

# Northern Territory Tobacco Retailer Guide

Department of Trade, Business and Asian Relations

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| <b>Contact details</b> | Department of Trade, Business and Asian Relations<br>Occupational and Industry Licensing and Associations<br>Tobacco.Control@nt.gov.au<br>Phone: 1800 193 111 |
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| Term               | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Adult              | A person who is 18 or more years of age.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Authorised officer | A person or class of persons appointed under section 47(1) of the <i>Tobacco Control Act 2002</i> (the Act) to administer and enforce the provisions of the Act and the Tobacco Control Regulations 2002 (the Regulations).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Brand              | In relation to a tobacco product, means a work produced for the purpose of advertising or promoting the tobacco product.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Brand marketing    | In relation to a tobacco product, means the distribution or supply (whether for valuable consideration or not) by or on behalf of a manufacturer, distributor, wholesaler or retailer of tobacco products of a thing (other than a tobacco product that is packaged in accordance with the Act or the Regulations) that bears: <ul style="list-style-type: none"> <li>- the brand, brand name or trade mark of a tobacco product; or</li> <li>- the name of the manufacturer; or</li> <li>- the name of the distributor, wholesaler or retailer who is engaged solely or predominantly in the distribution, wholesaling or retailing of tobacco products; or</li> <li>- a name that a reasonable person would associate with a tobacco product.</li> </ul> |
| Brand name         | In relation to a tobacco product, the brand name, or any part of it, under which the tobacco product is sold, and includes a trademark.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Child              | A person who is under 18 years of age.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Children free area | An area in liquor licensed premises prohibited to children under section 298 of the <i>Liquor Act 2019</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| E-cigarette        | Means: <ul style="list-style-type: none"> <li>- a device, other than a device excluded by the Regulations, that is designed for vaping; or</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Term                        | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             | <ul style="list-style-type: none"> <li>- another device of a kind prescribed by the Regulations that is designed to be used in a way that replicates, or produces an experience similar to, the use of a tobacco product.</li> </ul> <p>Also known as a vape or vaping device.</p>                                                                                                                                                                                                                                              |
| E-cigarette accessory       | <p>Means:</p> <ul style="list-style-type: none"> <li>- a cartridge, capsule or other container designed to contain a liquid, aerosol, gas or vapour for use in an e-cigarette; or</li> <li>- a cartridge, capsule or other container designed to contain tobacco or a similar product for use in an e-cigarette; or</li> <li>- a heating element designed for use in an e-cigarette; or</li> <li>- another component of an e-cigarette of a kind prescribed by the Regulations.</li> </ul> <p>Also known as vape accessory.</p> |
| Infringement notice         | An infringement notice within the meaning of the <i>Fines and Penalties (Recovery) Act 2001</i> that is issued under the Regulations in respect of an offence against the Act or the Regulations.                                                                                                                                                                                                                                                                                                                               |
| Licensed tobacco retailer   | The holder of a tobacco retail licence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Liquor licensed premises    | Premises that are licensed under the <i>Liquor Act 2019</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Package                     | <p>In relation to a tobacco product, means the package in which the tobacco product is sold or supplied or is intended to be sold or supplied, and includes:</p> <ul style="list-style-type: none"> <li>- a box, carton, cylinder, packet, pouch and tin; and</li> <li>- a wrapping other than a transparent outer wrapping.</li> </ul>                                                                                                                                                                                         |
| Penalty units               | A set amount of money used to work out each fine. The amount is indexed annually.                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Photographic identification | <p>Means:</p> <ul style="list-style-type: none"> <li>- a current driver's licence that includes a photograph, and indicates the date of birth, of the person to whom it is issued; or</li> <li>- a passport; or</li> <li>- the card known as the '18 plus card', issued by the Registrar of Motor Vehicles.</li> </ul>                                                                                                                                                                                                          |
| Point of sale               | A place where there is a counter or similar fixture where tobacco products are sold in, on or from a premises, including a vending machine from which tobacco products are sold.                                                                                                                                                                                                                                                                                                                                                |
| Premises                    | Includes a building, a vehicle and a vessel.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Sell                        | <p>Includes:</p> <ul style="list-style-type: none"> <li>- to barter or exchange; and</li> <li>- to offer or expose for sale, barter or exchange; and</li> <li>- to supply, or offer to supply, in circumstances in which the supplier derives, or would derive, a direct or indirect pecuniary benefit; and</li> <li>- to supply, or offer to supply, gratuitously but with a view to gaining or maintaining custom, or otherwise with a view to commercial gain.</li> </ul>                                                    |

| Term                   | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tobacco retail licence | A licence approved by the Director of Tobacco (or their delegate) under section 29 of the Act for the retail sale of tobacco products from a specified premises.                                                                                                                                                                                                                                                                                                                                                                                            |
| Value-added marketing  | <p>In relation to a tobacco product, means a marketing device, plan or scheme (other than price discounting);</p> <ul style="list-style-type: none"> <li>- that depends on the purchase of a tobacco product; or</li> <li>- that provides or is intended to provide a material incentive to purchase a tobacco product, being a material incentive that is in addition to the acquisition of the tobacco product; or</li> <li>- a purpose of which is to obtain information that is intended or is likely to be used to market tobacco products.</li> </ul> |
| Vape                   | See definition for e-cigarette.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Vaping accessories     | See definition for e-cigarette accessories.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Vending machine        | A machine that is used or is intended to be used to dispense tobacco products directly to customers.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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# 1. Introduction

The Northern Territory Tobacco Retailer Guide has been developed to assist licensed tobacco retailers (licensees) and their employees to understand their legislative requirements for the retail sale of tobacco products in the Northern Territory (NT).

The sale and supply of tobacco products in the NT is governed by the *Tobacco Control Act 2002* (the Act) and the Tobacco Control Regulations 2002 (the Regulations). A copy of the legislation can be found by visiting: <https://legislation.nt.gov.au/en/Legislation/TOBACCO-CONTROL-ACT-2002>

NT's tobacco licensing scheme is a key element in reducing tobacco related harm for Territorians. It is a requirement for licensees to comply with their legislative obligations, with an expectation of strict compliance and adherence to legislation. Identified legislative non-compliance may result in penalties, such as infringements or prosecution, and ultimately suspension or cancellation of tobacco licences. It is a requirement for licensees to fully understand and comply with their legislative obligations.

## 2. Tobacco products

A tobacco product is defined in section 6 of the Act as:

- A product, the main ingredient of which is tobacco, that is used or is intended to be used for human consumption by smoking or chewing, and includes tobacco, cigarettes and cigars.
- A product, the main ingredient of which is plant matter (other than tobacco) the possession of which is lawful, that is used or intended to be used for human consumption by smoking.

A tobacco product does not include:

- Nicotine or a product containing nicotine, but only to the extent that the *Medicines, Poisons and Therapeutic Goods Act 2012* applies in relation to the nicotine or product containing nicotine.
- Matter that is normally used or is normally intended to be used for burning as incense.

## 3. E-cigarettes and vapes

As per section 4 of the Act, e-cigarettes and e-cigarette accessories are tobacco products.

However, as of 1 July 2024, all e-cigarettes, vapes, e-cigarette products and vaping products, regardless of whether they contain nicotine or not, can only be sold in a pharmacy for the purpose of helping people quit smoking or manage nicotine dependence. This means that non-pharmacy retailers such as tobacconists, vape shops and convenience stores cannot sell any type of e-cigarette or vape.

For further information visit: <https://www.tga.gov.au/products/unapproved-therapeutic-goods/vaping-hub/changes-regulation-vapes>

## 4. Penalties

Retail tobacco licensees and other individuals who breach the Act may face significant penalties. The Act enforces strict standards on the sale, advertising, and display of tobacco products, as well as the maintenance of smoke-free areas. Non-compliance can lead to serious consequences, including:

- **Infringement notices:** Offenders may receive fines for certain offences, as prescribed under the regulations.
- **Prosecution and financial penalties:** In some cases, legal proceedings may be initiated, leading to substantial fines (up to 500 penalty units) and potentially resulting in a criminal record.

- **Licence suspension or cancellation:** Serious or repeated violations can result in the temporary suspension or permanent cancellation of a retail tobacco licence.

Some offences under the Act hold the licensee accountable for actions taken by their employees. For this reason, it is essential for licence holders to fully understand the requirements of the Act, ensure their compliance, and provide adequate training and supervision for staff to maintain compliance at all times.

## 4.1. Penalty units

A penalty unit is a set amount of money used to work out the financial penalty imposed for an offence. The amount is indexed annually on 1 July. Financial penalties are calculated by multiplying the value of a single unit by the number of penalty units for each offence.

As of 1 July 2025 in the Northern Territory, one penalty unit is \$189.

For example: \$189 X 5 penalty units = \$945.

For more information about penalty units, visit: <https://agd.nt.gov.au/attorney-general-and-justice/units-and-amounts/penalty-units>

## 5. Tobacco licensing

### 5.1. Do I need a licence to sell tobacco products in the NT?

**Yes.** You are required to hold a tobacco retail licence (licence) to sell tobacco products in the NT. The licence authorises the sale of tobacco products by retail in, on or from the premises specified in the licence, subject to the conditions (if any) specified in the licence. A licence is required for each premises that tobacco products are sold in, on and from.

It is an offence to sell a tobacco product by retail unless:

- the person sells the tobacco product in, on or from premises specified in a tobacco retail licence; and
- the person is:
  - o the licensed tobacco retailer in respect of the premises specified in the tobacco retail licence; or
  - o an employee or agent of the licensed tobacco retailer; or
  - o any other person authorised under the tobacco retail licence to sell tobacco products by retail in, on or from the premises referred to in the tobacco retail licence.

It is an offence under section 28 of the Act to sell tobacco products by retail without a licence. The maximum penalty for the offence is 500 penalty units (\$94,500 as of 1 July 2025).

### 5.2. Can I sell tobacco products without a licence?

**No.** You are breaking the law if you sell any tobacco products in the NT without a licence. If you do so, you risk prosecution and a potentially substantial financial penalty. If you have applied for a licence, you must wait until you receive confirmation that your licence has been approved before selling tobacco products.

It is an offence under section 28 of the Act to sell tobacco products by retail without a licence. The maximum penalty for the offence is 500 penalty units (\$94,500 as of 1 July 2025).

### 5.3. How do I apply for a licence?

You can apply for a 1-year, 3-year or 5-year licence by visiting a Territory Business Centre or applying online at <https://nt.gov.au/industry/licences/tobacco-licences>. The licence will expire on the anniversary of the date it was issued.

### 5.4. Can I use my licence for another premises?

**No.** A licence is specific to the address of the premises. You must have one licence per premises.

It is an offence under section 28 of the Act to sell tobacco products by retail without a licence. The maximum penalty for the offence is 500 penalty units (\$94,500 as of 1 July 2025).

### 5.5. Do I need to renew my licence?

**Yes.** Licences are valid for 1-year, 3-years or 5-years and must be renewed if the licensee continues to sell tobacco products. Licensees are responsible for ensuring they make their application for renewal in advance of their licence expiring. You can renew your licence by visiting a Territory Business Centre or applying online at: <https://nt.gov.au/industry/licences/tobacco-licences>

### 5.6. Can a licence be transferred to another party?

**Yes.** The proposed transferee can submit an application to transfer the licence for an individual, a company, a partnership or an association. However, under section 36(6) of the Act, you may only begin operating under the licence once the Director of Tobacco Control has formally approved the transfer. The transfer of the licence takes effect on the date on which the Director approves the transfer, or if the approval specifies a later date, the later date. Until approval is granted, the licence remains with the current licence holder.

### 5.7. Can I surrender my licence?

**Yes.** You may surrender your licence if you no longer require it, by returning it to the Director of Tobacco Control.

### 5.8. Do I need to advise if there is a change in my circumstances?

**Yes.** You must notify the Director of Tobacco Control if there is a change in your circumstances that is relevant to your licence within 14 days of becoming aware of the change.

It is an offence under section 37 of the Act, not to notify the Director of a change in circumstances relevant to a tobacco retail licence within 14 days of becoming aware of the change. The maximum penalty for the offence is 20 penalty units (\$3,780 as of 1 July 2025).

### 5.9. Can customers, employees or I smoke inside my premises?

**No.** Enclosed public areas and enclosed workplace areas are smoke-free areas.

It is an offence under section 9(1) of the Act to smoke in a smoke-free area. The maximum penalty for the offence is 20 penalty units (\$3,780 as of 1 July 2025).

It is an offence under section 10(1) of the Act if the occupier of a premises allows a person to smoke in an area of the premises and the area is a smoke-free area. The maximum penalty for the offence is 20 penalty units (\$3,780 as of 1 July 2025).

## 5.10. What are my responsibilities as a licensee?

As a licensee, it is your responsibility to understand your legislative obligations, comply with the requirements of the Act and the Regulations and keep up to date with legislative changes. Additionally, you are responsible for training your employees and ensuring they are aware of their legislative requirements.

## 6. Selling tobacco products

### 6.1. Are there tobacco products I can't sell?

**Yes.** There a number of tobacco products prohibited from sale in the Northern Territory.

#### 6.1.1. Tobacco products that do not comply with packaging requirements

Sale of the following is prohibited under the Act:

- Any tobacco product that does not comply with the plain packaging laws (*Public Health (Tobacco and Other Products) Act 2023 (Cth)*), available: <https://www.legislation.gov.au/C2023A00118/>
- Any tobacco product that does not display a warning message and (if applicable) a corresponding message, in compliance with the Competition and Consumer (Tobacco) Information Standard 2011 (Cth) as in force at the time, available: <https://www.legislation.gov.au/F2011L02766/>

It is an offence under section 12(1) and 12(2) of the Act to sell tobacco products without a prescribed health warning on the package or if in 2 or more packages, on each package. The maximum penalty for the offence is 100 penalty units (\$18,900 as of 1 July 2025).

- Packages of tobacco products that contain the words 'non-injurious' or 'non-hazardous' or words that convey, or intend to convey, an indication that smoking is not a hazard to health.

It is an offence under section 12(3) of the Act to sell tobacco products in a package containing the words 'non-injurious' or 'non-hazardous' or words that convey, or intend to convey, an indication that smoking is not a hazard to health. The maximum penalty for the offence is 100 penalty units (\$18,900 as of 1 July 2025).

#### 6.1.2. Tobacco products that breach a condition of your licence

It is an offence under the Act to breach any of the conditions of your tobacco retail licence.

In the Northern Territory all tobacco retail licences contain conditions prohibiting the display, sale or supply to another person of the following tobacco products:

- Cigarette papers and cigarette filters that are:
  - confectionery-flavoured or confectionery-scented; or
  - fruit-flavoured or fruit-scented; or
  - menthol flavoured;
- Tobacco products that are:
  - confectionery-flavoured or confectionery-scented; or
  - fruit-flavoured or fruit-scented (this includes flavoured shisha)

Other conditions may be applied to a tobacco retail licence as determined by the Director of Tobacco Control.

It is an offence under section 30 of the Act to not comply with the conditions of a tobacco retail licence. The maximum penalty for the offence is 100 penalty units (\$18,900 as of 1 July 2025).

### 6.1.3. Children's products that resemble tobacco products

The Act prohibits you from selling children's products that resemble tobacco products. You cannot sell a product designed or marketed for consumption or use by children (including but not limited to confectionery and toys) if it:

- resembles, or is packaged to resemble, a tobacco product; or
- has or is likely to have the effect of encouraging children to smoke (whether it is intended to have that effect or not).

It is an offence under section 46 of the Act to sell a product designed or marketed for consumption or use by children (including but not limited to confectionery toys). The maximum penalty for the offence is 20 penalty units (\$3,780 as of 1 July 2025).

### 6.1.4. Water pipes or glass pipes

The *Misuse of Drugs Act 1990* (NT) prohibits the display or supply of water pipes and other pipes intended for use for the administration of a dangerous drug; this includes bongs, ice pipes and similar devices. Display or supply of these products can result in significant penalties including substantial fines and imprisonment.

### 6.1.5. E-cigarettes and vapes

Non-pharmacy retailers (such as tobacconists, vape shops and convenience stores) cannot possess or sell any type of e-cigarette or vape under the *Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Act 2024*. It does not matter whether the e-cigarette or vape contains nicotine; retailers (other than pharmacies) are prohibited from selling these products.

Individuals and retailers who sell e-cigarettes and vapes without the legal authority to do so face penalties under Commonwealth legislation and the *Medicines, Poisons and Therapeutic Goods Act 2012* (NT), including significant fines.

## 6.2. What quantities of tobacco products can I sell?

You must not sell cigarettes other than in packets containing at least 20 cigarettes.

It is an offence under section 13 of the Act to sell cigarettes other than in packets containing 20 or more. The maximum penalty for the offence is 20 penalty units (\$3,780 as of 1 July 2025).

You must not sell loose tobacco other than in packets containing at least 25 grams of tobacco.

It is an offence under section 14 of the Act to sell loose tobacco other than in packets containing 25 grams of more of loose tobacco (\$3,780 as of 1 July 2025).

## 6.3. Who can sell tobacco products?

Licensees and their adult employees can sell tobacco products. Licensees must not authorise or allow employees under the age of 18 years to sell tobacco products. Licensees have a responsibility to ensure that all employees receive adequate training on the laws about selling tobacco.

It is an offence under section 42(A) of the Act for a child employee of a licence tobacco retailer to sell a tobacco product. The maximum penalty if the purchaser was, at the time of sale, an adult, the maximum

penalty is 100 penalty units (\$18,900 as of 1 July 2025). The maximum penalty if the purchaser was, at the time of sale, a child is 200 penalty units (\$37,800 as of 1 July 2025).

If at the time of the sale, the child employee was being supervised by an adult employee of the licensed retailer, the adult employee also commits an offence. The maximum penalty if the purchaser was, at the time of sale, an adult is 100 penalty units (\$18,900 as of 1 July 2025). The maximum penalty if the purchaser was, at the time of sale, a child is 200 penalty units (\$37,800 as of 1 July 2025).

## 6.4. How many points of sale can I have?

If you are a non-liquor licensed premises, you can have one point of sale for tobacco products in or on the premises.

It is an offence under section 25(1) of the Act if the premises are not liquor licensed and there is more than one point of sale for tobacco products in or on the premises. The maximum penalty for the offence is 100 penalty units (\$18,900 as of 1 July 2025).

If you are a liquor licensed premises, you can have one over the counter point of sale for tobacco products for each bar area of the premises and one vending machine for tobacco products for each bar area of the premises.

It is an offence under section 25(2) if the premises are liquor licensed and in or on the premises there is:

- more than one over the counter point of sale for tobacco products for each bar area of the premises; or
- more than one vending machine for tobacco products for each bar area of the premises.

The maximum penalty for the offence is 100 penalty units (\$18,900 as of 1 July 2025).

## 6.5. Can I sell tobacco products to children?

**No.** You cannot sell or supply tobacco products to a person under the age of 18 years.

It is an offence under section 42(1) to sell a tobacco product to a child. The maximum penalty for selling a tobacco product to a child is 200 penalty units (\$37,800 as of 1 July 2025).

## 6.6. Can adults buy tobacco products for children?

**No.** Adults cannot buy or supply a tobacco product to a child or to a person who the supplier knows, or ought to reasonably know, will supply the tobacco product to a child. Additionally, adults cannot purchase a tobacco product for a child to use.

It is an offence under section 43(1) of the Act for a person to supply, or offer to supply, whether by gift or other means, a tobacco product to a child or to a person who the supplier knows, or ought reasonably to know, will supply the product to a child. The maximum penalty for this offence is 200 penalty units (\$37,800 as of 1 July 2025).

It is an offence under section 43(2) of the Act for a person to purchase a tobacco product for use by a child. The maximum penalty for this offence is 200 penalty units (\$37,800 as of 1 July 2025).

## 6.7. Can tobacco products be sold to children if they are purchasing the tobacco product for or on behalf of an adult?

**No.** You cannot sell tobacco products to a child, even if they are purchasing the tobacco product for or on behalf of an adult.

It is an offence under section 42(1) of the Act to sell a tobacco product to a child. It is irrelevant that the child was purchasing the tobacco product for or on behalf of an adult. The maximum penalty for this offence is 200 penalty units (\$37,800 as of 1 July 2025).

## 6.8. Should I ask for proof of age identification?

**Yes.** Because it is an offence under the Act to sell tobacco products to children, you should ask for photographic identification from anyone asking for tobacco products that appears to be under the age of 25 years, or whom you believe is not of legal age to purchase tobacco products.

Photographic identification means:

- a current driver's licence that includes a photograph, and indicates the date of birth, of the person to whom it is issued
- a passport
- an '18 plus card' (also known as an evidence of age card) issued by the Registrar of Motor Vehicles.

You should not make a sale to a person who presents photographic identification that appears to be false or relate to another person (i.e. does not appear to belong to the person using it).

## 7. Storing and displaying tobacco products

### 7.1. Can I display tobacco products in my store?

**No.** Tobacco products must not be seen from inside or outside the premises. All tobacco products must be kept in a concealed storage facility or a plain sales unit. You may choose the method best suited for your premises, which may include storing products in a drawer, under the counter, a wall cabinet or in another room out of sight of customers. If you have a wall cabinet, you must cover it with an opaque material; for example, a shutter or doors so that your customers can't see through.

It is an offence under section 20 of the Act to display tobacco products. The maximum penalty for displaying tobacco products is 20 penalty units (\$3,780 as of 1 July 2025).

### 7.2. How do I make sure people can't see tobacco products and packaging when I serve a customer?

Tobacco products may only be visible when a customer asks for a specified tobacco product. The drawer, room or storage unit where the tobacco products are stored must remain closed or covered until a customer asks to buy a specific tobacco product. You can open the drawer, room or storage unit to get the requested product, but you must close or cover it again as soon as you have retrieved the requested product.

It is an offence under section 20 of the Act to display tobacco products. The maximum penalty for displaying tobacco products is 20 penalty units (\$3,780 as of 1 July 2025).

### 7.3. How do I restock without the tobacco products or packaging being visible?

Where possible, restock tobacco products when your store is closed. If you are unable to do so, restock tobacco products when the store is quiet, and do so as quickly as possible. Every effort should be made to ensure that tobacco products and packaging are not visible to the public at any time. If you stop restocking

to do something else, you must close or cover the drawer, room or storage unit so that the tobacco products and packaging are not visible to the public.

It is an offence under section 20 of the Act to display tobacco products. The maximum penalty for displaying tobacco products is 20 penalty units (\$3,780 as of 1 July 2025).

## 7.4. Do tobacco products need to be covered in the storeroom?

You do not need to cover tobacco products if they are in an area of the premises (such a storeroom) where they are not visible to anyone other than yourself and your staff. However, you need to ensure that products are not visible to any other person (for example, someone in the store who might see the products through the door of the storeroom).

## 8. Advertising and product/price information

### 8.1. Can I advertise tobacco products?

**No.** You must not display, publish or broadcast an advertisement for a tobacco product so that it can be seen or heard from a public place. This includes displaying posters of tobacco brand names or tobacco products.

It is an offence under section 15 of the Act to display, publish or broadcast an advertisement for a tobacco product so that it can be seen or heard in or from a public place. The maximum penalty for the offence is 200 penalty units (\$37,800 as of 1 July 2025).

### 8.2. Can I advertise my tobacco retail business by sponsoring an event?

**No.** You are not allowed to sponsor a public event, if, as part of the sponsorship arrangement, any of the following is displayed, published or broadcast:

- (a) the brand, brand name or trade mark of a tobacco product; or
- (b) the name of a manufacturer of a tobacco product; or
- (c) the name of a distributor, wholesaler or retailer who is engaged solely or predominantly in the distribution, wholesaling or retailing of tobacco products; or
- (d) a name that a reasonable person would associate with a tobacco product.

Under section 19(1) of the Act, it is an offence to sponsor a public event if the sponsorship includes displaying, publishing, or broadcasting the brand, manufacturer, or retailer name of a tobacco product, or any name that could reasonably be associated with a tobacco product. The maximum penalty for the offence is 200 penalty units (\$37,800 as of 1 July 2025).

### 8.3. Can I offer free or discounted products to customers with the purchase of tobacco products?

**No.** You must not engage in brand-marketing or value-added marketing in relation to a tobacco product. You cannot offer any benefits to customers for buying tobacco products, this includes any type of business loyalty program. Additionally, you cannot provide customers a free trial of a product with the purchase of other tobacco products.

It is an offence under section 16 of the Act to engage in brand marketing or value-added marketing in relation to a tobacco product. The maximum penalty for the offence is 200 penalty units (\$37,800 as of 1 July 2025).

## 8.4. Can I have a price board for the tobacco products?

**Yes.** You can have **one** price board to display the availability and prices of tobacco products in or on your premises. A price board is the only place where you are able to display information about tobacco products you are offering for sale.

The price board must not:

- exceed 1 square metre
- cannot include a lighting effect that has the effect (or is intended to have the effect), of attracting attention to the board
- be illuminated by any of the following if it will have the effect of causing the board to appear brighter than its surroundings:
  - o interior lighting
  - o exterior lighting attached to the board
  - o a spotlight or other illumination device trained directly or indirectly on the board
- include a device that causes movement, or the appearance of movement, of all or any part of the board.

It is an offence under section 18 of the Act to display the availability or prices of tobacco products other than on a price board that complies with the prescribed requirements. The maximum penalty for the offence is 20 penalty units (\$3,780 as of 1 July 2025).

## 8.5. Where can I display the price board?

The price board cannot be positioned so that it faces towards a window or public entrance unless the board is more than 2 metres from the window or public entrance. The price board cannot be within 1 metre of a display of products designed or marketed for consumption or use by children (including but not limited to displays of confectionery and toys).

It is an offence under section 18 of the Act to display the availability or prices of tobacco products other than on a price board that complies with the prescribed requirements. The maximum penalty for the offence is 20 penalty units (\$3,780 as of 1 July 2025).

## 8.6. What information can be on a price board?

The information you can include on the price board is limited to:

- names of tobacco products
- sizes of tobacco products
- prices of tobacco products
- tar contents of tobacco products
- countries of origin of tobacco products
- barcodes or reference numbers for tobacco products.

Apart from barcodes, all the above information is to be in letters that are:

- all the same font and size and not more than 2 centimetres high or 1.5 centimetres wide; and
- marked only in black on a white background or only white on a black background.

The below is an example of a price board that complies with the prescribed requirements.

| Brand name | Size     | Price   | Barcode |
|------------|----------|---------|---------|
| Brand A    | 20 pack  | \$35.00 | #111111 |
| Brand B    | 30 pack  | \$50.00 | #222222 |
| Brand C    | 25 grams | \$40.00 | #333333 |

It is an offence under section 18 of the Act to display the availability or prices of tobacco products other than on a price board that complies with the prescribed requirements. The maximum penalty for the offence is 20 penalty units (\$3,780 as of 1 July 2025).

## 8.7. Can I provide customers with a price list?

**No.** You cannot provide customers with a price list. You can only display the availability and prices of tobacco products for your premises on a price board.

It is an offence under section 18 of the Act to display the availability or prices of tobacco products other than on a price board that complies with the prescribed requirements. The maximum penalty for the offence is 20 penalty units (\$3,780 as of 1 July 2025).

## 8.8. Can I display price tickets?

**No.** You cannot display price tickets, even if they are only visible behind the tobacco sales unit. You can only display the availability and prices of tobacco products for your premises on a price board.

It is an offence under section 18 of the Act to display the availability or prices of tobacco products other than on a price board that complies with the prescribed requirements. The maximum penalty for the offence is 20 penalty units (\$3,780 as of 1 July 2025).

# 9. Signage to be displayed

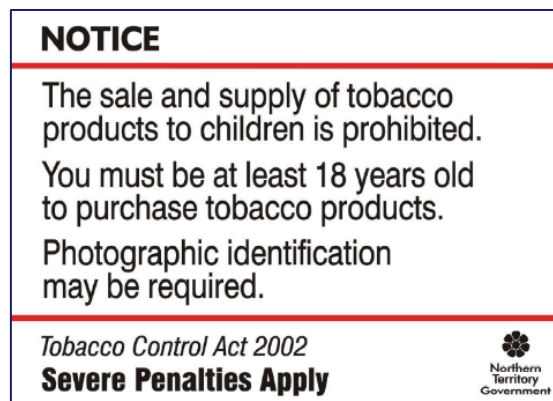
## 9.1. Do I need to display signs?

**Yes.** There are two signs you must display at the point of sale.

### 9.1.1. Prescribed notice that selling tobacco products to children prohibited

You must ensure that, at your point of sale, you conspicuously display (so that it is in sight of customers) a prescribed notice indicating that selling tobacco products to children is prohibited.

Your notice should look like the notice below, and be at least A4 size:



Other particulars of the prescribed notice (for example, the size of the font) are set out at Regulation 24(1). Your signage must comply with the Regulation.

To make sure that your signage is compliant, contact the department to be issued with compliant signage (see section [9.3](#) of this guide).

It is an offence under section 27 of the Act if the prescribed notice is not displayed at the point of sale. The maximum penalty for the offence is 100 penalty units (\$18,900 as of 1 July 2025).

### 9.1.2. Prescribed health warning

You must also display one of the following A3 prescribed health warnings with the Quitline message at your point of sale:



Other particulars of the prescribed notice (for example, the size of the font) are set out at Regulation 18. Your signage must comply with the Regulation.

To make sure that your signage is compliant, contact the department to be issued with compliant signage (see section [9.3](#) of this guide).

It is an offence under section 27 of the Act if the prescribed notice is not displayed at the point of sale. The maximum penalty for the offence is 100 penalty units (\$18,900 as of 1 July 2025).

## 9.2. Do I need to display my licence?

**Yes.** You must display a copy of your licence at the point of sale for tobacco products in or on the premises so it can be easily seen by customers.

It is an offence under section 33 of the Act to not display your tobacco retail licence. The maximum penalty unit for failing to display a tobacco retail licence is 20 penalty units (\$3,780 as of 1 July 2025).

## 9.3. How should I display my licence and required signage?

Your licence and signage must all be displayed at the point of sale, as per the below picture.



## 9.4. Where can I get the required signage?

You will receive free signs after you apply for or renew your licence. If you require additional signage you can email [territorybusinesscentre@nt.gov.au](mailto:territorybusinesscentre@nt.gov.au) or call 1800 193 111.

## 10. Vending machines

### 10.1. Can I have a cigarette vending machine at my premises?

Only liquor licenced premises can have a cigarette vending machine on the premises.

Cigarette vending machines are not permitted in areas of a liquor licensed premises where a child or children supervised by a parent, guardian or spouse can enter or spend time there. Cigarette vending machines must only be located in a designated child-free area.

It is an offence under section 26(2) of the Act if the premises are liquor licenses premises and there is a vending machine in an area of the premises and the area is not a children free area. The maximum penalty for the offence is 100 penalty units (\$18,900 as of 1 July 2025).

### 10.2. Can I have a multiple cigarette vending machines in the bars of my liquor licensed premises?

**No.** You can only have one cigarette vending machine for tobacco products for each bar area of the premises.

It is an offence under section 25(2) of the Act if the premises are liquor licenced premises and in or on the premises there is more than one vending machine for tobacco products for each bar area of the premises. The maximum penalty for the offence is 100 penalty units (\$18,900 as of 1 July 2025).

### 10.3. Are there limits on what I can display in a vending machine?

**Yes.** A vending machine can only display one packet of each kind of cigarette, cigar or other tobacco product that is available under each brand name; and one packet of each size of packet for each kind of cigarette, cigar or other tobacco product that is available under each brand name.

It is an offence under section 22(4) of the Act if the liquor licensee of liquor licensed premises contravenes the conditions of vending machine display. The maximum penalty for the offence is 20 penalty units (\$3,780 as of 1 July 2025).

### 10.4. Am I required to display signs on my vending machine?

**Yes.** Vending machines have the same signage requirements as other points of sale.

Liquor licensees must ensure that the following notices are affixed to the front of the vending machine:

- a prescribed notice indicating that selling tobacco products to children is prohibited (see [9.1.1](#))
- a prescribed health notice (see [9.1.2](#)).

It is an offence under section 23 of the Act if the prescribed notice is not affixed to the front of the vending machine. The maximum penalty for the offence is 100 penalty units (\$18,900 as of 1 July 2025).

A licensed tobacco retailer must also ensure that a copy of their retail tobacco licence is displayed at the vending machine (and is clearly visible by customers).

It is an offence under section 33 of the Act to not display your tobacco retail licence. The maximum penalty unit for failing to display a tobacco retail licence is 20 penalty units (\$3,780 as of 1 July 2025).

## 11. Compliance

### 11.1. What is the role of tobacco authorised officers?

Authorised officers of the Department of Trade, Business and Asian Relations (DTBAR) are authorised under section 47 of the Act to administer and enforce tobacco legislation. Authorised officers conduct inspections of tobacco retailers to ensure compliance and adherence with the Act.

### 11.2. What powers do authorised officers have?

Under section 50 of the Act, authorised officers have the power to enter premises where tobacco products are being packaged, sold or supplied or displayed for the purpose of sale or supply.

An authorised officer who enters a premises may:

- inspect the premises and any vending machines found in or on the premises
- examine any tobacco products, and any packages that are used or intended to be used for packaging tobacco products, found in or on the premises
- take measurements of the premises or any thing found in or on the premises
- take photographs, films or audio, video or other recordings of the premises
- if the authorised officer believes on reasonable grounds that an offence against the Act or the Regulations has been or is being committed, seize goods or other things or samples of goods or other things for use as evidence in a prosecution for the offence
- take copies of or extracts from documents found in or on the premises
- require a person in or on the premises to:
  - answer questions or provide information
  - make available documents kept on the premises
  - provide reasonable assistance to the authorised office in relation the to exercise of their powers.

### 11.3. What are my obligations when engaging with an authorised officer?

You are required under the Act to provide reasonable assistance to authorised officers when they are exercising their powers under the Act.

Under section 51 of the Act, where an authorised officer believes on reasonable grounds that a person whose name, address or age is not known to the officer may be able to assist the officer in inquiries in connection with an offence against the Act or the Regulations that has been, may have been, is being or may be committed, the officer may require the person:

- to state their name, address and age; and
- to provide, without delay, proof of age.

It is an offence under section 52 to obstruct or hinder an authorised officer in the exercise of their powers under the Act or the Regulations or fail to comply with a requirement of an authorised office under the Act of the Regulations. The maximum penalty for the offence is 100 penalty units (18,900 as of 1 July 2025).

It is an offence under section 54 of the Act to provide misleading information, including misleading documents, to an authorised officer. The maximum penalty for the offence is 100 penalty units (\$18,900 as of 1 July 2025).

## 11.4. What will happen if there are breaches of the Act found during an inspection?

Due to the importance of tobacco licensing regulations in protecting public health, if an inspection reveals breaches of the Act, DTBAR will take action. Actions will range from issuing infringement notices for more minor or first-time offences, while serious or repeated offending can lead to prosecution, substantial financial penalties, and suspension or cancellation of the retail tobacco licence. All breaches will be documented, and the licence holder may be required to implement corrective actions to ensure compliance going forward.

As the licence holder, you are responsible for maintaining full compliance with the Act and Regulations. Proactive management is essential—addressing potential issues early can help avoid more significant repercussions later. To support this, a self-checklist is provided on the back pages of this guide. Regularly using the checklist can help you identify and address compliance risks promptly, allowing you to meet your obligations effectively and safeguard your business.

## 12. More information

You can find more information by visiting <https://nt.gov.au/industry/licences/tobacco-licences> or calling 1800 193 111.

# Tobacco retailer self-inspection checklist

| Section of the Act |                                                      | Obligations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Met                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9(1)               | Smoker commits offence                               | People are not smoking in a smoke-free area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                         |
| 10(1)              | Occupier commits offence                             | Occupier of the premises does not allow a person to smoke in a smoke-free area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                         |
| 12(1)              | Health warnings on packaging                         | Tobacco products are enclosed in package that displays a prescribed health warning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                         |
| 12(2)              | Health warnings on packaging                         | Tobacco products enclosed in 2 or more packages display a prescribed health warning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                         |
| 12(3)              | Health warnings on packaging                         | Tobacco products in packaging do not contain wording to convey that smoking is not a health hazard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                         |
| 13                 | Size of cigarette packets for sale                   | Cigarettes are sold in packets containing 20 or more cigarettes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                         |
| 14                 | Weight of loose tobacco for sale                     | Loose tobacco is sold in packets containing 25 grams or more of loose tobacco                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                         |
| 15(1)              | Tobacco advertising in public places prohibited      | Tobacco products are not displayed, published or broadcasted so that it can be seen or heard in a public place                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                         |
| 16                 | Brand marketing and value-added marketing prohibited | Tobacco products are not brand marketed or value-added marketed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                         |
| 17                 | Price discounting not to be advertised               | Discounted prices are not advertised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                         |
| 18                 | Restrictions on price board                          | <ul style="list-style-type: none"> <li>• One price board at point of sale</li> <li>• Size of board is &lt; 1m<sup>2</sup></li> <li>• Board is not illuminated in any way (external/internal)</li> <li>• Does not have any moving parts</li> <li>• Not facing toward a window or public entrance unless board is more than 2 metres from window or public entrance</li> <li>• Cannot be seen more than 2 metres from the entrance</li> <li>• More than 1 metre from a display targeted at children</li> </ul> Board is limited to: <ul style="list-style-type: none"> <li>- Names of tobacco products</li> <li>- Size and quantity of tobacco products</li> <li>- Prices or tobacco products</li> <li>- Tar contents of tobacco products</li> <li>- Countries of origin of tobacco products</li> <li>- Barcodes or reference numbers for tobacco products</li> <li>- Font size no more than 2 cms high and 1.5 cms wide</li> <li>- Price board is black writing on white background OR white writing on black background</li> </ul> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><br><input type="checkbox"/><br><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
| 20(1)              | Display of tobacco products                          | Tobacco products are not displayed or seen from inside or outside the premises                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                         |

## Tobacco retailer self-inspection checklist

|        |                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                              |
|--------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 22     | Conditions of vending machine displays (liquor licensed premises only)    | <p>If a vending machine is the sole point of sale of tobacco products in a bar area of liquor licensed premises, the number of packets of cigarettes, cigars (other than cigars sold singly) or other tobacco products displayed in or on the machine:</p> <ul style="list-style-type: none"> <li>- No more than one packet of each type of tobacco product available under each brand name</li> <li>- No more than one packet of each size of packet for each type of tobacco product that is available under each brand name</li> </ul> | <input type="checkbox"/><br><br><input type="checkbox"/>                                                                                     |
| 23     | Signs to be displayed on vending machines (liquor licensed premises only) | <ul style="list-style-type: none"> <li>• Prescribed health warning</li> <li>• Prescribed notice indicating that selling tobacco products to children is prohibited</li> </ul>                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/><br><input type="checkbox"/>                                                                                         |
| 25(1)  | Point of sale restrictions (non-liquor licensed premises)                 | One point of sale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/>                                                                                                                     |
| 25(2)  | Point of sale restrictions (liquor licensed premises)                     | <ul style="list-style-type: none"> <li>• Only one over the counter point of sale for tobacco products for each bar area of the premises</li> <li>• Only one vending machine for tobacco products for each bar area of the premises</li> </ul>                                                                                                                                                                                                                                                                                             | <input type="checkbox"/><br><input type="checkbox"/>                                                                                         |
| 26(1)  | Vending machine restrictions (non-liquor licensed premises)               | No vending machine for tobacco products in or on the premises                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>                                                                                                                     |
| 26(2)  | Vending machine restrictions (liquor licensed premises)                   | Vending machine for tobacco products is in a child free area of the premises                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>                                                                                                                     |
| 27(1)  | Signs to be displayed at point of sale other than vending machine         | <ul style="list-style-type: none"> <li>• Prescribed health warning</li> <li>• Prescribed notice</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/><br><input type="checkbox"/>                                                                                         |
| 28     | Offence to sell by retail without licence                                 | Tobacco products are sold in, on or from the premises specified in the tobacco retail licence                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>                                                                                                                     |
| 30     | Conditions of licence                                                     | <p>Tobacco products displayed, sold or supplied are not:</p> <ul style="list-style-type: none"> <li>- confectionery-flavoured or confectionery scented</li> <li>- fruit-flavoured or fruit-scented</li> </ul> <p>Cigarette papers and cigarette filters displayed, sold or supplied are not:</p> <ul style="list-style-type: none"> <li>- confectionery-flavoured or confectionery scented</li> <li>- fruit-flavoured or fruit-scented</li> <li>- menthol flavoured</li> </ul>                                                            | <input type="checkbox"/><br><input type="checkbox"/><br><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
| 33     | Licence to be displayed                                                   | Licence displayed at each point of sale and visible to customers                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/>                                                                                                                     |
| 42(1)  | Sale to children prohibited                                               | Tobacco products are not sold to a child                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>                                                                                                                     |
| 42A(1) | Sale of tobacco product by child employee                                 | Tobacco products are not sold by a child employee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/>                                                                                                                     |
| 43(1)  | Supply to, or purchase for, children prohibited                           | Tobacco products are not supplied, or offered to be supplied, whether by gift or other means to a child or to a person who the supplier knows, or ought to reasonably know, will supply the product to a child                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/>                                                                                                                     |
| 46     | Sale of children's products resembling tobacco products                   | Products designed or marketed for consumption or use by children (including but not limited to confectionery and toys) are not sold; if the product is resembled or package to resemble, a tobacco product or likely to have the effect of encouraging children to smoke.                                                                                                                                                                                                                                                                 | <input type="checkbox"/>                                                                                                                     |