



# Trade Practices (Consumer Product Safety Standard) (Reduced Fire Risk Cigarettes) Regulations 2008<sup>1</sup>

**Select Legislative Instrument 2008 No. 195**

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Trade Practices Act 1974*.

Dated 18 September 2008

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

CHRIS BOWEN  
Minister for Competition Policy and Consumer Affairs

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**Regulation 1**

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**Part 1 Preliminary****1 Name of Regulations**

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

**2 Commencement**

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 30 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.

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**Regulation 7**

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**5 Interpretation**

In these Regulations:

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

**Regulation 7**

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- (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:
- (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.

## **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.

**Regulation 11**

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**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

- (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.

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#### **Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.