup>123</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 49(4).
- <sup>124</sup> *State Penalties Enforcement Regulation 2014* (Qld) sch 1, entry for *Tobacco and Other Smoking Products Act 1998* (Qld) ss 49(3)-(4).

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- <sup>125</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 9(4).
- <sup>126</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), pp. 8-9.
- <sup>127</sup> *Tobacco Regulations 2017* (Vic) regs 201(1)(e)-(g), (2)(f)-(i).
- <sup>128</sup> *Tobacco and Other Products Control Act 2006* (WA) ss 56, 58; *Tobacco and Other Products Control Regulations 2006* (WA) reg 24.
- <sup>129</sup> *Tobacco and Other Products Control Regulations 2006* (WA) sch 4 (entries for ss 56(1)-(2), 58(1)-(2)).
- <sup>130</sup> *Public Health (Tobacco) Regulation 2022* (NSW) s 14J(2).
- <sup>131</sup> *Tobacco Control Act 2002* (NT) s 53A.
- <sup>132</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 50.
- <sup>133</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 9(4)(b); *Tobacco and E-Cigarette Products Regulations 2019* (SA) reg 3B(2). See also <https://www.cbs.sa.gov.au/sections/Licences/tobacco-licensing-and-enforcement-in-sa/licence-conditions-for-selling-tobacco-products>, retail licence condition 8.
- <sup>134</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>135</sup> *Tobacco Act 1987* (Vic) s 43(1)(b)(i).
- <sup>136</sup> *Tobacco and Other Products Control Act 2006* (WA) s 57(4).
- <sup>137</sup> See: <https://www.cbs.sa.gov.au/sections/Licences/tobacco-licensing-and-enforcement-in-sa/licence-conditions-for-selling-tobacco-products>, retail licence conditions 6, 7 and 9.
- <sup>138</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 32(1).
- <sup>139</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 32(2)(c).
- <sup>140</sup> *Public Health (Tobacco) Act 2008* (NSW) s 43A(1).
- <sup>141</sup> *Tobacco Control Act 2002* (NT) s 47(1).
- <sup>142</sup> *Tobacco Control Act 2002* (NT) s 47(3).
- <sup>143</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 170.
- <sup>144</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 170(7).
- <sup>145</sup> *Tobacco and E-Cigarette Products Act 1997* (SA) s 63.
- <sup>146</sup> *Tobacco and E-cigarette Products Act 1997* (SA) s 63.
- <sup>147</sup> *Public Health Act 1997* (Tas) s 3 (definition of ‘authorised officer’).
- <sup>148</sup> *Public Health Act 1997* (Tas) ss 13A(1)(c), 30A.
- <sup>149</sup> Public Health Amendment (Prohibited Tobacco and Other Products) Bill 2026 (Tas) cl 5 [amended s 30A].
- <sup>150</sup> *Tobacco Act 1987* (Vic) s 35D.
- <sup>151</sup> See, for example, *Tobacco Act 1987* (Vic) ss 35L, 35Q, 36F, 37A, 38.
- <sup>152</sup> Consumer Legislation Amendment Bill 2026 (Vic) cl 120 [proposed ss 36V(1)], 36X(1).
- <sup>153</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](https://www.scgh.health.wa.gov.au/~/_media/Corp/Documents/Health-for/Tobacco/Guide-for-Selling-Tobacco-Products.pdf)
- <sup>154</sup> *Tobacco and Other Products Control Act 2006* (WA) s 79.
- <sup>155</sup> *Tobacco and Other Smoking Products Act 1927* (ACT) s 58.
- <sup>156</sup> *Public Health (Tobacco) Act 2008* (NSW) s 50.
- <sup>157</sup> *Public Health (Tobacco) Act 2008* (NSW) s 50B.
- <sup>158</sup> *Public Health (Tobacco) Act 2008* (NSW) s 50A (definition of ‘relevant breach’).
- <sup>159</sup> *Public Health (Tobacco) Act 2008* (NSW) s 50C.
- <sup>160</sup> *Public Health (Tobacco) Act 2008* (NSW) ss 50D-E.
- <sup>161</sup> *Public Health (Tobacco) Act 2008* (NSW) s 50F.
- <sup>162</sup> *Public Health (Tobacco) Act 2008* (NSW) s 50G.
- <sup>163</sup> *Tobacco Control Regulations 2002* (NT) reg 27.
- <sup>164</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 211.
- <sup>165</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 215.
- <sup>166</sup> *Tobacco and Other Smoking Products Act 1998* (Qld) s 209B.

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- 167 *Tobacco and Other Smoking Products Act 1998* (Qld) s 209BA.
- 168 *Tobacco and Other Smoking Products Act 1998* (Qld) s 209F.
- 169 See page 15 of the [explanatory notes](#) to the *Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Act 2024*.
- 170 *Tobacco and E-Cigarette Products Act 1997* (SA) s 66A.
- 171 *Tobacco and E-Cigarette Products Act 1997* (SA) s 69CB.
- 172 *Tobacco and E-Cigarette Products Act 1997* (SA) s 69CBA.
- 173 *Tobacco and E-Cigarette Products Act 1997* (SA) s 69CC.
- 174 *Tobacco and E-Cigarette Products Act 1997* (SA) s 69CE.
- 175 *Tobacco and E-Cigarette Products Act 1997* (SA) s 69D(2).
- 176 *Tobacco and E-Cigarette Products Act 1997* (SA) s 76A(2).
- 177 *Public Health Act 1997* (Tas) s 169.
- 178 Public Health Amendment (Prohibited Tobacco and Other Products) Bill 2026 (Tas) cl 14 [proposed s 74LG].
- 179 Public Health Amendment (Prohibited Tobacco and Other Products) Bill 2026 (Tas) cl 14 [proposed s 74LH].
- 180 Public Health Amendment (Prohibited Tobacco and Other Products) Bill 2026 (Tas) cl 14 [proposed s 74LJ].
- 181 *Tobacco Act 1987* (Vic) s 35ZC(1).
- 182 *Tobacco Act 1987* (Vic) s 35ZI(1).
- 183 *Tobacco Act 1987* (Vic) s 39.
- 184 *Tobacco and Other Products Control Regulations 2006* (WA) regs 60(1), 61(1).
- 185 *Tobacco and Other Products Control Act 2026* (WA) s 120A.
- 186 *Tobacco and Other Products Control Act 2026* (WA) s 120A(4).
- 187 *Tobacco and Other Products Control Act 2026* (WA) s 120B.
- 188 *Tobacco and Other Products Control Act 2026* (WA) s 120C.
- 189 *Tobacco and Other Products Control Act 2026* (WA) s 120C(5).
- 190 *Tobacco and Other Products Control Act 2026* (WA) s 120E(1).
- 191 *Tobacco and Other Smoking Products Act 1927* (ACT) s 58(4).
- 192 *Public Health (Tobacco) Act 2008* (NSW) s 39G.
- 193 *Public Health (Tobacco) Regulation 2022* (NSW) s 14F(1).
- 194 *Public Health (Tobacco) Regulation 2022* (NSW) s 14F(2).
- 195 *Public Health (Tobacco) Act 2008* (NSW) s 50R.
- 196 *Tobacco Control Act 2002* (NT) s 50(4)(a).
- 197 *Tobacco and Other Smoking Products Act 1998* (Qld) s 206.
- 198 *Tobacco and Other Smoking Products Act 1998* (Qld) s 223A.
- 199 *Tobacco and Other Smoking Products Act 1998* (Qld) s 46.
- 200 *Tobacco and E-Cigarette Products Act 1997* (SA) s 82A.
- 201 *Public Health Act 1997* (Tas) s 74H.
- 202 ‘Suitability offence’ includes (a) an offence of selling tobacco products without a licence (whether in Victoria or elsewhere); (b) any other offence against this Act or the regulations; (c) an indictable offence relating to fraud, dishonesty, or tax or customs evasion (whether in Victoria or elsewhere); (d) an offence under the Therapeutic Goods Act 1989 of the Commonwealth relating to vaping goods or vaping devices (e) an offence against a corresponding law: *Tobacco Act 1987* (Vic) s 3.
- 203 *Tobacco Act 1987* (Vic) s 34ZY.
- 204 *Tobacco and Other Products Control Act 2006* (WA) s 119.
- 205 *Tobacco and Other Smoking Products Act 1927* (ACT) s 58(2).
- 206 *Public Health (Tobacco) Act 2008* (NSW) s 39G.
- 207 *Tobacco Control Act 2002* (NT) s 38.
- 208 *Tobacco and Other Smoking Products Act 1998* (Qld) ss 36-37.
- 209 *Tobacco and E-cigarette Products Act 1997* (SA) s 69G.
- 210 *Public Health Act 1997* (Tas) s 74H.

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- 211 *Tobacco Act 1987* (Vic) ss 34N, 34O, 34Q, 34R.
- 212 *Tobacco Act 1987* (Vic) s 34L.
- 213 *Tobacco and Other Products Control Act 2006* (WA) s 47(3).
- 214 *Tobacco and Other Smoking Products Act 1927* (ACT) s 56.
- 215 *Public Health (Tobacco) Act 2008* (NSW) s 39G(e1).
- 216 *Public Health (Tobacco) Act 2008* (NSW) s 39G.
- 217 *Public Health (Tobacco) Act 2008* (NSW) s 50K.
- 218 *Tobacco Control Act 2002* (NT) s 38.
- 219 *Tobacco and Other Smoking Products Act 1998* (Qld) s 36.
- 220 *Tobacco and Other Smoking Products Act 1998* (Qld) s 37.
- 221 *Tobacco and E-cigarette Products Act 1997* (SA) s 69G(2).
- 222 *Tobacco and E-cigarette Products Act 1997* (SA) s 69D.
- 223 *Public Health Act 1997* (Tas) s 74H.
- 224 *Tobacco Act 1987* (Vic) s 34P.
- 225 *Tobacco Act 1987* (Vic) s 34R.
- 226 Consumer Legislation Amendment Bill 2026 (Vic) cl 117 [proposed s 34RA(1)].
- 227 *Tobacco and Other Products Control Act 2006* (WA) s 47(2).
- 228 *Tobacco and Other Products Control Act 2006* (WA) s 47(2).
- 229 *Tobacco and Other Smoking Products Act 1927* (ACT) ss 57, 58(b)-(c).
- 230 *Tobacco and Other Smoking Products Act 1927* (ACT) s 56.
- 231 *Public Health (Tobacco) Act 2008* (NSW) s 39H.
- 232 *Tobacco Control Act 2002* (NT) s 39.
- 233 *Tobacco and Other Smoking Products Act 1998* (Qld) ss 36(2), 37(2).
- 234 *Tobacco and Other Smoking Products Act 1998* (Qld) s 38.
- 235 *Tobacco and E-cigarette Products Act 1997* (SA) s 69G(1).
- 236 *Public Health Act 1997* (Tas) s 74H(2).
- 237 *Public Health Act 1997* (Tas) ss 74H(3), 160A(e).
- 238 *Tobacco Act 1987* (Vic) s 34P.
- 239 *Tobacco Act 1987* (Vic) s 34R.
- 240 *Tobacco and Other Products Control Act 2006* (WA) s 46.