



Therapeutic Goods (Vaping Goods—Possession and Supply) Amendment Determination 2025

I, Chris Bedford, as delegate of the Minister for Health and Aged Care, make the following Determination.

Dated 7 March 2025

Chris Bedford
First Assistant Secretary
Regulatory Practice and Support Division
Health Products Regulation Group
Department of Health and Aged Care

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1 Name

This instrument is the *Therapeutic Goods (Vaping Goods—Possession and Supply) Amendment Determination 2025*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 41R of the *Therapeutic Goods Act 1989*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Therapeutic Goods (Vaping Goods—Possession and Supply) Determination 2024

1 Section 4 (definition of *authority*)

Repeal the definition, substitute:

authority means:

- (a) a Commonwealth authority; or
- (b) a department of State of the Commonwealth or a State; or
- (c) a department or administrative unit of the Public Service of a Territory; or
- (d) an authority of the Commonwealth, a State or Territory (including a local council or other body responsible for local government).

2 Schedule 1 (table item 4, column 4, paragraph (a))

Omit “31 March 2025”, substitute “31 December 2025”.

3 Schedule 1 (table item 5, column 4, paragraph (a))

Omit “31 January 2025”, substitute “31 December 2025”.

4 Schedule 1 (table item 6, column 4, paragraph (a))

Omit “31 March 2025”, substitute “31 December 2025”.

5 Schedule 2 (table item 7, column 4, paragraph (a))

Omit “31 March 2025”, substitute “31 December 2025”.

6 Schedule 2 (table item 8, column 4, paragraph (a))

Omit “31 March 2025”, substitute “31 December 2025”.

7 Schedule 2 (table item 10, column 4, paragraph (a))

Omit “31 March 2025”, substitute “31 December 2025”.

8 Schedule 2 (table item 11, column 4, paragraph (a))

Omit “31 March 2025”, substitute “31 December 2025”.

9 Schedule 2 (table item 13, column 4, subparagraph (b)(ii) (second occurring))

Omit “(ii) exempt from”, substitute “(iii) exempt from”.

10 Schedule 2 (at the end of the table)

Add:

14	vaping goods	the following persons: (a) an authority; or	all of the following: (a) the vaping goods are possessed or supplied by the person for the purpose of facilitating, or in connection
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		(b) an agent or employee of an authority	<p>with, one or more of the following:</p> <ul style="list-style-type: none"> (i) an investigation as to whether the applicable laws of the Commonwealth, a State or a Territory have been complied with; (ii) proceedings in respect of which the vaping goods may afford evidence; (iii) surrender, seizure, forfeiture, transportation, storage, destruction or disposal of the vaping goods; (iv) bona fide medical or scientific research or testing of vaping goods; <p>(b) in the course of supply—the person reasonably believes that:</p> <ul style="list-style-type: none"> (i) the recipient can lawfully possess the vaping goods under the Act and all other applicable laws of the Commonwealth, a State or a Territory; and (ii) the vaping goods will not be used by any person; <p>(c) if the vaping goods are possessed or supplied by an agent or employee of an authority—the agent or employee is acting solely in their official capacity</p>
15	vaping goods	<p>a person who is:</p> <ul style="list-style-type: none"> (a) a party to a contract with an authority to transport, store, destroy or dispose of vaping goods; or (b) subcontracted by a person specified in paragraph 	<p>all of the following:</p> <ul style="list-style-type: none"> (a) the vaping goods are possessed or supplied by the person for the sole purpose of performance of the contract; (b) in the course of supply—the person reasonably believes that: <ul style="list-style-type: none"> (i) the recipient can lawfully possess the vaping goods under the Act and all other applicable laws of the Commonwealth, a State or a Territory; and (ii) the vaping goods will not be used by any person;

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| (a) to provide services under that contract; | (c) if the vaping goods are possessed or supplied by a person specified in paragraph (c) of column 3—the person is acting solely in their capacity as an employee or agent |
| (c) an agent or employee of a person specified in paragraphs (a) or (b) | |