

Ban on the display of tobacco products

1 January 2011

Q1 What is the new law regarding displaying tobacco products?

From 1 January 2011, display of tobacco products will be banned.

Tobacco products must not be visible from anywhere inside or outside a retail outlet. Tobacco products include cigarettes, cigars and loose tobacco.

The ban applies to vending machines.

An exemption applies to on-airport duty-free shops and certified specialist tobacconists. For more information about certified specialist tobacconists, see [Q12: What is a specialist tobacconist?](#)

Q2 Can I still sell tobacco products even though I can not display them?

Yes.

You can still sell tobacco products, but they must not be visible from anywhere inside or outside your retail outlet.

Q3 Can I advertise tobacco products?

No.

You must not display branded or non-branded tobacco advertising inside or outside your retail outlet. This ban applies to the display of posters, desk pads, flags, stickers, back-lit tobacco advertising signs and tobacco advertising on vending machines.

Q4 How will people know I sell tobacco products?

You will be able to display a prescribed sign which shows that you sell tobacco, for example: *We sell cigarettes.*

The sign will be produced by the Government and must be requested by you. You will *not* be able to create your own sign.

Q5 How will people know what tobacco products I have for sale and how much they cost?

You may use a prescribed Price Board to advise customers of products available for sale.

Q6 How can I prevent people from seeing tobacco products in my retail outlet?

There are a number of ways to cover tobacco products and, provided the tobacco products are *completely* out of view, you may choose the method most suited to you.

For example, you may move your tobacco products under the counter, or into a drawer, or even move them into a separate room, out-of-sight of customers.

Alternatively, if you have a cabinet on your wall, you may cover this with an opaque material like a shutter or thick curtain (which you can't see through).

Remember, the ban means that tobacco products must not be visible from inside or outside your shop.

Q7 How can I prevent people from seeing tobacco products when I open a cabinet to serve a customer or re-stock my shelves?

Retailers are expected to take *all* reasonable measures to prevent visibility of tobacco products.

Q8 Why is the display of tobacco products being banned?

Currently, tobacco products are more visible and widely available than any other consumer product (Ministerial Council on Drug Strategy, 2005), creating the impression that smoking is more popular than it actually is. This high visibility makes it more likely that young people will start smoking and makes it harder for people to quit smoking (Wakefield et al., 2007).

Current point-of-sale restrictions are detailed and often difficult for retailers to understand. These reforms will make it much simpler for retailers to ensure that they comply with the law.

Q9 Will I still have to display the blue "We don't sell tobacco to U/18s" and Health Warning signs?

Yes, these signs must be displayed by anyone who sells tobacco products. These signs must be displayed so that anyone who enters the shop is likely to see them.

Q10 What are the penalties?

The maximum penalty for an individual breaching this law will be 60 penalty units¹, with an infringement penalty of 3 penalty units.

The maximum penalty for a body corporate breaching this law will be 300 penalty units, with an infringement penalty of 30 penalty units.

Q11 Are there any exemptions?

Exemptions apply to on-airport duty-free shops and *certified* specialist tobacconists.

Q12 What is a specialist tobacconist?

In order to display tobacco products after 1 January 2011, businesses will be required to apply for, and be certified with, a specialist tobacconist exemption.

¹ A penalty unit for 2009/10 is \$116.82 (indexed annually).

For updated penalty unit values visit the Office of the Chief Parliamentary Counsel [website](#).

A specialist tobacconist is a tobacco retailing business which derived 80% of its gross turnover for the preceding 12 months, from the sale of tobacco.

A new tobacco retailing business can also apply to be a specialist tobacconist if they project that 80% of their gross turnover in the first 12 months of operation will be derived from the sale of tobacco products.

The specialist tobacconist premises must be separate from any other premises. (The premises must be separated from other retail premises by a wall; any doorway or entrance to or exit from the premises must not open directly into any other retail premises).

The Minister may also adopt guidelines which prescribe further restrictions on the type of businesses which can become a specialist tobacconist.

It is important to note that an exemption for specialist tobacconists is not automatic. Even retailers which currently trade as "tobacconists" will need to apply for certification to the Secretary of the Department of Health.

Certification is *not* guaranteed.

If you are not granted certification, you will still be able to sell tobacco products, but you must ensure that they are not visible from anywhere inside or outside your shop.

Details of the application process are currently being developed and retailers will be advised in due course.

Q13 What can I display if I am a certified specialist tobacconist?

Existing display restrictions will continue to apply to specialist tobacconists, including product line and stacking restrictions, restriction on the size of the display and the use of price tickets and price boards.

As evidence of their ongoing certification, specialist tobacconists will be required to display their certificate.

Q14 How do I apply to become a specialist tobacconist?

The Department of Health are developing the application process, details of which will be made available in due course.

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