

# TOBACCO LEGISLATION

Australia wide summary

AREA/ADMINISTERED BY	LEGISLATION NAME	MAIN FACTS RETAILERS NEED TO KNOW
Federal Government Australian Government Department of Health and Aging www.health.gov.au	Australian National Tobacco Strategy 2004 - 2009  <i>Tobacco Plain Packaging Bill 2011</i>	National Strategy aims to improve the health of all Australians by: <ul style="list-style-type: none"> <li>Regulating the supply of tobacco products so they are not highly visible to all, and not sold to underage people.</li> <li>Making tobacco products less affordable.</li> <li>Eliminating exposure to environmental tobacco smoke indoors at work and in public places.</li> </ul> Plain Packaging Legislation start date of 1 July 2012 delayed until 1 December 2012.
New South Wales NSW Health www.health.nsw.gov.au	<i>Public Health (Tobacco) Act 2008</i>	From 1 July 2009: <ul style="list-style-type: none"> <li>Retailers are prohibited to display tobacco products.</li> <li>Retailers are restricted from selling tobacco products from a single point of sale.</li> <li>Tobacco retailers must notify the NSW Department of Health of tobacco retailing activities through the Government Licensing Service.</li> <li>Tobacco products are restricted from being included in shopper loyalty programs</li> <li>On-the-spot fines may be administered to individuals and/or the business for failing to comply to any regulation, including selling tobacco products to minors.</li> </ul>
Victoria VIC Health www.health.vic.gov.au	<i>Tobacco Amendment (Protection of Children) Act 2009</i>	<ul style="list-style-type: none"> <li>Currently retail outlets do not require a licence to sell tobacco products in Victoria, but they must comply with all laws related to the sale of such products at all times.</li> <li>From 1 January 2011, the display of tobacco products and packaging in retail outlets is banned; they must not be visible anywhere inside or outside your retail outlet.</li> <li>From 1 January 2011, tobacco retailers must display an A4 size sign stating 'We Don't Sell Tobacco To U/18's'; plus one of the A3 size health warning signs.</li> <li>From March 2006, it is an offense to sell tobacco products to minors. The Victorian tobacco law states that a customer must prove they are over 18 years old.</li> <li>There is no age requirement for people who can sell tobacco products in Victoria, but they must comply with the law and cannot sell to people under 18.</li> </ul>
Queensland QLD Health www.health.qld.gov.au	<i>Tobacco and Other Smoking Products Act 1998</i>	<ul style="list-style-type: none"> <li>From 18 November 2011, all retailers in QLD who sell tobacco products must ensure all tobacco product displays are covered in accordance to the new laws.</li> <li>Active enforcement of the law will commence on Thursday 1 March 2012. From this date, enforcement officers will be conducting proactive inspections at locations where smoking products are sold.</li> <li>In addition all signage must be replaced with new mandatory A4 signage.</li> </ul>
Western Australia WA Health www.health.wa.gov.au	<i>Tobacco Products Control Amendment Act 2009</i>	<ul style="list-style-type: none"> <li>It is an offence to sell or supply tobacco products to a person under 18 years of age.</li> <li>From 11 February 2008, tobacco retailers must hold a licence to sell and purchase tobacco products.</li> <li>From 22 September 2010, retail outlets are banned to display of tobacco products and smoking implements.</li> <li>From 22 September 2010, the sale of tobacco products will continue to be sold from one place, as per requirements, on the premises listed on the tobacco licence.</li> </ul>

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South Australia SA Health <a href="http://www.health.sa.gov.au">www.health.sa.gov.au</a>	<i>Tobacco Products Regulation Act 1997</i>  <i>Tobacco Products Regulations 2004</i>	<ul style="list-style-type: none"> <li>• All tobacco retailers in South Australia must hold a Retail Tobacco Merchant's Licence.</li> <li>• From 1 November 2007, retail businesses without a liquor licensed premises have the option of displaying more than one and up to three square metres of tobacco products with an A3 health warning poster, or one square metre or less of tobacco product with an A4 health warning poster. Other display restrictions apply.</li> <li>• From 1 January 2012, retail outlets will be prohibited from displaying tobacco products from anywhere within or outside a retail outlet. Outlets may display one prescribed poster notifying the availability of tobacco products. Price tickets are still permitted but must be compliant with the regulations. One prescribed price board is also permitted.</li> <li>• From 1 June 2008, retailers are prevented from selling tobacco products to customers that order by mail, telephone, fax, internet or any other form other than instore.</li> <li>• Retailers are prohibited to sell cigarette packets that hold any less than 20 cigarettes or that are designed to be divided into portions containing less than 20 each.</li> </ul>
Australian Capital Territory ACT Health <a href="http://www.health.act.gov.au">www.health.act.gov.au</a>	<i>Tobacco Act 1927</i>	<ul style="list-style-type: none"> <li>• In order to sell tobacco products in the ACT, a person must be licensed.</li> <li>• From 1 January 2010, all retail outlets must ensure smoking products are not displayed and kept out of view of customers.</li> <li>• Smoking products must be kept on the seller's side, not less than one metre from any part of the customer service area of the point of sale. The customer service area is on the customer side of the counter, with one metre measured from the customer side of the counter.</li> <li>• Licensees and staff must ensure that when retrieving smoking products that they are only briefly visible and covers are put back in place before retrieving next product for customer.</li> <li>• An A5 sign indicating tobacco products are sold to persons over 18 years of age, can be placed at the point of sale.</li> <li>• Price tickets may be displayed for product lines which are available, or usually available for sale. These must not exceed 15cm<sup>2</sup> in size, and only contain 12 point Times New Roman font. They must be located at least one metre from any part of the customer service area.</li> <li>• Advertising or promoting a smoking product is restricted in the ACT.</li> <li>• It is offence to sell a smoking product to a persons under 18 years of age.</li> </ul>
Northern Territory NT Health <a href="http://www.health.nt.gov.au">www.health.nt.gov.au</a>	<i>Tobacco Control Act 2003</i>	<ul style="list-style-type: none"> <li>• As of 1 January 2003, tobacco retailers must display two signs at each point of sale: health warning and a notice prohibiting sale or supply of tobacco products.</li> <li>• Tobacco retailers must have a licence to sell and purchase tobacco products</li> </ul>



### Futher information

For more information about the relevant tobacco legislation in your state or territory, please call ACAPMAssist on 1300 270 160 or visit [www.acapma.com.au/acapmassist](http://www.acapma.com.au/acapmassist)

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