

Specialist tobacconist guide

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How to use this guide

This guide provides information for retailers who are certified specialist tobacconists.

The guide also contains information to help you and your staff comply with the laws in relation to the sale of tobacco products. We encourage you to read all sections thoroughly to make sure you know your responsibilities when selling tobacco in Victoria.

The guide is constructed in a question-and-answer format. It is grouped into sections that cover the main areas of the *Tobacco Act 1987* (Tobacco Act) that apply to you and your staff.

At the back of this guide are some relevant definitions to help you understand the terms and phrases used.

If you sell e-cigarettes, please read the *Supplement to the Specialist tobacconist guide about e-cigarette reforms*, which is available for download from <<https://www2.health.vic.gov.au/public-health/tobacco-reform/tobacco-retailers/certified-specialist-tobacconists>>.

Further information

For further information about the laws relating to selling tobacco products, call the Tobacco Information Line on 1300 136 775. Fact sheets and other information are also available from the [Tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms) at <www.health.vic.gov.au/tobaccoreforms>.

Overview

In Victoria, retailers of tobacco products have not been able display any tobacco products or packaging since 1 January 2011.

There is an exemption for certified specialist tobacconists, who will continue to be able to display tobacco products in line with restrictions prior to 1 January 2011.

Other amendments to the Tobacco Act that came into effect in 2010 include laws that:

- ban smoking in motor vehicles when a person under 18 is present
- ban the sale of tobacco products from temporary or mobile outlets
- give the Minister for Health new powers to ban tobacco products that appeal to children and young people
- increase the penalties for tobacco-related offences including penalties for selling tobacco products to people under 18.

Some important points about certified specialist tobacconists

Q 1 What is a certified specialist tobacconist?

A certified specialist tobacconist is a retail business that:

- derived 80 per cent or more of its gross turnover from the sale of tobacco products in the **12 months immediately preceding the application for certification**.
- operates from a premises that is separated from any other retail premises by a wall
- operates from a premises that does not open directly to another retail premises
- does not sell products or services for children or adolescents
- does not sell dairy products, bread/bakery products, breakfast cereals or food or beverages other than low-risk, shelf-stable foods and beverages
- clearly identifies itself as a specialist tobacconist using external branding containing the words 'tobacco' and/or 'tobacconist' and/or 'cigarettes'
- does not identify itself as a newsagency through external or internal branding and only sells local, state and national/daily/weekly newspapers
- is certified by the Secretary to the Department of Health and Human Services.

Q 2 Can I become a certified specialist tobacconist?

No. Applications for certification as a specialist tobacconist finished on 1 April 2014.

Also, if your premises was previously certified and you are a new owner or you have moved location, the certification will have ended.

Q 3 How long does certification last?

Certification is ongoing unless the tobacco retailing business ends or moves to another premises.

Certification also ends if the original applicant is no longer carrying on the tobacco retailing business.

Q 4 Can certification be cancelled?

Yes. Specialist tobacconist certification can be cancelled if:

- the holder does not comply with a requirement of the Tobacco Act or Tobacco Regulations, or
- the retail outlet no longer satisfies the criteria for exemption, or
- the certification holder requests it.

Q 5 What does it mean to be a certified specialist tobacconist?

Certified specialist tobacconists are exempt from the ban on the display of tobacco products.

It is important to remember that an exemption does not mean that certified specialist tobacconists can display tobacco products however they want.

Certified specialist tobacconists face the same tobacco display restrictions as those that existed for tobacco retailers before 1 January 2011.

The next section of this guide contains information about display and advertising restrictions for certified specialist tobacconists.

Penalties for breaches of laws relating to certified specialist tobacconists

Infringement notice

Breach of tobacco law	Natural person	Body corporate
Specialist tobacconist does not display certificate as specified	1 penalty unit	5 penalty units

Penalty units change each year. One penalty unit in 2017–18 is \$158.57.

Maximum penalties – Magistrates Court

Breach of tobacco law	Natural person	Body corporate
Specialist tobacconist does not display certificate as specified	10 penalty units	50 penalty units
Providing false or misleading information or documentation	60 penalty units	300 penalty units

Penalty units change each year. One penalty unit in 2017–18 is \$158.57.

Display and advertising restrictions for certified specialist tobacconists

Q 6 Can I have more than one display area?

No. You can only have one display area of dry tobacco products within your retail outlet.

Q 7 Can I have more than one point of sale?

Yes. You can sell tobacco products from more than one point of sale in your retail outlet, but you can only have one display area.

Q 8 What must my tobacco display look like?

If you are a certified specialist tobacconist you are only allowed to have a limited display of tobacco products in your retail outlet.

The display must be consistent with the definition of 'product line' in the Tobacco Act.

'Product line' is a tobacco product that differs from other products on the basis of either:

- flavour
- nicotine or tar content, or
- brand name.

You can only display one of each product line of a tobacco product. Different sized packages are not treated as different product lines. This means you cannot display **different sizes** of cigarette packages with the same flavour, nicotine or tar content, or brand name.

For example, you cannot display Brand A 30s Blue, as well as Brand A 40s Blue. However, you can display Brand A Blue 20s, Brand A Purple 20s and Brand A Green 20s. Figure 1 shows an example.

Figure 1: Example of a compliant display of a single product line

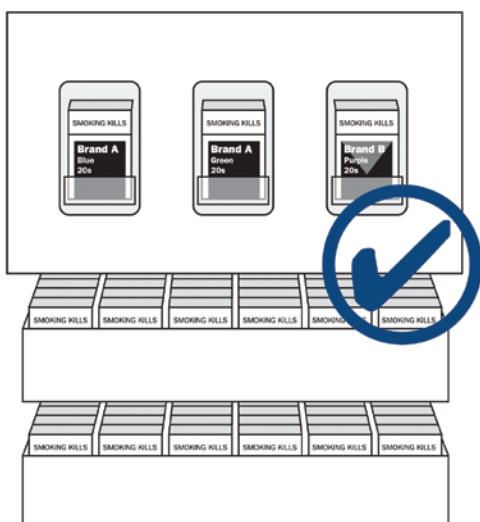


The following options show you some ways you can display your tobacco products.

Option A

Figure 2 shows an example of a compliant display of a single immediate package. The front of one product line can be displayed, but any other of the same product line must be covered.

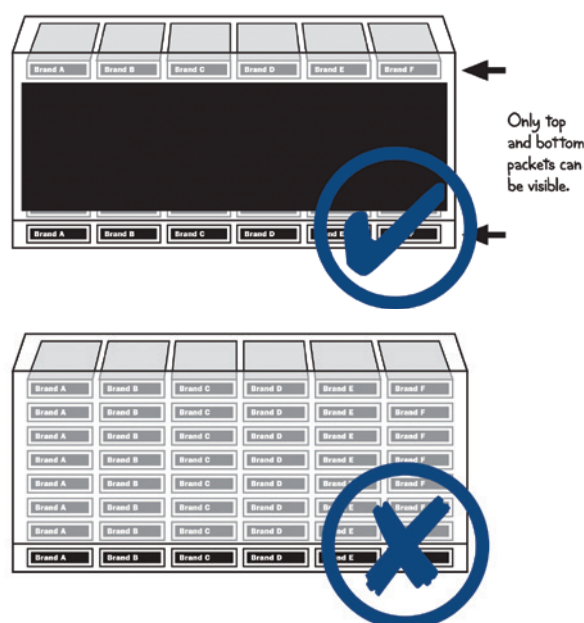
Figure 2: Example of a compliant display of single immediate package



Option B

When cigarette packages are stacked directly on top of each other, you are only allowed to display the top and bottom package of each stack (see Figure 3).

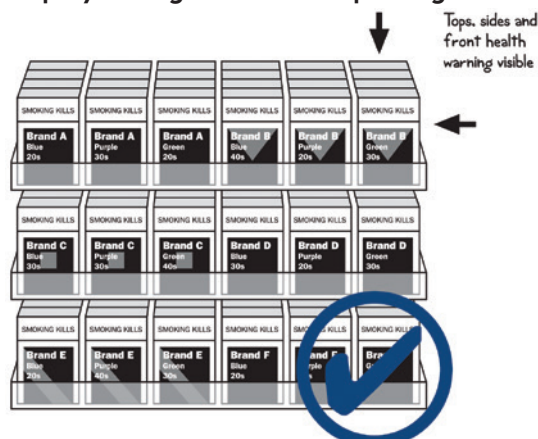
Figure 3: Example of a compliant vertical display of single immediate packages



Option C

When packages are stacked directly behind each other, you can display the front face of a tobacco package of each product line as well as the tops, sides and front health warning (see Figure 4).

Figure 4: Example of a compliant angled display of single immediate packages



Q 9 How big can my tobacco display be?

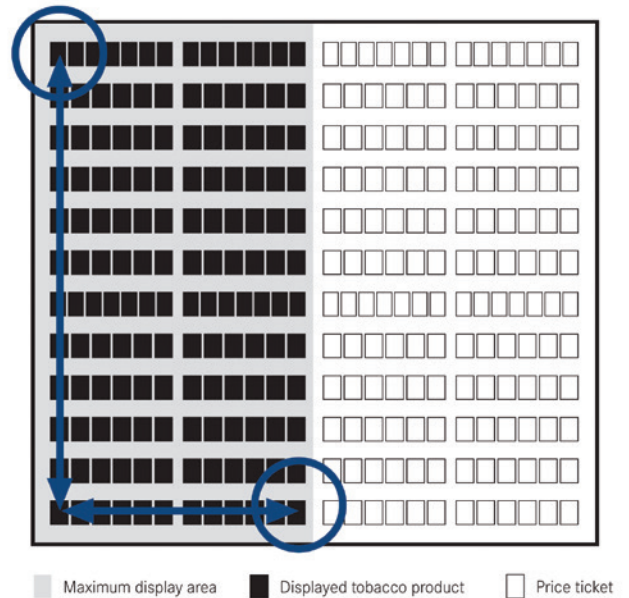
Your display of dry tobacco products, including cigarettes, roll-your-own tobacco and dry cigars, must be displayed in a maximum area of four square metres, regardless of which option you choose.

You may not be able to display your full product range within four square metres. Extra products must be blocked from customer view. You can use price tickets and price boards to inform customers about the blocked products.

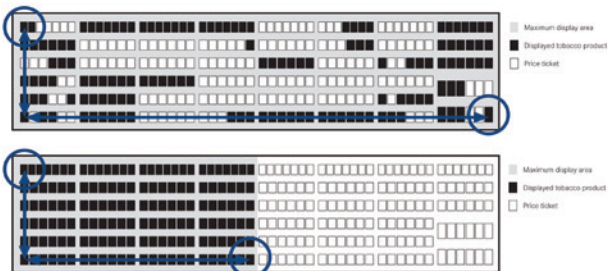
Q 10 How do I measure the display area?

The display area is measured from the outer edge of the first package face on display to the outer edge of the package that is furthest from that first package, as shown in Figure 5.

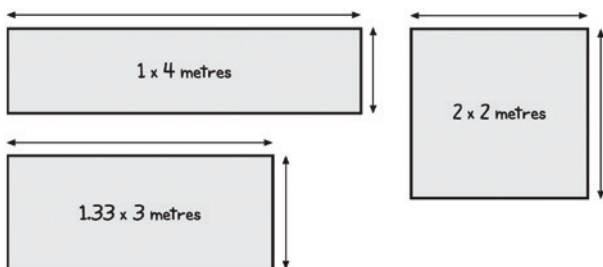
All space in this area is considered to be the display area regardless of whether all packages are on display or are covered by price tickets.



Figures 5: Examples of how to measure the display area



The maximum display area for tobacco products can be a variety of shapes. For example,



Q 11 How can I display cigars?

Dry cigars sold in packages can be displayed in the same way as cigarettes, as outlined in

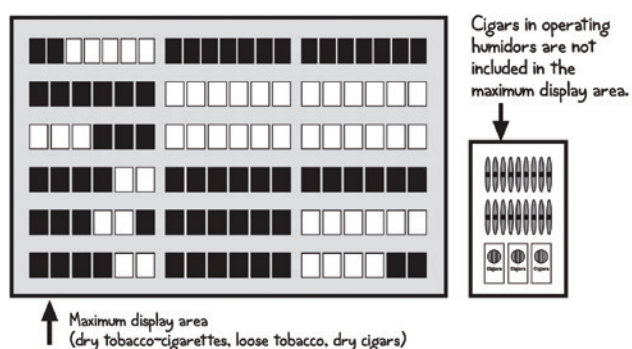
Question 8: What must my tobacco display look like?

As an alternative to these stack dispenser displays, you may choose to display up to 13 of each product line of cigars outside a stack dispenser (in an open box, container or compartment) and/or a closed box of each product line of cigars.

Cigars must comply with product line definition. This means that you can't display different sizes of cigars that are the same brand name, nicotine or tar content or flavour.

Dry cigars must be displayed within the maximum four-square-metre display for tobacco products. Cigars in operating humidors are not included in the maximum display area (see Figure 6).

Figure 6: Example of a compliant cigar display



Q 12 Can I display cartons?

No. You cannot display cigarette cartons. You can sell them, but customers must not be able to see them.

Only duty-free shops beyond the barrier at Melbourne Airport are permitted to have a limited display of cigarette cartons.

Q 13 What are price tickets and how can I use them?

Price tickets can be used to show the price and other information about each tobacco product you sell (see Figure 7). Usually, they would be the same size as the product or pack.

Price tickets can list the following information:

- the name of the product line
- the strength of the product line (for example 4 mg, 8 mg)
- the flavour and number of items contained in the product line (for example, menthol, 30s)
- the average weekly sales of the product line
- any identifying category information related to the product line
- a barcode or similar identifying code of the product line
- the country of origin of the product line, including any symbol representing the country of origin.

Figure 7: Example of a compliant price ticket

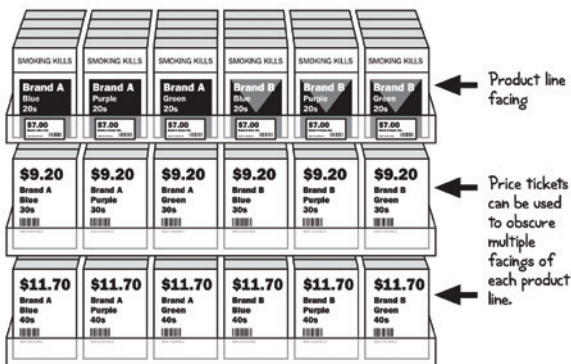


Price tickets must:

- be no bigger than the biggest immediate package on display
- have letters and numbers no bigger than 2.1 cm high and 1 cm wide
- be black and white, or up to four colours, none of which is fluorescent
- not make information more noticeable than other tickets or labels in the shop
- not make the information form an image or visual effect
- not highlight information with artificial lighting greater than that used throughout the shop.

Price tickets can be used to hide tobacco products that you are not permitted to display under the legislation. For example, to comply with product line display restrictions, you can not display different pack sizes (20s, 25s, 30s, 35s) of a product line of cigarettes. If you decided to display the pack of 25s, you could use price tickets to hide all the other packets in the same product line (see Figure 8).

Figure 8: Example of compliant use of price tickets to hide tobacco products



Q 14 What are price boards and how can I use them?

You can use a price board to list the price and details of the tobacco products you sell. You may want to use a price board for products that you can't display, like cartons or those products that don't fit within your maximum display area.

You may have one price board at each point of sale. Price boards can list information about:

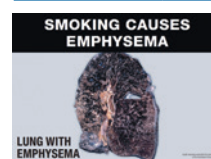
- the brand of tobacco products available for sale
- the flavour of tobacco products available for sale (for example, menthol)
- the pack sizes available for sale (for example, 25s, 30s, cartons)
- the prices of tobacco products available for sale, but not discount information or any other information indicating a tobacco product has been discounted. This means that 'specials' stickers and other forms of price discounting are not permitted on a price board.

The price boards in your retail outlet must:

- be no bigger than 1.5 m by 1.5 m (150 cm x 150 cm)
- have letters and numbers no bigger than 2.1 cm high by 1.5 cm wide
- have letters and numbers printed in the same font, font size and font style
- be printed on one side only in either black and white or in up to four (4) colours, none of which is fluorescent
- not make information about one product more noticeable than another
- not make information more noticeable than other price tickets or labels in the shop
- not highlight price information with artificial lighting greater than that used throughout the shop
- have one of the prescribed graphic health warning signs on, or immediately next to, the price board.

Figure 9: Example of a compliant price board

Product	Type	Size	Price
Brand A	Menthol	20s	\$21.00
Brand A	Regular	20s	\$21.00
Brand A	Menthol	25s	\$25.30
Brand A	Regular	40s	\$38.50
Brand A	Menthol	50s	\$45.00
Brand B	Regular	30s	\$27.60
Brand B	Menthol	30s	\$27.60
Brand B	Regular	50s	\$45.00
Brand B	Menthol	carton	\$220.00
Brand C	Menthol	25s	\$25.30



Q 15 Can I advertise tobacco products?

No. You must not display any branded or unbranded tobacco advertising anywhere inside or outside your retail outlet (see Figure 10). This includes the display of posters, desk pads, flags, stickers, back-lit tobacco advertising signs and tobacco advertising on vending machines.

Figure 10: Examples of banned tobacco advertising



Q 16 Can I offer free or discounted products to customers with the purchase of tobacco products?

No. You must not offer or supply any free or discounted products (such as CDs, tins or carry cases) or other benefits (such as vouchers or credits) with the purchase of, or to promote the sale of, a tobacco product (see Figure 11).

Figure 11: Examples of items that cannot be offered free or discounted with the sale of tobacco products



Penalties for breaches of display and advertising restrictions

Infringement notice

Breach of tobacco law	Natural person	Body corporate
Incorrect display of tobacco products – for example: noncompliance with product line definition; the display is larger than the maximum display area; or cartons are on display	3 penalty units	30 penalty units

Penalty units change each year. One penalty unit in 2017–18 is \$158.57.

Maximum penalties – Magistrates Court

Breach of tobacco law	Natural person	Body corporate
Incorrect display of tobacco products – for example: noncompliance with product line definition; the display is larger than the maximum display area; or cartons are on display	60 penalty units	300 penalty units
Display of branded or non-branded tobacco advertisement or display of advertisements for cigarette papers	60 penalty units	
Display of signs outside the retail outlet such as 'cheap smokes' or 'discount cigarettes'	60 penalty units	

Penalty units change each year. One penalty unit in 2017–18 is \$158.57.

General information about selling tobacco products in Victoria

Q 17 Do I need a licence to sell tobacco products in Victoria?

No. You do not currently need a licence to sell tobacco products in Victoria, but you must comply with all laws concerning the sale of tobacco products at all times. Reading this guide should help you to understand your responsibilities when selling tobacco.

Certified specialist tobacconists must display their certificate in a noticeable place in a way that is likely to attract attention.

Q 18 Do people who sell tobacco products have to be above a certain age?

There is no age requirement for people who can sell tobacco products in Victoria.

Anyone who sells tobacco products must do so responsibly and comply with the law.

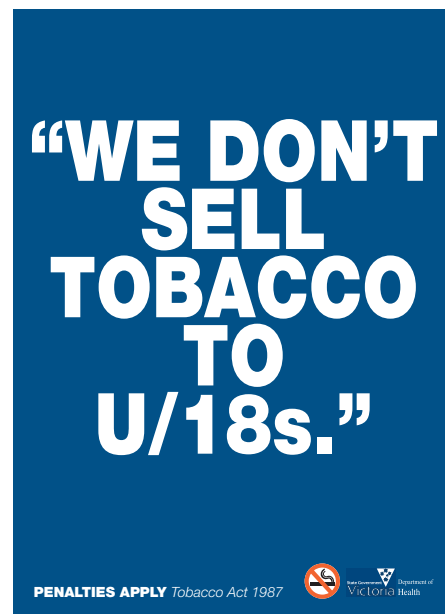
Everyone, no matter how old, must comply with laws banning the sale of tobacco products to people under 18.

Younger people sometimes find it hard to work out how old a person is and may not feel comfortable asking someone for proof of age. You may decide to have only adults sell tobacco products, or to require younger staff to check with an adult before selling tobacco products.

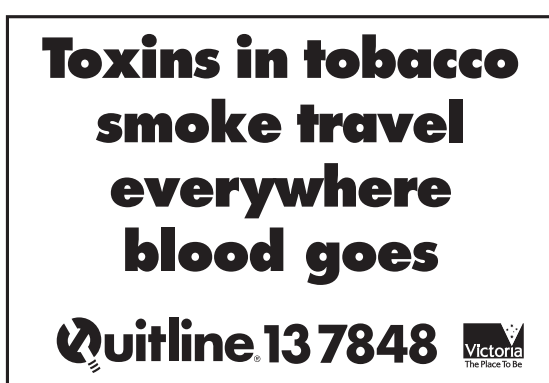
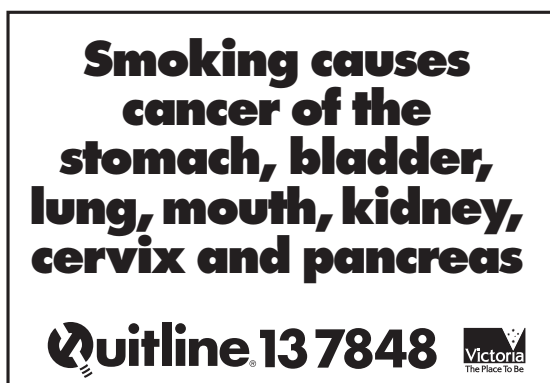
The manager is responsible for making sure anyone they allow to sell tobacco products does so responsibly and complies with the law. If someone in your retail outlet sells tobacco to a person under 18, you may be held responsible and fined.

Q 19 What signs must I display if I sell tobacco products?

If you sell tobacco products, you must display this A4 size sign in your retail outlet:



You must also display one of these A3 size black-and-white health warning signs:



These signs must be easy for customers to see. They must be displayed next to the point of sale of tobacco products, or near the entrance to your premises.

The Department of Health and Human Services produces these signs, and they are available free of charge. Call the Tobacco Information Line on 1300 136 775 to request a sign, or download a copy of a sign from the [Tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms) at <www.health.vic.gov.au/tobaccoreforms>.

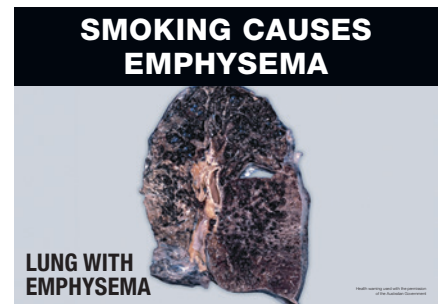
If you use a price board, you **must** display one of these A4-sized graphic health warning signs on or immediately next to the price board.



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The Department of Health and Human Services uses these graphic health warnings under licence from the Commonwealth of Australia, and they may only be used as permitted by the Department of Health and Human Services. Graphic health warning signs are available from the department by contacting the Tobacco Information Line on 1300 136 775.

Certified specialist tobacconists must also display their certificate in a conspicuous place.

Q 20 Can I sell single cigarettes?

No. You can only sell cigarettes in packets of 20 or more.

Q 21 Where can't I sell tobacco products?

You must not sell tobacco products from a temporary or mobile structure, even if part of that structure is permanent.

Examples of temporary or mobile structures are:

- display stands
- booths
- tents or marquees
- vans or trucks.

You **must not** sell tobacco products from a retail outlet that has been set up for a specific sporting, music or arts-related event, such as the Australian Grand Prix or Big Day Out.

Mobile selling of tobacco products is also banned. In other words, a person cannot walk around selling tobacco products from a cart, tray or bag.

If you own or operate a tobacco product vending machine, you must follow the restrictions concerning its location. Access our [Tobacco retailer guide](https://www2.health.vic.gov.au/public-health/tobacco-reform/tobacco-retailers/retailers-guide-to-tobacco) from <<https://www2.health.vic.gov.au/public-health/tobacco-reform/tobacco-retailers/retailers-guide-to-tobacco>> for more information about tobacco product vending machines.

Q 22 What tobacco products can't I sell?

The Minister can ban tobacco products that are designed to appeal to children and young people if:

- the tobacco product or its smoke has a distinctive fruity, sweet or confectionery-like character
- the tobacco product has packaging that appeals to children or young people
- the tobacco product is of a nature or is advertised in a way that may encourage children or young people to smoke.

The Minister can also ban a product that resembles a tobacco product.

Q 23 How do I know what tobacco products are banned from sale?

Ban orders are published in the *Victoria Government Gazette*.

A list of banned tobacco products is also available from the Tobacco Information Line on 1300 136 775 or from the [Tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms) at <www.health.vic.gov.au/tobaccoreforms>.

The table below shows banned products.

Product	Manufacturer/ supplier
DJ Mix Lemon Fresh	D J Tobacco Co Ltd
DJ Mix Iced Green Apple	D J Tobacco Co Ltd
DJ Mix Strawberry	D J Tobacco Co Ltd
Peel Menthol Orange	D J Tobacco Co Ltd
Peel Sunny Peach	D J Tobacco Co Ltd
Peel Sweet Melon	D J Tobacco Co Ltd
Peel Super Lights Iced Green Apple	D J Tobacco Co Ltd
Peel Super Lights Strawberry	D J Tobacco Co Ltd
Peel Super Lights Lemon Fresh	D J Tobacco Co Ltd
Black Devil	Heupink and Bloemen Tabak B.V.
Pink Elephant	Heupink and Bloemen Tabak B.V.

In addition, all brands or types of cigarette papers, cigar and cigarillo wraps and cigarillos that possess a distinctive fruity, sweet or confectionery-like character are banned.

Penalties for breaches of specific tobacco laws

Infringement notice

Breach of tobacco law	Natural person	Body corporate
Failure to display health warning	2 penalty units	5 penalty units
Failure to display U18 sign	2 penalty units	5 penalty units
Sale of fruit or confectionery-flavoured cigarettes	4 penalty units	60 penalty units
Sale of tobacco from a temporary outlet	3 penalty units	30 penalty units
Sale of single cigarettes or cigarettes in a pack containing fewer than 20	3 penalty units	60 penalty units

Penalty units change each year. One penalty unit in 2017–18 is \$158.57.

Maximum penalties – Magistrates Court

Breach of tobacco law	Natural person	Body corporate
Failure to display health warning	10 penalty units	50 penalty units
Failure to display U18 sign	10 penalty units	50 penalty units
Sale of fruit or confectionery-flavoured cigarettes	120 penalty units	600 penalty units
Sale of tobacco from a temporary outlet	60 penalty units	300 penalty units
Sale of single cigarettes or cigarettes in a pack containing fewer than 20	120 penalty units	600 penalty units

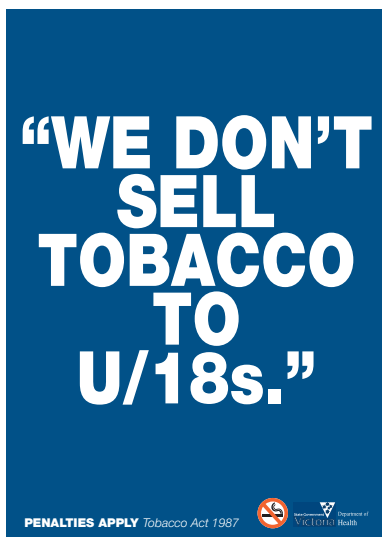
Penalty units change each year. One penalty unit in 2017–18 is \$158.57.

Laws banning tobacco sales to people under 18

Q 24 What are the laws about selling tobacco products to a person under 18?

Selling tobacco products, including cigarettes, cigars or loose tobacco, to any person under 18 is illegal. This includes selling tobacco products from vending machines to a person under 18.

If you sell tobacco products, you must display the sign below:



This sign must be displayed at each point of sale of tobacco products or near the entrance of your retail outlet where customers can easily see it.

This sign is produced by the Department of Health and Human Services and is available free of charge. Call the Tobacco Information Line on 1300 136 775 to request a sign, or download a copy of a sign from the [Tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms) at www.health.vic.gov.au/tobaccoreforms.

Q 25 Who is responsible when tobacco products are sold to a person under 18?

The employee who sold the tobacco product is responsible.

The manager or employer of the employee (the primary offender) who sold the tobacco product may also be held responsible.

Q 26 What happens if tobacco products are sold to a person under 18?

An individual (natural person) may receive an on-the-spot fine of four penalty units. If found guilty of an offence in court, an individual may be fined up to 120 penalty units.

A company (body corporate) may receive an on-the-spot fine of 60 penalty units. If found guilty of an offence in court, a company may be fined as much as 600 penalty units.

Penalty units change each year. One penalty unit in 2017–18 is \$158.57.

Q 27 Who should I ask for identification (ID)?

It's not always easy to tell how old a person is. It's a good idea to ask for identification from any person who may be under 25.

Q 28 What are acceptable forms of identification (ID)?

Only identification that provides photographic proof of age is acceptable. For example:

- a Victorian or interstate proof-of-age card
- a Victorian or interstate driver's licence
- an Australian or international passport
- a Keypass
- a Victorian learner's permit.

**NO PROOF OF AGE
NO CIGARETTES**

When purchasing tobacco products, Victorian tobacco laws require you to prove that you are over 18 years old.

Proof of Age Card, Victorian Learner's Permit, Victorian Driver's Licence, Keypass Card, Australian Passport

We accept any of the above forms of proof of age.

This sign is produced by the Department of Health and Human Services and is available free of charge. Call the Tobacco Information Line on 1300 136 775 to request a sign, or download a copy of a sign from the [Tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms) at <www.health.vic.gov.au/tobaccoreforms>.

Q 29 When I look at someone’s ID, how can I work out if the person is over 18?

These charts will help you to work out how old a person is:

Calculating if a person is under 18 in 2017

Year of birth	Can I sell tobacco?
Before 1999	Yes
1999	Check the day and month of their birth. If the date is on or before the purchase date, the customer is 18. If the date is after the purchase date, the customer is not 18 so you must refuse the sale.
After 1999	No – refuse sale

Calculating if a person is under 18 in 2018

Year of birth	Can I sell tobacco?
Before 2000	Yes
2000	Check the day and month of their birth. If the date is on or before the purchase date, the customer is 18. If the date is after the purchase date, the customer is not 18 so you must refuse the sale.
After 2000	No – refuse sale

These charts only apply in 2017 and 2018.

Q 30 I am a manager. What should I do to make sure I am not held responsible for employees selling tobacco products to a person under 18?

Managers are responsible for ensuring anyone allowed to sell tobacco products does so responsibly and in accordance with the law. You can be fined if an employee sells tobacco products to a person under 18 (see Question 25: Who is responsible when tobacco products are sold to a person under 18?).

You may be able to avoid a fine by training every employee every six months. The training must cover each of these things:

- that employees **must not** sell tobacco products to anyone under 18 for any reason
- that employees **must ask for and see** identification (ID) before selling a tobacco product to a person who might be under 18
- that if employees sell tobacco products to a person under 18, they are committing an offence and may be fined.

Managers must have written confirmation from employees that they have received this training. See the *Training acknowledgement form* at the back of this guide.

Penalties for breaches of laws relating to the sale of tobacco to minors

Infringement notice

Breach of tobacco law	Natural person	Body corporate
Manager/proprietor whose staff or agent sells tobacco to a minor	4 penalty units	60 penalty units
Person who sells tobacco to a minor	4 penalty units	60 penalty units
Failure to display U18 sign	2 penalty units	5 penalty units

Penalty units change every year. One penalty unit for 2017–18 is \$158.57.

Maximum penalties – Magistrates Court

Breach of tobacco law	Natural person	Body corporate
Manager/proprietor whose staff or agent sells tobacco to a minor	120 penalty units	600 penalty units
Person who sells tobacco to a minor	120 penalty units	600 penalty units
Failure to display U18 sign	10 penalty units	50 penalty units

Penalty units change every year. One penalty unit for 2017–18 is \$158.57.

Tobacco inspectors

Q 31 What is the role of tobacco inspectors?

Environmental health officers (EHOs) at Victoria's local councils are authorised to enforce tobacco legislation. They enforce the laws by:

- making education visits to tobacco retailers
- undertaking test purchases in retail outlets that sell tobacco to check the outlet is not selling tobacco products to people under 18.

Q 32 What powers do tobacco inspectors have?

Tobacco inspectors have the power to:

- inspect parts of the tobacco retail outlet that are open to the public
- request the name and address of anyone they believe may have committed an offence under the Tobacco Act
- inspect and measure tobacco displays located behind the counter
- direct the occupier to remove any tobacco advertisement placed or displayed that breaches the Tobacco Act.

Tobacco inspectors do not need written consent or a search warrant to inspect and measure the tobacco display, but they must show their identity card before going behind the counter.

Q 33 What are my rights and obligations when being interviewed by an inspector?

By law, you must provide your full name and address to tobacco inspectors.

You have the right to an interpreter.

You have the right to refuse to answer any questions asked by tobacco inspectors at any stage in the interview. However, the interview is an opportunity for you to explain the circumstances that led to the breach of the Tobacco Act.

Definitions

Term	Meaning
Acceptable form of identification	A document that— (a) is— (i) a Victorian proof-of-age card or an interstate proof-of-age card or (ii) a Victorian driver’s licence or an interstate driver’s licence or (iii) an Australian or foreign passport or (iv) an approved issuer document (this currently includes a Keypass card) and (b) contains a photograph of the bearer and (c) indicates, by reference to a date of birth or otherwise, that the bearer is of or over a particular age.
Branding	A trade name, brand name, brand or name given to a product or service.
Carton	A package that contains packages of a tobacco product, or a package designed to contain packages of a tobacco product but does not include a package containing individually wrapped cigars (unless the package contains a further package or packages of cigars).
Certified specialist tobacconist	A tobacco retailing business where— (a) tobacco retailing is carried on or proposed to be carried on at the premises; and (b) the gross turnover of tobacco products at the premises— (i) if the tobacco retailing business is carried on at the premises at the time of the application, constitutes 80 per cent or more of the gross turnover of all products sold at the premises in the 12 months immediately preceding the application or the applicant’s period of trading at the premises, whichever is shorter; or (ii) if the tobacco retailing business is proposed to be carried on at the premises at the time of the application, is projected to constitute 80 per cent or more of the projected gross turnover of all products to be sold at the premises in the 12 months immediately following the commencement of trading by the applicant at the premises; and (c) certification of the premises is consistent with the objects of the Tobacco Act; and (d) certification of the premises is consistent with any strategic plan, policy statement, code or guideline relating to specialist tobacconists that has been adopted by the Minister; and (e) the premises are separated from other retail premises by a wall and that any doorway or entrance to or exit from the premises does not open directly into any other retail premises.
Display	In relation to a tobacco product at a retail outlet, a display to customers.
Low-risk food	Foods that are unlikely to contain pathogenic micro-organisms and will not normally support their growth due to food characteristics.
Manager of a primary offender	(a) an employer of the primary offender or (b) a person who authorised the primary offender to sell tobacco products as the person’s agent or (c) if the primary offence was committed in the course of carrying on a business —a person who owns, manages, controls, conducts or operates that business.

Term	Meaning
Package	<p>(a) a bundle, container, box or case; something that is packed and wrapped or boxed; a parcel</p> <p>(b) does not include a transparent wrapping, unless the wrapping has a tobacco advertisement printed on it.</p>
Point of sale	A place where tobacco products are sold within a retail outlet, including a vending machine from which tobacco products are sold.
Premises	This includes any part of the premises, including a vehicle or vessel and permanent or temporary structures.
Primary offender	The person who sells cigarettes to a minor in breach of the Tobacco Act.
Product line	<p>A kind of tobacco product distinguishable from other kinds by one or more of these characteristics:</p> <p>(a) brand name</p> <p>(b) nicotine or tar content</p> <p>(c) flavour</p> <p>but not by the size of the package containing the tobacco product.</p>
Retail outlet	Premises where tobacco products are available for sale by retail.
Service counter	<p>(a) at an approved venue or casino, is a counter at which gaming tokens (within the meaning of the Gaming Regulation Act 2003) may be issued or redeemed</p> <p>(b) at a bottle shop, is a counter in the bottle shop across which liquor is supplied directly to customers.</p>
Shelf-stable food	Food of a type that has been processed so that it can be safely stored in a sealed container at room or ambient temperature for a usefully long shelf life.
Temporary outlet	A temporary display stand, booth or tent, or other temporary or mobile structure or enclosure, whether or not a part of that display stand, booth, tent, structure or enclosure is permanent.
Vending machine	A machine, device or contrivance that is constructed to contain tobacco products that may be obtained from it by an operation that involves the insertion of a coin, note, token or similar object.

Staff training checklist

Training should be completed every **six months**. Once training has been completed, you should ask each member of staff to sign a *Training acknowledgement form* like the one on the next page.

Training must cover the following topics

- That it is illegal to sell tobacco to a person under 18, under any circumstances, even if the tobacco products are for, or claimed to be for, a person over 18.
- That they should ask for and check (sight) an acceptable form of identification (photo ID) for a person before selling a tobacco product to the person.
- Examples of acceptable forms of identification (photo ID) include:
 - Victorian or interstate proof-of-age card
 - Victorian or interstate driver's licence
 - a Victorian learner's permit
 - Keypass
 - Australian or foreign passport.
- That it is illegal to sell cigarettes in a package containing fewer than 20 cigarettes.
- The penalties for selling tobacco to a person under 18.
- If they sell tobacco products to a person under 18 in disregard of the instructions mentioned above, they are committing an offence against the *Tobacco Act 1987*.

Training acknowledgement form

You should only sign this form once you understand the instructions in the *staff training checklist* and the warning set out below. If you have any questions about the instructions, ask your employer before signing this form. If you are unsure whether or not to sign this form, call the Tobacco Information Line on 1300 136 775.

Declaration

I was instructed:

- not to sell tobacco products to a person under 18 in any circumstances, even if the tobacco products are for, or claimed to be for, a person over 18 years
- to ask for and check (sight) an acceptable form of identification (photo ID) for a person before selling a tobacco products to the person.

I have been warned that, having received the above two instructions, if I disregard these instructions and sell tobacco products to a person under 18, I commit an offence under the *Tobacco Act 1987*.

Date

Name

Signature

Date

Manager/ Proprietor signature

Manager/ Proprietor name and position

