

# **Tobacco Amendment (Retailer and Wholesaler Licensing Scheme) Regulations**

## **Exposure Draft**

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Victoria

## **Tobacco Amendment (Retailer and Wholesaler Licensing Scheme) Regulations**

### **Exposure Draft**

#### **1 Objective**

The objective of these Regulations is to amend the Tobacco Regulations 2017 as a result of the enactment of the **Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024**.

#### **2 Authorising provision**

These Regulations are made under section 43 of the **Tobacco Act 1987**.

#### **3 Commencement**

These Regulations come into operation on the day on which section 8 of the **Tobacco Amendment (Tobacco Retailer and Wholesaler Licensing Scheme) Act 2024** comes into operation.

#### **4 Principal Regulations**

In these Regulations, the Tobacco Regulations 2017<sup>1</sup> are called the Principal Regulations.

#### **5 New Part 1 heading inserted**

Before regulation 1 of the Principal Regulations **insert—**

### **"Part 1—Preliminary".**

#### **6 Objectives**

In regulation 1 of the Principal Regulations—

(a) for paragraph (a) **substitute—**

"(a) to prescribe matters necessary for the operation of the tobacco retailer and wholesaler licensing scheme including fees, categories of licence, licensing conditions and information to be included with or accompany applications; and";

(b) in paragraph (b)(i) and (ii) **omit** "and e-cigarette products";

(c) after paragraph (b) **insert—**

"(ba) to prescribe offences against the **Tobacco Act 1987** for which an infringement notice may be served and the penalties for those offences; and".

## 7 Regulation 5 substituted

For regulation 5 of the Principal Regulations  
**substitute—**

### "5 Definitions

In these Regulations—

***change of name document*** means—

- (a) a marriage certificate issued by a government registry of births, deaths and marriages; or
- (b) a change of name certificate issued by a government registry of births, deaths and marriages;

***director ID*** means a director identification number issued by Australian Business Registry Services;

***externally-administered body corporate*** means a Chapter 5 body corporate as defined by section 9 of the Corporations Act;

***good behaviour bond*** means—

- (a) in relation to an offence committed in Victoria, an order under Subdivision (2) or (3) of Division 1 of Part 3BA of the **Sentencing Act 1991** for the release of an offender on an adjournment (with or without recording a conviction); or
  - (b) in relation to an offence committed outside Victoria, an equivalent order to an order described in paragraph (a);
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***initial licensing period*** has the same meaning as in section 48(3) of the Act;

***liquor licence*** means a licence granted under the **Liquor Control Reform Act 1998**;

***overseas retailer*** means a retailer of tobacco products who is located outside Australia;

***overseas wholesaler*** means a wholesaler of tobacco products who is located outside Australia;

***permitted Australian retailer*** means a supplier of tobacco products, whether located in Victoria or elsewhere in Australia, who at the time of supplying tobacco products—

- (a) holds a licence authorising the supplier to sell tobacco products by retail, if the jurisdiction in which the supplier's tobacco supply business is located requires the supplier to hold a licence to sell tobacco products by retail; or
- (b) is not required, in the jurisdiction in which the supplier's tobacco supply business is located, to hold a licence authorising the supplier to sell tobacco products by retail;

***permitted Australian wholesaler*** means a supplier of tobacco products, whether located in Victoria or elsewhere in Australia, who at the time of supplying tobacco products—

- (a) holds a licence authorising the supplier to sell tobacco products by wholesale, if the jurisdiction in
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which the supplier's tobacco supply business is located requires the supplier to hold a licence to sell tobacco products by wholesale; or

- (b) is not required, in the jurisdiction in which the supplier's tobacco supply business is located, to hold a licence authorising the supplier to sell tobacco products by wholesale;

***proof of identity document*** means any one of the following documents—

- (a) a full Australian birth certificate (not a birth extract or birth card) issued by a state or territory registry of births, deaths and marriages;
- (b) an Australian passport which is current or which has expired within the last 3 years;
- (c) a foreign passport which is current, with a valid Australian visa which is current;
- (d) a current ImmiCard issued by the Commonwealth Department of Home Affairs;
- (e) an Australian citizenship certificate;

***the Act*** means the **Tobacco Act 1987**;

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*use in the community document* means one of the following documents—

- (a) an Australian passport which is current or which has expired within the last 3 years;
- (b) an Australian driver licence or learner permit;
- (c) a Medicare card."

**8 Regulation 6 substituted**

For regulation 6 of the Principal Regulations substitute—

**"6 Definition of *illicit tobacco***

For the purposes of paragraph (c) of the definition of *illicit tobacco* in section 3 of the Act, the prescribed laws are—

- (a) the Excise Act 1901 of the Commonwealth; and
- (b) the Customs Act 1901 of the Commonwealth."

**9 New Part 2 heading inserted**

Before regulation 7 of the Principal Regulations insert—

**"Part 2—Controls relating to tobacco products".**

**10 Heading to regulation 7 amended**

In the heading to regulation 7 of the Principal Regulations omit "specialist tobacconists,".

**11 Regulations 8 and 10 revoked**

Regulations 8 and 10 of the Principal Regulations are revoked.

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**12 Heading to regulation 11 amended**

In the heading to regulation 11 of the Principal Regulations omit "**specialist tobacconists and**".

**13 Regulations 12, 13, 14 and 17 revoked**

Regulations 12, 13, 14 and 17 of the Principal Regulations are **revoked**.

**14 New regulation 18A inserted**

After regulation 18 of the Principal Regulations **insert—**

**"18A Definition of *commercial quantity***

For the purposes of the definition of *commercial quantity* in section 11A(6) of the Act, a commercial quantity of tobacco is a quantity of at least—

- (a) 50 grams of loose tobacco; or
- (b) 50 cigarettes."

**15 New Part 3 inserted**

After regulation 20 of the Principal Regulations **insert—**

**"Part 3—Tobacco retailer and wholesaler licensing scheme**

**Division 1—Information to be included in or accompany licensing applications**

**20A Information to be included in or accompany licence application**

- (1) For the purposes of section 34A(1)(d) of the Act, the prescribed information to be included in or accompany a licence application is the following—



- (a) if the applicant is a body corporate—
    - (i) the Australian Company Number of the applicant (if applicable);  
and
    - (ii) if the applicant is—
      - (A) a company registered under the Corporations Act, a copy of a current and historical company extract from the records maintained by the Australian Securities and Investments Commission dated within 90 days before the date of the application; or
      - (B) a body corporate that is not a company registered under the Corporations Act, evidence of incorporation of the body corporate; and
    - (iii) the full name, email address and telephone number of a person nominated by the applicant who may be contacted by the Regulator in relation to the application; and
    - (iv) the director ID of each director of the applicant (if applicable);
  - (b) the Australian Business Number of the applicant (if applicable);
  - (c) if the applicant is applying on behalf of a partnership, the partnership name;
  - (d) a proof of identity document and a use in the community document that is different from the proof of identity document—
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- (i) of the applicant; or
  - (ii) if the applicant is a natural person applying on behalf of a partnership, of each partner in the partnership; or
  - (iii) if the applicant is a body corporate, of each director of the applicant;
- (e) if a proof of identity document used by the applicant, or a partner or director, does not contain the applicant's, partner's or director's current name, a change of name document of the applicant, partner or director;
- (f) details of the proposed licensed tobacco premises, including—
- (i) the address of the premises; and
  - (ii) if the applicant is not the owner of the premises, the full name, telephone number, postal address and email address of the owner of the premises, or of a person who may be contacted on behalf of the owner; and
  - (iii) the position title, email address and telephone number of a person who may be contacted by the Regulator in relation to the premises; and
  - (iv) any other shop or business names associated with the premises; and

**Example**

Any name other than the applicant's name that is or will be displayed on the premises or used by the applicant for the

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purpose of identifying or drawing attention to the applicant's tobacco supply business at the premises.

- (v) the details of any liquor licence granted in respect of the premises;
- (g) if the applicant, or if the applicant is a natural person applying on behalf of a partnership, any partner in the partnership, or if the applicant is a body corporate, the applicant or any director of the applicant, owns or carries on a tobacco supply business in Australia (other than the tobacco supply business that is the subject of the licence application), the following details in relation to that business—
  - (i) the business name and Australian Business Number or Australian Company Number (as applicable) of the tobacco supply business;
  - (ii) the state or territory in which the tobacco supply business is carried on;
  - (iii) details of any licence under which the tobacco supply business is carried on;
- (h) information about the tobacco supply business to be carried on under the licence, including—
  - (i) the nature and scope of the tobacco supply business; and

**Example**

Information about the proposed licensed tobacco premises (e.g. wholesale distribution centre, tobacconist, convenience store, supermarket),

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- information about the proposed manner of sale (e.g. online, vending machine).
- (ii) the tobacco products intended to be sold; and
  - (iii) the address of any Internet site maintained or social media platform used for the purposes of carrying on the tobacco supply business;
- (i) whether the applicant, or if the applicant is applying on behalf of a partnership, any partner in the partnership, or if the applicant is a body corporate, the applicant or any director of the applicant, has, within the 5 years preceding the date of the licence application, been found guilty of any offence by any court (whether in Australia or overseas), including a finding of guilt—
- (i) in respect of which a conviction was not recorded; or
  - (ii) in respect of which the applicant, partner or director received a good behaviour bond; and
  - (ii) if the applicant, partner or director declares a finding of guilt for the purposes of subparagraph (i), the date, court, offence and outcome;
- (j) whether the applicant, or if the applicant is applying on behalf of a partnership, any partner in the partnership, or if the applicant is a body corporate, the applicant or any director of the applicant, has, within the 5 years preceding the date of the licence
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application, been charged with an offence which has not been finally determined, and if so, details of the charge, including the date and the alleged offence;

- (k) whether the applicant, or if the applicant is applying on behalf of a partnership, any partner in the partnership, or if the applicant is a body corporate, the applicant or any director of the applicant, has ever been issued with an infringement notice under the Act or a corresponding law;
  - (l) whether the applicant, or if the applicant is applying on behalf of a partnership, any partner in the partnership, or if the applicant is a body corporate, the applicant or any director of the applicant—
    - (i) is currently or has ever been disqualified from holding, or found unsuitable to hold, a licence permitting the applicant, partner or director to sell tobacco products in another Australian state or territory, and if so, the state or territory in which the applicant, partner or director is or was disqualified or found unsuitable; and
    - (ii) has ever applied for a licence permitting the applicant, partner or director to sell tobacco products in another Australian state or territory, and if so, whether that application was approved or refused, and if the application was
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refused, the reasons for refusal;  
and

- (iii) holds a licence permitting the applicant, partner or director to sell tobacco products in another Australian state or territory, and if so, whether the licence is currently or has ever been suspended, and the reasons for the suspension;  
and
  - (iv) has ever previously held a licence permitting the applicant, partner or director to sell tobacco products in another Australian state or territory, and if so—
    - (A) the state or territory in which the licence was issued; and
    - (B) whether the licence was ever suspended or cancelled, and if so, the reasons for the suspension or cancellation;
  - (m) whether the applicant is or at any time has been an insolvent under administration or an externally-administered body corporate;
  - (n) if the applicant is applying on behalf of a partnership, whether any partner in the partnership has been an insolvent under administration;
  - (o) if the applicant is a body corporate, whether any director of the applicant has been an insolvent under administration;
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- (p) whether the applicant, or if the applicant is applying on behalf of a partnership, any partner in the partnership, or if the applicant is a body corporate, the applicant or any director of the applicant, is currently or has ever been disqualified by the Australian Securities and Investments Commission from acting as a director;
  - (q) whether a body corporate of which the applicant, or if the applicant is applying on behalf of a partnership, of which any partner in the partnership, or if the applicant is a body corporate, of which the applicant or any director of the applicant, is or has ever been a director, is or has ever been an externally-administered body corporate.
- (2) Despite subregulation (1), if at the time of making a licence application the applicant already holds a licence, the prescribed information to be included in or accompany the licence application is the following—
- (a) details of the proposed licensed tobacco premises, including—
    - (i) the address of the premises; and
    - (ii) if the applicant is not the owner of the premises, the full name, telephone number, postal address and email address of the owner of the premises, or of a person who may be contacted on behalf of the owner; and
    - (iii) the position title, email address and telephone number of a person who may be contacted by the
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Regulator in relation to the premises; and

- (iv) any other shop or business names associated with the premises; and

**Example**

Any name other than the applicant's name that is or will be displayed on the premises or used by the applicant for the purpose of identifying or drawing attention to the applicant's tobacco supply business at the premises.

- (v) the details of any liquor licence granted in respect of the premises;

- (b) information about the tobacco supply business to be carried on under the licence, including—

- (i) the nature and scope of the tobacco supply business; and

**Example**

Information about the proposed licensed tobacco premises (e.g. wholesale distribution centre, tobacconist, convenience store, supermarket), information about the proposed manner of sale (e.g. online, vending machine).

- (ii) the tobacco products intended to be sold; and

- (iii) the address of any Internet site maintained or social media platform used for the purposes of carrying on the tobacco supply business;

- (c) a declaration that all matters specified in subregulation (1), except for the matters specified in subregulation (1)(f)
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and (h), remain the same, or if not, details of the changes.

**20B Information to be included in or accompany application for variation of licence**

For the purposes of section 34B(3)(b) of the Act, the prescribed information to be included in or accompany an application for variation of a licence is the following—

- (a) if the application is made by the Chief Commissioner of Police, the full name, postal address, email address and telephone number of the person who may be contacted by the Regulator in relation to the application;
- (b) the licence number of the licence to be varied;
- (c) the address of the licensed tobacco premises;
- (d) details of the variation sought and the reasons for requesting the variation;
- (e) if the application is being submitted by a licensee and proposed transferee jointly, a declaration by the licensee and proposed transferee authorising the joint application.

**20C Information to be included in or accompany relocation application**

For the purposes of section 34H(2)(c) of the Act, the prescribed information to be included in or accompany a relocation application is details of the proposed new licensed tobacco premises, including—

- (a) the address of the premises; and
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- (b) if the licensee is not the owner of the premises, the full name, telephone number, postal address and email address of the owner of the premises, or of a person who may be contacted on behalf of the owner; and
- (c) the position title, email address and telephone number of a person who may be contacted by the Regulator in relation to the premises; and
- (d) information about the tobacco supply business to be carried on under the licence, including—

- (i) the nature and scope of the tobacco supply business; and

**Example**

Information about the proposed new licensed tobacco premises (e.g. wholesale distribution centre, tobacconist, convenience store, supermarket), information about the proposed manner of sale (e.g. online, vending machine).

- (ii) the tobacco products intended to be sold; and
- (iii) the address of any Internet site maintained or social media platform used for the purposes of carrying on the tobacco supply business; and

- (e) any other shop or business names associated with the premises; and

**Example**

Any name other than the licensee's name that is or will be displayed on the premises or used by the licensee for the purpose of identifying or drawing attention to the licensee's tobacco supply business at the premises.

- (f) the details of any liquor licence granted in respect of the premises.

**20D Information to be included in or accompany transfer application**

For the purposes of section 34I(2)(c) of the Act, the prescribed information to be included in or accompany a transfer application is the following—

- (a) if the proposed transferee is a body corporate—
  - (i) the Australian Company Number of the proposed transferee (if applicable); and
  - (ii) if the proposed transferee is—
    - (A) a company registered under the Corporations Act, a copy of a current and historical company extract from the records maintained by the Australian Securities and Investments Commission dated within 90 days before the date of the application; or
    - (B) a body corporate that is not a company registered under the Corporations Act,

- evidence of incorporation of the body corporate; and
- (iii) the full name, email address and telephone number of a person nominated by the proposed transferee who may be contacted by the Regulator in relation to the application; and
  - (iv) the director ID of each director of the proposed transferee (if applicable);
- (b) the Australian Business Number of the proposed transferee (if applicable);
  - (c) if the proposed transferee is applying on behalf of a partnership, the partnership name;
  - (d) a proof of identity document and a use in the community document that is different from the proof of identity document—
    - (i) of the proposed transferee; or
    - (ii) if the proposed transferee is applying on behalf of a partnership, of each partner in the partnership; or
    - (iii) if the proposed transferee is a body corporate, of each director of the proposed transferee;
  - (e) if a proof of identity document used by the proposed transferee, or a partner or director, does not contain the proposed transferee's, partner's or director's current name, a change of name document of the proposed transferee, partner or director;
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- (f) if the proposed transferee, or if the proposed transferee is applying on behalf of a partnership, any partner in the partnership, or if the proposed transferee is a body corporate, the proposed transferee or any director of the proposed transferee, owns or carries on a tobacco supply business in Australia (other than the tobacco supply business that is carried on under the licence), the following details in relation to that business—
- (i) the business name and Australian Business Number or Australian Company Number (as applicable) of the tobacco supply business;
  - (ii) the state or territory in which the tobacco supply business is carried on;
  - (iii) details of any licence under which the tobacco supply business is carried on;
- (g) whether the proposed transferee, or if the proposed transferee is applying on behalf of a partnership, any partner in the partnership, or if the proposed transferee is a body corporate, the proposed transferee or any director of the proposed transferee, has, within the 5 years preceding the date of the transfer application, been found guilty of any offence by any court (whether in Australia or overseas), including a finding of guilt—
- (i) in respect of which a conviction was not recorded; or
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- (ii) in respect of which the proposed transferee, partner or director received a good behaviour bond; and
  - (iii) if the proposed transferee, partner or director declares a finding of guilt for the purposes of subparagraph (i), the date, court, offence and outcome;
  - (h) whether the proposed transferee, or if the proposed transferee is applying on behalf of a partnership, any partner in the partnership, or if the proposed transferee is a body corporate, the proposed transferee or any director of the proposed transferee, has, within the 5 years preceding the date of the transfer application, been charged with an offence which has not been finally determined, and if so, details of the charge, including the date and the alleged offence;
  - (i) whether the proposed transferee, or if the proposed transferee is applying on behalf of a partnership, any partner in the partnership, or if the proposed transferee is a body corporate, the proposed transferee or any director of the proposed transferee, has ever been issued with an infringement notice under the Act or a corresponding law;
  - (j) whether the proposed transferee, or if the proposed transferee is applying on behalf of a partnership, any partner in the partnership, or if the proposed transferee is a body corporate, the
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proposed transferee or any director of the proposed transferee—

- (i) is currently or has ever been disqualified from holding, or found unsuitable to hold, a licence permitting the proposed transferee, partner or director to sell tobacco products in another Australian state or territory, and if so, the state or territory in which the proposed transferee, partner or director is or was disqualified or found unsuitable; and
  - (ii) has ever applied for a licence permitting the proposed transferee, partner or director to sell tobacco products in another Australian state or territory, and if so, whether that application was approved or refused, and if the application was refused, the reasons for refusal; and
  - (iii) holds a licence permitting the proposed transferee, partner or director to sell tobacco products in another Australian state or territory, and if so, whether the licence is currently or has ever been suspended, and the reasons for the suspension; and
  - (iv) has ever previously held a licence permitting the proposed transferee, partner or director to sell tobacco products in another Australian state or territory, and if so—
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- (A) the state or territory in which the licence was issued; and
  - (B) whether the licence was ever suspended or cancelled, and if so, the reasons for the suspension or cancellation;
  - (k) whether the proposed transferee is or at any time has been an insolvent under administration or an externally-administered body corporate;
  - (l) if the proposed transferee is applying on behalf of a partnership, whether any partner in the partnership has been an insolvent under administration;
  - (m) if the proposed transferee is a body corporate, whether any director of the proposed transferee has been an insolvent under administration;
  - (n) whether the proposed transferee, or if the proposed transferee is applying on behalf of a partnership, any partner in the partnership, or if the proposed transferee is a body corporate, the proposed transferee or any director of the proposed transferee, is currently or has ever been disqualified by the Australian Securities and Investments Commission from acting as a director;
  - (o) whether a body corporate of which the proposed transferee, or if the proposed transferee is applying on behalf of a partnership, of which any partner in the partnership, or if the proposed transferee is a body corporate, of which the proposed transferee or any director of the proposed transferee, is or has
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ever been a director, is or has ever been an externally-administered body corporate.

**20E Information to be included in or accompany application to suspend or cancel licence**

- (1) For the purposes of section 34L(3)(b) of the Act, the prescribed information to be included in or accompany an application by a licensee or the Chief Commissioner of Police under section 34L(1)(a) or (b) of the Act to suspend or cancel a licence is the following—
- (a) if the application is made by the licensee, the full name, postal address, email address and telephone number of the licensee;
  - (b) if the application is made by the Chief Commissioner of Police, the full name, postal address, email address and telephone number of the person who may be contacted by the Regulator in relation to the application;
  - (c) the licence number of the licence to be suspended or cancelled;
  - (d) the address of the licensed tobacco premises;
  - (e) a statement specifying—
    - (i) that the applicant seeks to suspend or cancel the licence; and
    - (ii) the reasons that suspension or cancellation of the licence is sought.
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- (2) For the purposes of section 34L(3)(b) of the Act, the prescribed information to be included in or accompany an application by an owner or mortgagee of licensed tobacco premises under section 34L(1)(c) or (d) of the Act to suspend or cancel a licence is the following—
- (a) the full name, postal address, email address and telephone number of the applicant;
  - (b) the full name, postal address, email address and telephone number of the licensee;
  - (c) the licence number of the licence to be suspended or cancelled;
  - (d) a statement specifying—
    - (i) that the applicant is—
      - (A) an owner of the licensed tobacco premises who is in lawful possession of the licensed tobacco premises; or
      - (B) a mortgagee of the licensed tobacco premises who is in lawful possession of the licensed tobacco premises; and
    - (ii) the ground or grounds in section 34L(2) of the Act that applies to the application;
  - (e) evidence supporting the ground or grounds specified for the purposes of paragraph (d)(ii).
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**20F Information to be included in or accompany renewal application**

For the purposes of section 34ZS(2)(b) of the Act, the prescribed information to be included in or accompany a renewal application is the following—

- (a) a declaration by the licensee that all matters specified in the licensee's licence application, or the licensee's most recent renewal application (whichever is more recent) remain true and correct, or if not, details of the changes;
- (b) a copy of the licensee's records kept under regulation 20I(1)(g) or 20I(2)(i) (as applicable) in respect of the calendar year immediately preceding the renewal application.

**Division 2—Fees**

**20G Prescribed fees—licensing applications**

The prescribed fee payable in respect of an application described in Column 2 of an item in the Table, is the amount specified in Column 3 of that item.

**Table**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Description</i>	<i>Fee</i>
1	Section 34A(1)(e) of the Act—licence application—where application is made during initial licensing period	112.35 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Description</i>	<i>Fee</i>
2	Section 34A(1)(e) of the Act—licence application—where application is made after initial licensing period	79·31 fee units
3	Section 34B(3)(c) of the Act—application for variation of licence	15·86 fee units
4	Section 34H(2)(d) of the Act—relocation application	15·86 fee units
5	Section 34I(2)(d) of the Act—transfer application	79·31 fee units
6	Section 34L(3)(d) of the Act—application to suspend or cancel licence	Nil
7	Section 34ZS(2)(c) of the Act—renewal application	79·31 fee units
8	Section 34ZZC(2)—application for copy of licence	2·5 fee units

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**Division 3—Licence categories and conditions**

**20H Prescribed licence categories**

For the purposes of section 34ZC(3) of the Act, the prescribed categories of licence are—

- (a) retailer; and
- (b) wholesaler.

**20I Prescribed licence conditions**

- (1) For the purposes of section 34ZD(4) of the Act, the following conditions are prescribed for a retail licence—
- (a) the licensee must purchase tobacco products only from a permitted Australian wholesaler or an overseas wholesaler;
  - (b) before purchasing tobacco products from a permitted Australian wholesaler who is required to be licensed, the licensee must check that the wholesaler holds a current licence;
  - (c) despite paragraph (a)—
    - (i) the licensee may purchase tobacco products from a wholesaler located in Victoria if the wholesaler has applied for a licence before the commencement of Division 1 of Part 3AA of the Act, but the application has not been finally determined; and
    - (ii) the licensee may accept, as evidence of the wholesaler's licence application, the Regulator's written confirmation of the application;
  - (d) on and from 1 January 2027, the licensee must not allow a person under the age of 18 years to supply tobacco products under the licence;
  - (e) the licensee must keep the following records of the licensee's purchases of tobacco products from a permitted Australian wholesaler for a minimum
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period of 2 years after the invoice is issued by the permitted Australian wholesaler—

- (i) a copy of the invoice;
  - (ii) the date of the supply of the tobacco products;
  - (iii) the brand name, type, variant and quantity of the tobacco products supplied;
  - (iv) the permitted Australian wholesaler's licence number (if applicable);
  - (v) the permitted Australian wholesaler's business name, company name, address, telephone number, email address and Australian Business Number or Australian Company Number (as applicable);
- (f) the licensee must keep the following records of the licensee's purchases of tobacco products from an overseas wholesaler for a minimum period of 2 years after the invoice is issued by the overseas wholesaler—
- (i) a copy of the invoice;
  - (ii) the name, business name, postal address, telephone number and email address of the overseas wholesaler;
  - (iii) proof of the legal importation of the tobacco products;
  - (iv) taxation or excise payments;
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- (v) the date of the supply of the tobacco products;
  - (vi) the brand name, type, variant and quantity of the tobacco products supplied;
  - (g) the licensee must keep a record of the number and type of tobacco products purchased and sold each month; and
  - (h) the licensee must keep a list of the addresses of any premises used for the storage and distribution of tobacco products;
  - (i) the licensee must provide a record or list kept under paragraph (e), (f), (g) or (h) to the Regulator on request.
- (2) For the purposes of section 34ZD(4) of the Act, the following conditions are prescribed for a wholesaler licence—
- (a) the licensee must purchase tobacco products only from—
    - (i) a permitted Australian wholesaler; or
    - (ii) an overseas wholesaler;
  - (b) the licensee must sell tobacco products only to—
    - (i) a permitted Australian retailer; or
    - (ii) a permitted Australian wholesaler; or
    - (iii) an overseas retailer; or
    - (iv) an overseas wholesaler;
-

- (c) before purchasing tobacco products from a permitted Australian wholesaler, or selling tobacco products to a permitted Australian retailer or wholesaler, who is required to be licensed, the licensee must check that the wholesaler or retailer holds a current licence;
  - (d) despite paragraphs (a)(i), (b)(i) and (b)(ii)—
    - (i) the licensee may purchase tobacco products from a wholesaler, or sell tobacco products to a wholesaler or retailer, located in Victoria if the wholesaler or retailer has applied for a licence before the commencement of Division 1AA of Part 3AA of the Act, but the application has not been finally determined; and
    - (ii) the licensee may accept, as evidence of the wholesaler's or retailer's licence application, the Regulator's written confirmation of the application;
  - (e) the licensee must issue an invoice in respect of each sale of tobacco products, in English, with the following details visible—
    - (i) a unique identifier;
    - (ii) the date of the supply of the tobacco products;
    - (iii) the brand name, type, variant and quantity of the tobacco products supplied;
-



- (iv) the licence number, business name, postal address, telephone number, email address and Australian Business Number or Australian Company Number (as applicable) of the tobacco supply business to whom the tobacco products are supplied;
  - (v) the licensee's licence number, business name, postal address, telephone number, email address and Australian Business Number or Australian Company Number (as applicable);
  - (f) the licensee must retain a copy of each invoice issued under paragraph (e) for a minimum period of 2 years after issuing the invoice;
  - (g) the licensee must keep the following records of the licensee's purchases of tobacco products from a permitted Australian wholesaler for a minimum period of 2 years after the invoice is issued by the permitted Australian wholesaler—
    - (i) a copy of the invoice;
    - (ii) the date of the supply of the tobacco products;
    - (iii) the brand name, type, variant and quantity of the tobacco products supplied;
    - (iv) the permitted Australian wholesaler's licence number (if applicable);
-

- (v) the permitted Australian wholesaler's business name, company name, postal address, telephone number, email address, and Australian Business Number or Australian Company Number (as applicable);
  - (h) the licensee must keep the following records of the licensee's purchases of tobacco products from an overseas wholesaler for a minimum period of 2 years after the invoice is issued by the overseas wholesaler—
    - (i) a copy of the invoice;
    - (ii) the name, business name, postal address, telephone number and email address of the overseas retailer or the overseas wholesaler;
    - (iii) proof of the legal importation of the tobacco products;
    - (iv) taxation or excise payments;
    - (v) the date of the supply of the tobacco products;
    - (vi) the brand name, type, variant and quantity of the tobacco products supplied;
  - (i) the licensee must keep a record of the number and type of tobacco products purchased and sold each month;
  - (j) the licensee must keep a list of the addresses of any premises used for the storage and distribution of tobacco products;
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- (k) the licensee must provide a copy of an invoice or a record or a list kept under paragraph (f), (g), (h), (i) or (j) to the Regulator on request.

### **Division 4—Register of Licensed Tobacco Suppliers**

#### **20J Register of Licensed Tobacco Suppliers—prescribed information**

For the purposes of section 34ZV(2)(d) of the Act, the prescribed information to be included in the Register of Licensed Tobacco Suppliers is any name other than the name referred to in section 34ZV(2)(a) that is associated with the shop or premises.

#### **Example**

Any name other than the licensee's name that is or will be displayed on the premises or used by the licensee for the purpose of identifying or drawing attention to the licensee's tobacco supply business at the premises."

#### **16 New Part 4 heading inserted**

Before regulation 21 of the Principal Regulations insert—

### **"Part 4—Enforcement".**

#### **17 Heading to regulation 21 substituted**

For the heading to regulation 21 of the Principal Regulations substitute—

**"Acknowledgement of consent under Part 3A".**

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## **18 New regulations 22 to 25 inserted**

After regulation 21 of the Principal Regulations  
**insert—**

### **"22 Acknowledgement of consent under Part 3AAB**

For the purposes of section 35J(2) of the Act, the prescribed form of acknowledgement of consent by an occupier or owner of premises to entry of the premises or seizure of a thing from the premises is Form 3 in Schedule 7.

### **23 Infringement offences and penalties— infringement notices that may be served by a police officer**

- (1) For the purposes of section 38(1) of the Act, an offence specified in Column 2 of an item in the table in Schedule 8 is prescribed as an infringement offence for which a police officer may serve an infringement notice.
- (2) For the purposes of section 38(5) of the Act, the prescribed infringement penalty for an infringement offence prescribed under subregulation (1) is the penalty set out in the corresponding entry of Column 3 of the table in Schedule 8 in respect of that infringement offence.

### **24 Infringement offences and penalties— infringement notices that may be served by an inspector**

- (1) For the purposes of section 38(2) of the Act, an offence specified in Column 2 of an item in the table in Schedule 9 is prescribed as an infringement offence for which an inspector may serve an infringement notice.
-

- (2) For the purposes of section 38(5) of the Act, the prescribed infringement penalty for an infringement offence prescribed under subregulation (1) is the penalty set out in the corresponding entry of Column 3 of the table in Schedule 9 in respect of that infringement offence.

**25 Infringement offences and penalties—  
infringement notices that may be served  
by a licensing inspector**

- (1) For the purposes of section 38(3) of the Act, an offence specified in Column 2 of an item in the table in Schedule 10 is prescribed as an infringement offence for which a licensing inspector may serve an infringement notice.
- (2) For the purposes of section 38(5) of the Act, the prescribed infringement penalty for an infringement offence prescribed under subregulation (1) is the penalty set out in the corresponding entry of Column 3 of the table in Schedule 10 in respect of that infringement offence."

**19 Schedule 4 revoked**

Schedule 4 to the Principal Regulations is **revoked**.

**20 Schedule 7 amended**

After Form 2 in Schedule 7 to the Principal  
Regulations **insert—**

**"FORM 3**

Regulation 22

**Tobacco Act 1987** (section 35J(2))

**ENTRY, SEARCH, SEIZURE AND TAKING  
ACKNOWLEDGEMENT OF CONSENT—LICENSING  
INSPECTOR**

Name of licensing inspector:

Details of premises:

Name of occupier/owner:

Address of premises:

**Consent to entry**

Purpose of entry and search:

Statement of occupier/owner—

- The licensing inspector has informed me of the purpose of the entry.
- I have been informed that I may refuse consent to the entry of the premises.
- I have been informed that anything seized or taken with my consent may be used in evidence in proceedings.
- I consent to the entry to the premises.

Signature of occupier/owner:                      Date:              Time:

**Consent to seizure and taking**

Items to be seized:

Statement of occupier/owner:

I consent to the seizure and taking of any items listed.

Signature of occupier/owner:                      Date:              Time: "

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**21 New Schedules 8 to 10 inserted**

After Schedule 7 to the Principal Regulations  
**insert—**

**"Schedule 8—Offences for which police officer may serve infringement notice**

Regulation 23

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
1	An offence against section 5A(1) of the Act	1 penalty unit
2	An offence against section 5B(1) of the Act	2·5 penalty units for a natural person 12·5 penalty units for a body corporate
3	An offence against section 5C(1) of the Act	1 penalty unit
4	An offence against section 5C(1A) of the Act	1 penalty unit
5	An offence against section 5D(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
6	An offence against section 5D(3) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
7	An offence against section 5E(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
8	An offence against section 5EA(1) of the Act	1 penalty unit

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Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
9	An offence against section 5EB(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
10	An offence against section 5EC(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
11	An offence against section 5F(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
12	An offence against section 5G(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
13	An offence against section 5H(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
14	An offence against section 5K(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
15	An offence against section 5N(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
16	An offence against section 5R(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
17	An offence against section 5RA(1) of the Act	1·5 penalty units



Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
18	An offence against section 5RA(4) of the Act	1 penalty unit
19	An offence against section 5RB(1) of the Act	1 penalty unit
20	An offence against section 5RB(2) of the Act	1 penalty unit
21	An offence against section 5RB(5) of the Act	1 penalty unit
22	An offence against section 5RC(1) of the Act	1 penalty unit
23	An offence against section 5RC(3) of the Act	1 penalty unit
24	An offence against section 5RD(1) of the Act	1 penalty unit
25	An offence against section 5RD(2) of the Act	1 penalty unit
26	An offence against section 5RD(5) of the Act	1 penalty unit
27	An offence against section 5RE(1) of the Act	1 penalty unit
28	An offence against section 5RE(4) of the Act	1 penalty unit
29	An offence against section 5RF(1) of the Act	1 penalty unit
30	An offence against section 5RF(4) of the Act	1 penalty unit
31	An offence against section 5RG(1) of the Act	1 penalty unit
32	An offence against section 5RG(4) of the Act	1 penalty unit
33	An offence against section 5RH(1) of the Act	1 penalty unit
34	An offence against section 5RH(4) of the Act	1 penalty unit

Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
35	An offence against section 5RI(1) of the Act	1 penalty unit
36	An offence against section 5RI(4) of the Act	1 penalty unit
37	An offence against section 5S of the Act	2 penalty units
38	An offence against section 6(2AA) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
39	An offence against section 6(2A) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
40	An offence against section 6(2B) of the Act	3 penalty units for a natural person 30 penalty units for a body corporate
41	An offence against section 11A(1) of the Act	4 penalty units for a natural person 60 penalty units for a body corporate
42	An offence against section 11A(3) of the Act	4 penalty units for a natural person 60 penalty units for a body corporate
43	An offence against section 12(1) of the Act	12 penalty units for a natural person 60 penalty units for a body corporate
44	An offence against section 12(2) of the Act	2 penalty units for a natural person 12 penalty units for a body corporate

Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
45	An offence against section 12(3) of the Act	3 penalty units for a natural person 30 penalty units for a body corporate
46	An offence against section 13(1) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
47	An offence against section 13A(1) of the Act	6 penalty units for a natural person
48	An offence against section 13A(2) of the Act	6 penalty units for a natural person 60 penalty units for a body corporate
49	An offence against section 14 of the Act	6 penalty units for a natural person 60 penalty units for a body corporate
50	An offence against section 15C(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
51	An offence against section 15C(3) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
52	An offence against section 15F(1) of the Act	1 penalty unit for a natural person
53	An offence against section 15G(1) of the Act	2 penalty units for a natural person

Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
54	An offence against section 15H(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
55	An offence against section 15I(1) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
56	An offence against section 15J of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
57	An offence against section 15L(1) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
58	An offence against section 15L(2) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
59	An offence against section 15S(1) of the Act	12 penalty units for a natural person 60 penalty units for a body corporate
60	An offence against section 33C of the Act	1 penalty unit for a natural person 5 penalty units for a body corporate
61	An offence against section 33E of the Act	3 penalty units for a natural person 15 penalty units for a body corporate

Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
62	An offence against section 33F of the Act	3 penalty units for a natural person 15 penalty units for a body corporate
63	An offence against section 34ZW(1) of the Act	3 penalty units for a natural person 30 penalty units for a body corporate
64	An offence against section 35G of the Act	2 penalty units
65	An offence against section 35H(3) of the Act	4 penalty units
66	An offence against section 35V(1) of the Act	12 penalty units
67	An offence against section 35V(2) of the Act	12 penalty units
68	An offence against section 36B(1) of the Act	2 penalty units

## Schedule 9—Infringement offences for which inspector may serve infringement notice

Regulation 24

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
1	An offence against section 5A(1) of the Act	1 penalty unit
2	An offence against section 5B(1) of the Act	2·5 penalty units for a natural person 12·5 penalty units for a body corporate
3	An offence against section 5C(1) of the Act	1 penalty unit
4	An offence against section 5C(1A) of the Act	1 penalty unit
5	An offence against section 5D(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
6	An offence against section 5D(3) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
7	An offence against section 5E(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
8	An offence against section 5EA(1) of the Act	1 penalty unit
9	An offence against section 5EB(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate

Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
10	An offence against section 5EC(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
11	An offence against section 5F(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
12	An offence against section 5G(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
13	An offence against section 5H(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
14	An offence against section 5K(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
15	An offence against section 5N(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
16	An offence against section 5R(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
17	An offence against section 5RA(1) of the Act	1.5 penalty units
18	An offence against section 5RA(4) of the Act	1 penalty unit
19	An offence against section 5RB(1) of the Act	1 penalty unit

Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
20	An offence against section 5RB(2) of the Act	1 penalty unit
21	An offence against section 5RB(5) of the Act	1 penalty unit
22	An offence against section 5RC(1) of the Act	1 penalty unit
23	An offence against section 5RC(3) of the Act	1 penalty unit
24	An offence against section 5RD(1) of the Act	1 penalty unit
25	An offence against section 5RD(2) of the Act	1 penalty unit
26	An offence against section 5RD(5) of the Act	1 penalty unit
27	An offence against section 5RE(1) of the Act	1 penalty unit
28	An offence against section 5RE(4) of the Act	1 penalty unit
29	An offence against section 5RF(1) of the Act	1 penalty unit
30	An offence against section 5RF(4) of the Act	1 penalty unit
31	An offence against section 5RG(1) of the Act	1 penalty unit
32	An offence against section 5RG(4) of the Act	1 penalty unit
33	An offence against section 5RH(1) of the Act	1 penalty unit
34	An offence against section 5RH(4) of the Act	1 penalty unit
35	An offence against section 5RI(1) of the Act	1 penalty unit
36	An offence against section 5RI(4) of the Act	1 penalty unit



Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
37	An offence against section 6(2AA) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
38	An offence against section 6(2A) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
39	An offence against section 6(2B) of the Act	3 penalty units for a natural person 30 penalty units for a body corporate
40	An offence against section 11A(1) of the Act	4 penalty units for a natural person 60 penalty units for a body corporate
41	An offence against section 11A(3) of the Act	4 penalty units for a natural person 60 penalty units for a body corporate
42	An offence against section 12(1) of the Act	12 penalty units for a natural person 60 penalty units for a body corporate
43	An offence against section 12(2) of the Act	2 penalty units for a natural person 12 penalty units for a body corporate
44	An offence against section 12(3) of the Act	3 penalty units for a natural person 30 penalty units for a body corporate

Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
45	An offence against section 13(1) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
46	An offence against section 13A(1) of the Act	6 penalty units for a natural person 60 penalty units for a body corporate
47	An offence against section 13A(2) of the Act	6 penalty units for a natural person 60 penalty units for a body corporate
48	An offence against section 14 of the Act	6 penalty units for a natural person 60 penalty units for a body corporate
49	An offence against section 15C(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
50	An offence against section 15C(3) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
51	An offence against section 15F(1) of the Act	1 penalty unit
52	An offence against section 15G(1) of the Act	2 penalty units
53	An offence against section 15H(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate

Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
54	An offence against section 15I(1) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
55	An offence against section 15J of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
56	An offence against section 15L(1) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
57	An offence against section 15L(2) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
58	An offence against section 15S(1) of the Act	12 penalty units for a natural person 60 penalty units for a body corporate
59	An offence against section 36C(3) of the Act	1 penalty unit

## Schedule 10—Infringement offences for which licensing inspector may serve infringement notice

Regulation 25

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
1	An offence against section 6(2AA) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
2	An offence against section 6(2A) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
3	An offence against section 6(2B) of the Act	3 penalty units for a natural person 30 penalty units for a body corporate
4	An offence against section 11A(1) of the Act	4 penalty units for a natural person 60 penalty units for a body corporate
5	An offence against section 11A(3) of the Act	4 penalty units for a natural person 60 penalty units for a body corporate
6	An offence against section 12(1) of the Act	12 penalty units for a natural person 60 penalty units for a body corporate
7	An offence against section 12(2) of the Act	2 penalty units for a natural person 12 penalty units for a body corporate

Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
8	An offence against section 12(3) of the Act	3 penalty units for a natural person 30 penalty units for a body corporate
9	An offence against section 13(1) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
10	An offence against section 13A(1) of the Act	6 penalty units for a natural person 60 penalty units for a body corporate
11	An offence against section 13A(2) of the Act	6 penalty units for a natural person 60 penalty units for a body corporate
12	An offence against section 14 of the Act	6 penalty units for a natural person 60 penalty units for a body corporate
13	An offence against section 15C(1) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
14	An offence against section 15C(3) of the Act	2 penalty units for a natural person 5 penalty units for a body corporate
15	An offence against section 15J of the Act	6 penalty units for a natural person 30 penalty units for a body corporate

Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
16	An offence against section 15L(1) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
17	An offence against section 15L(2) of the Act	6 penalty units for a natural person 30 penalty units for a body corporate
18	An offence against section 15S(1) of the Act	12 penalty units for a natural person 60 penalty units for a body corporate
19	An offence against section 33C of the Act	1 penalty unit for a natural person 5 penalty units for a body corporate
20	An offence against section 33E of the Act	3 penalty units for a natural person 15 penalty units for a body corporate
21	An offence against section 33F of the Act	3 penalty units for a natural person 15 penalty units for a body corporate
22	An offence against section 34ZW(1) of the Act	3 penalty units for a natural person 30 penalty units for a body corporate
23	An offence against section 35H(3) of the Act	4 penalty units

Tobacco Amendment (Retailer and Wholesaler Licensing Scheme)  
Regulations  
Exposure Draft

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
24	An offence against section 35V(1) of the Act	12 penalty units
25	An offence against section 35V(2) of the Act	12 penalty units

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## Endnotes

<sup>1</sup> Reg. 4: S.R. No. 73/2017.

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### Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**. The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2024 is \$16.33. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

### Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2024 is \$197.59. The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.