



Trade Practices (Consumer Product Safety Standard) (Reduced Fire Risk Cigarettes) Regulations 2008

Select Legislative Instrument 2008 No. 195 as amended

made under the

Trade Practices Act 1974

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taking into account amendments up to SLI 2009 No. 66

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Part 1 Preliminary

1 Name of Regulations [see Note 1]

These Regulations are the *Trade Practices (Consumer Product Safety Standard) (Reduced Fire Risk Cigarettes) Regulations 2008*.

2 Commencement [see Note 1]

These Regulations commence on the day after they are registered.

3 Purpose

These Regulations prescribe a consumer product safety standard for cigarettes.

4 Application

- (1) On and after the day that occurs 18 months after the commencement of these Regulations, these Regulations apply to cigarettes that are:
 - (a) manufactured in Australia on or after that day; or
 - (b) imported into Australia on or after that day.
- (2) On and after the day that occurs 24 months after the commencement of these Regulations:
 - (a) these Regulations apply to all cigarettes manufactured in Australia, no matter when they were manufactured; and
 - (b) these Regulations apply to all cigarettes imported into Australia, no matter when they were imported.

5 Interpretation

In these Regulations:

AS 4830—2007 means Australian Standard 4830—2007 entitled *Determination of the extinction propensity of cigarettes*

Regulation 6

and published by Standards Australia as in force at the commencement of regulation 1.

cigarette means a roll of cut tobacco for smoking, enclosed in paper.

full-length burn has the same meaning as in AS 4830-2007.

lowered permeability band, in relation to a cigarette, means a concentric band of paper or other material that is included in, or applied to, cigarette paper in order to inhibit the burning of the cigarette.

retail package has the meaning given by regulation 7.

6 Different kinds of cigarettes

- (1) For these Regulations, a cigarette is of a different kind to another cigarette if they are sold under different brand names.
- (2) For these Regulations, a cigarette is of a different kind to another cigarette if:
 - (a) they are sold under the same brand name; and
 - (b) they are distinguished in 1 or more of the following ways:
 - (i) they contain or do not contain menthol;
 - (ii) they are flavoured differently in another way;
 - (iii) they have different contents of tar;
 - (iv) they allegedly differ in 'mildness';
 - (v) they have or do not have a filter tip or cork tip;
 - (vi) they are of different lengths or mass.

7 Retail package

- (1) A retail package is a package in which cigarettes are sold at retail.
- (2) If:
 - (a) 1 or more packages are contained inside a larger package;
or
 - (b) 2 or more packages are combined to form a larger package;and the whole package is offered for retail sale as 1 unit:

Regulation 7

- (c) the larger package is a retail package; and
- (d) each smaller package is a retail package.

Example

Packets of cigarettes in a carton.

- (3) However:
 - (a) a display case that is not sold with cigarettes displayed in it is not a retail package; and
 - (b) if:
 - (i) a retail package is normally sold wrapped in a wrapper (including, but not limited to, a transparent wrapper) that is normally removed from the package when the package is opened; and
 - (ii) the wrapper is not a larger package described in subregulation (2);the wrapper is not part of the retail package.

Regulation 8

Part 2 Safety standard for cigarettes

Division 1 Safety standard

8 Safety standard

- (1) For subsection 65C (2) of the Act, this Part prescribes a consumer product safety standard for cigarettes.
- (2) The standard consists of the following requirements:
 - (a) the performance requirements set out in Division 2;
 - (b) the testing requirements set out in Division 3;
 - (c) the packaging and marking requirements set out in Division 4.

9 Compliance with safety standard

- (1) Cigarettes must comply with the performance requirements set out in Division 2.
- (2) For the purpose of determining compliance with the performance requirements set out in Division 2, cigarettes must be tested in accordance with the testing requirements set out in Division 3.
- (3) Cigarettes must be packaged in accordance with the packaging and marking requirements set out in Division 4.

Division 2 Performance requirements

10 Performance requirements

At least 75% of the cigarettes that are tested in a test trial described in regulation 12 must fail to achieve full-length burns.

Division 3 Testing requirements

11 Testing standard

Subject to regulations 12 and 13, cigarettes must be tested in accordance with AS 4830—2007.

12 Testing requirements

- (1) Cigarettes must be tested as part of a test trial.
- (2) Each test of a cigarette in a test trial must be conducted on 10 layers of filter paper.
- (3) Each test trial must consist of 40 replicated tests.
- (4) Each different kind of cigarette must be tested in a separate test trial.
- (5) Cigarettes that use lowered permeability bands must also comply with the requirements in regulation 13.

13 Lowered permeability bands

- (1) For subregulation 12 (5), cigarettes that use lowered permeability bands must have at least 2 identical bands surrounding the tobacco column.
- (2) At least 1 complete band must be located not less than 15 mm from the lighting end of the cigarette.
- (3) For filter cigarettes, if the bands are positioned on the cigarette by design:
 - (a) at least 1 band must be located not less than 15 mm from the lighting end of the cigarette; and
 - (b) at least 1 band must be located not less than 10 mm from the filter end of the tobacco column.
- (4) For non-filter cigarettes, if the bands are positioned on the cigarette by design:
 - (a) at least 1 band must be located not less than 15 mm from the lighting end of the cigarette; and

Regulation 14

- (b) at least 1 band must be located not less than 10 mm from the labelled end of the tobacco column.

Division 4 Packaging and marking requirements

14 Packaging and marking requirements

- (1) Retail packages must not contain cigarettes that do not meet the performance requirements set out in Division 2.
- (2) Each retail package must bear the following statement:
‘AUSTRALIAN FIRE RISK STANDARD COMPLIANT.
USE CARE IN DISPOSAL’.
- (3) The statement must be clearly legible and must not obscure any warning message, explanatory message or graphic required under the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004*.
- (4) The statement may be printed on an adhesive label that is affixed to the retail package.
- (5) The adhesive label must be fastened firmly to the retail package so as not to be easily removable.
- (6) For subregulation (5), in determining whether an adhesive label can easily be removed, regard must be had to:
 - (a) the expected life-span of the package; and
 - (b) whether the label can be removed without damaging either the label or the packaging.

Notes to the *Trade Practices (Consumer Product Safety Standard) (Reduced Fire Risk Cigarettes) Regulations 2008*

Note 1

The *Trade Practices (Consumer Product Safety Standard) (Reduced Fire Risk Cigarettes) Regulations 2008* (in force under the *Trade Practices Act 1974*) as shown in this compilation comprise Select Legislative Instrument 2008 No. 195 amended as indicated in the Tables below.

Table of Instruments

Year and Number	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
2008 No. 195	22 Sept 2008 (see F2008L03475)	23 Sept 2008	
2009 No. 66	14 Apr 2009 (see F2009L01271)	15 Apr 2009	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 4	am. 2009 No. 66
