

EMPLOYEE INFORMATION

and training acknowledgement form

What you need to know about selling smoking products over-the-counter or from vending machines under Queensland's tobacco laws.

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Queensland's tobacco laws are among the toughest and most comprehensive in Australia, and aim to:

- reduce the prevalence of smoking
- reduce people's exposure to second-hand tobacco smoke
- reduce access by young people to smoking products
- restrict the advertising, display and promotion of smoking products.

The laws also help build a culture that supports smokers trying to quit and discourages young people from taking up the habit.

What is this brochure about?

If your job requires you to sell smoking products over-the-counter, or you work near a tobacco vending machine, you need to understand your responsibilities under Queensland's tobacco laws. This brochure sets out your obligations as an employee and what you need to do to comply.

If you have any questions about your obligations under the tobacco laws after reading this brochure, please call the Government call centre on **13 QGOV (13 7468)**, or visit <http://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/default.asp>

Key terms

Smoking products

A smoking product includes a tobacco product prepared for consumption (cigarettes, cigars, roll-your-own tobacco), herbal cigarettes, a loose smoking blend or electronic cigarettes (and related products). A smoking product does not include matches, lighters, or pipes.

Child

A child is a person under the age of 18 years.

Under the tobacco laws, your employer is required to explain your responsibilities to you. When your employer has finished explaining these responsibilities, he or she will ask you to sign an Employee Training Acknowledgement Form (which is attached to this brochure). You should only sign this form after you understand your responsibilities in regard to selling smoking products over-the-counter or by vending machines at your workplace.

To be kept by the employee

Three things you need to know about selling smoking products.

One

- You must not sell smoking products to a child. You should always ask people you suspect may be under 18 years for proof of age.
- You must take reasonable steps to ensure that a child does not obtain smoking products from a vending machine, even if the product is for—or is claimed to be for—an adult.

Two

You should see acceptable evidence of age if you suspect a customer may be a child. You must not sell smoking products, or allow the customer to use a vending machine, unless you are satisfied the person is an adult.

Acceptable evidence of age includes:

- Driver's licence
- Passport
- Proof of age card (issued by a State or Territory Government).

A student card (e.g. from a university or college) is not an approved proof of age card.

It can sometimes be difficult to guess a person's age accurately. You should always ask to see proof of age when in doubt about whether a person is over 18 years. If you have any doubts about whether a person's proof of age is genuine, you should refuse to sell smoking products to that person, or tell them it is illegal to allow them to use a vending machine.

Three

Once your employer has been through this brochure with you and you have signed the training acknowledgement form, you will be breaking the law if you sell smoking products to a person under 18 years.

For over-the-counter sales the maximum penalties are:

- 20 penalty units for 1st offence
- 40 penalty units for 2nd offence.

Information on penalty units can be obtained by calling 13 QGOV (13 7468)

Frequently asked questions

Q

What do I do if I ask a person to show ID and they refuse or say that they don't have any?

A

In this situation, you must decide whether you are satisfied the person is over 18 years. If you are in any doubt and the person cannot show proof of age, you must tell them that it is illegal to supply smoking products to persons under 18 years of age, or to allow them to use a tobacco vending machine.

Remember it is not sufficient that the person claims to be over 18 years. You should see proof of age before supplying smoking products or allowing the person to use a vending machine at your workplace.

Customers may sometimes be annoyed about being asked for proof of age. Your employer displays signs which state that customers buying smoking products may be asked for proof of age. If a customer complains, you may wish to show them the sign and explain that it's the law.

Q

Does the law require me to refuse the sale of smoking products (whether the sale is over-the-counter or from a tobacco vending machine) to an adult if I suspect the adult is buying the smoking product on behalf of a child?

A

No, you would not be breaking the law by allowing the adult to buy smoking products. If the adult buys smoking products and then hands the smoking products to a child, the adult is committing an offence (unless the adult is the child's parent or guardian).

Q

What can I do if a young customer gets angry about being unable to buy a smoking product?

A

One way of dealing with the situation is to stress that you have no choice but to refuse to sell smoking products, or allow the use of a vending machine at your workplace, to a person under the age of 18. You could point out that it is illegal for you to sell smoking products to a person under 18 years, and that you risk a fine if you break the law.

Employee training acknowledgement form

Employee's copy (to be kept by the employee)

You should only sign this form once you understand the instructions set out below. If you have any questions about the instructions, ask your employer or call the Government call centre on 13 QGOV (13 7468), before signing the form.

I acknowledge that:
(write your name)

I have been instructed that:

1. a) I must not sell smoking products to a person under the age of 18 years in any circumstance, including whether the supply is for, or is claimed to be for, an adult.
b) I must take reasonable steps to ensure that a person under 18 years does not obtain a smoking product from a vending machine at my workplace, even if the product is for, or is claimed to be for, an adult.
2. I must sight acceptable evidence of age for a person before selling smoking products to that person, or before allowing that person to obtain smoking products from a vending machine at my workplace, unless I am satisfied the person is an adult.
3. I have been warned that if, having received the above two instructions, I disregard these instructions and sell a smoking product to a person under 18 years of age, I will be committing an offence under the *Tobacco and Other Smoking Products Act 1998* (over-the-counter sales only).

Signature Date

Supplier's name Supplier's signature Date

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Employer's copy

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For more information call the
Queensland Government
call centre
13 QGOV (13 7468)

