

October 2010 for reforms effective 1 January 2011

Q1 What are the new laws regarding tobacco?

From 1 January 2011 displaying tobacco products and packaging is banned in retail outlets. Retailers can still sell tobacco products, but the products and packaging must not be visible to the public from anywhere inside or outside their premises. An exemption applies to on-airport duty free shops and **certified specialist tobacconists**.

Q2 What is a certified specialist tobacconist?

At the time of application to be a certified specialist tobacconist, a business must meet the following criteria which are outlined in the Tobacco Act and specified by the Minister for Health:

- Criterion 1.** Derive 80 per cent of its gross turnover for the preceding 12 months, from the sale of tobacco products; and
- Criterion 2.** Be separated from other retail premises by a wall and does not open directly to another retail business.
- Criterion 3.** Not sell or display products or services designed for children or adolescents. Examples include (but not limited to):
- children's DVDs/CDs
 - toys
 - licensed merchandise and products with cartoon pictures on the packaging which appeal to young children e.g. Disney and Pixar licensed products
 - food products that appeal to young children and adolescents including Freddo Frogs, Kinder Surprise chocolate and lollipops
 - services that appeal to children including lolly/toy vending machines, children's haircuts and arcade games.

Criterion 4. Not sell food or beverages other than low risk, shelf stable foods considered to be snack foods (chips, chocolate, soft drink). As a guide, foods that require temperature control to prevent them from spoiling would not be permitted. Examples of foods not permitted include (but are not limited to):

- milk and dairy products
- bakery items
- eggs and cereal.

Criterion 5. Not identify itself as a newsagent through internal or external branding, and only sell local, state and national/daily/weekly newspapers. Certified specialist tobacconists will not be permitted to sell print materials that are commonly found in newsagents such as (but not limited to): magazines, wrapping paper, cards, note books and postcards.

Criterion 6. Clearly identifies itself as a specialist tobacconist through the use of external branding containing the words tobacco and/or tobacconist and/or cigarettes.

If satisfied that the criteria are met, and that certification of the premises is consistent with the objects of the Tobacco Act, the Secretary, Department of Health will certify the premises as a specialist tobacconist.

Q3 What does it mean to be a certified specialist tobacconist?

Certified specialist tobacconists are exempt from the ban on the display of tobacco products which commences 1 January 2011. Existing display restrictions will continue to apply to a certified specialist tobacconist and penalties for breaches of existing display restrictions apply.

Q4 Can new businesses apply to be certified specialist tobacconists?

A person wishing to set up a business as a certified specialist tobacconist may do so if they project that 80% of gross turnover in the first 12 months of operation will be derived from the sale of tobacco products. This provision only applies to **proposed** businesses. A current business which does not meet Criterion 1 will not be able to apply to be a certified specialist tobacconist. A current business may apply at a later date if they have met the 80% turnover for the 12 months immediately preceding the application.

Q5 What is the process for becoming a certified specialist tobacconist?

A person or business wanting to become a certified specialist tobacconist must apply using the Application Form for Certification as a Specialist Tobacconist. The form will be available from 15 October 2010 from <www.health.vic.gov.au/tobaccoreforms>, by telephoning the Tobacco Information Line on 1300 136 775, or by emailing tobacco.policy@health.vic.gov.au

Certification is not guaranteed and a business may be refused certification if the necessary criteria are not met.

Q6 What are my responsibilities when completing the application form?

The applicant must ensure they:

- answer all questions on the application form;
- provide all required documentation; and
- sign the acknowledgement.

If the application form is incomplete, unsigned or does not provide the required documentation the application will not be processed.

Applications received after the **26 November 2010** may not be processed in time for 1 January 2011 and tobacco displays will need to be covered until the application is processed and certification granted.

Q7 What documentation must I submit with my application?

The application process will require specific documentation to be submitted including:

- a signed letter or statement from an accountant which confirms the business derives 80% of gross turnover from the sale of tobacco products. The accountant must be a Certified Practising Accountant or a Chartered Accountant; and
- either of the following:
 - o a copy or an original building plan certified by an accountant or legal advisor; or
 - o a signed declaration from an accountant or legal advisor advising the business is separated from all other retail businesses by walls.

Q8 What if I provide incorrect information in my application form?

It is an offence to provide false or misleading information to the Secretary or an Authorised Officer. This may result in certification being refused or cancelled, and the applicant receiving a fine.

Q9 Can certification be cancelled?

Specialist tobacconist certification can be cancelled if:

- the holder does not comply with the Tobacco Act or its associated regulations;
- the premises no longer satisfies the criteria for exemption;
- the holder requests it.

Q10 Are there inspections of certified specialist tobacconists?

Local government tobacco inspectors will perform inspections of certified specialist tobacconists.

Q11 What are the point of sale display and signage requirements for specialist tobacconists?

Specialist tobacconists must display the blue A4 size 'we don't sell tobacco to U/18s' sign and one of the A3 size black-and-white health warning signs.

Certified specialist tobacconists must also display their certificate.

For further details please call the Tobacco information line: 1300 136 775.