

## Cigarette Sales to Minors

From 1 March 2006 the law to enforce the ban on tobacco sales to young people will be strengthened by:

- making sighting photo identification the only defence for selling tobacco to a minor
- clearly outlining what a manager or proprietors must do to train their employees or agents not to sell tobacco to a minor
- restricting cigarette vending machines to bar or gaming areas in line of sight of the bar or service counter. If in a bottle shop they must be immediately next to the bar or service counter.

### **Why is sighting photo identification the only defence for selling tobacco to a minor?**

The strongest determinant of compliance with tobacco sales to minors laws is the willingness of retailers to ask young people for photo identification. The new law clearly outlines to tobacco retailers the importance of checking identification when selling tobacco products.

### **Is the manager or proprietor liable when someone not formally employed by them sells tobacco to a minor?**

Yes. A manager/proprietor can be held responsible if a staff member or another person authorised to sell tobacco products (agent), including a family member or volunteer, sells tobacco to a minor.

### **Are there any defences for the manager or proprietor when their employee or agents sells tobacco to a minor?**

Yes. It is a defence if the manager/proprietor proves that he or she had no knowledge of the sale and had taken prevention measures in relation to their employee or agent.

### **Why is there a need to clearly outline the 'prevention measures' that a manager needs to do to train their staff?**

If an employee or agent is found to sell tobacco to a minor, enforcement action can be taken against the manager/proprietor unless they had no knowledge of the sale and had also sufficiently trained that person.

The new law clearly outlines what a manager/proprietor must do to train their staff and agents and this should occur every six months.

This will ensure that their employees, family members and friends who sell tobacco products are aware of the law.

### **Why is the cigarette vending machine law changing?**

Research in both Australia and America shows that minors are able to purchase cigarettes from vending machines when vending machines are located in areas which are not adequately supervised by adults such as restaurants, cafes, bingo centres, staff amenity areas and in foyer and toilet areas of licensed premises.

There is a need to further restrict where vending machines can be located to reduce the likelihood of minors accessing cigarettes.

For information on the Tobacco Laws please contact the Department of Human Services Tobacco Information Line on 1300 136 775 or [www.health.vic.gov.au/tobaccoreforms](http://www.health.vic.gov.au/tobaccoreforms)

Information is also available by contacting your Environmental Health Officer on 9658 8831 / 8815

Source: <http://www.health.vic.gov.au/tobaccoreforms/>  
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