

VIC: SMOKING LAW REQUIREMENTS



Smoke-free laws in Victoria have banned smoking in certain public spaces. It is expected that everyone is aware of, and compliant with, smoking laws. Sporting clubs are also encouraged to develop a smoke-free policy where smoking is banned at all sporting events.¹

Having a smoke-free sporting club can help you comply with your obligations to take reasonable precautions to ensure the health and safety of employees, volunteers and visitors to the venue.²

- In Victoria, the Tobacco Act 1987 regulates where smoking is permitted and the sale/promotion of tobacco.

SMOKING BANS AND RESTRICTIONS

At organised underage sporting events, smoking is banned within 10 metres of the outdoor venue. The ban extends to training or practice, as well as breaks or intervals during the event, training or practice.¹

- Smoking is banned within 10 metres of playgrounds, skate parks and within the outdoor area of public swimming pool grounds.³
- Smoking is banned at all primary and secondary schools, and within 4 metres of an entrance.⁴
- You should be aware of any local laws your council introduces around smoking. Smoking could be prohibited in other areas or during certain times where children play.⁵

There are restrictions that ban smoking where food is being served.

- Smoking is banned in outdoor dining areas such as hospitality venues, food fairs or within 10 metres of food stalls/vendors at organised events.⁴
- E-cigarettes and water pipes such as shisha are also banned from outdoor dining areas.⁴

MANAGING SMOKING WITHIN YOUR CLUB

It is recommended you develop a policy or procedure so staff, operators or volunteers know how to deal with someone smoking in a banned area.

- The occupier (the person in control of the outdoor dining area or premises) is responsible for maintaining the smoke-free area – if a customer is found to be smoking, both the occupier and the customer can be issued a fine.⁴
- If smoking occurs in a smoke-free area you may not always be liable – for example if you can demonstrate that you were unaware smoking was occurring.⁴

Acceptable 'no smoking' signage needs to be displayed at smoke-free outdoor dining areas.

- Signage should be displayed at outdoor dining areas so that people can easily see it when entering the area, or from within that area.⁶
- You can create your own 'no smoking' signs – however they must meet certain requirements. You can also order signage from the Department of Health and Human Services (see further information).⁶
- Be aware that fines can be issued if signage is not displayed.⁶

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Further Information:

Underage sporting events

<https://www2.health.vic.gov.au/public-health/tobacco-reform/smoke-free-areas/childrens-recreational-areas-smoke-free/underage-sporting-events-smoke-free>

Resources and factsheets – tobacco reform

<https://www2.health.vic.gov.au/public-health/tobacco-reform/resources-and-fact-sheets-tobacco-reform>

Better Health – Victoria’s tobacco laws

<https://www.betterhealth.vic.gov.au/health/HealthyLiving/victorias-tobacco-laws>

Children’s recreational areas – smoke-free

<https://www2.health.vic.gov.au/public-health/tobacco-reform/smoke-free-areas/childrens-recreational-areas-smoke-free>

‘No smoking’ signage

Visit the tobacco reforms website at www.health.vic.gov.au/tobaccoreforms or call the Tobacco Information Line on 1300 136 775.

References:

1. Victoria State Government. Under-age sporting events - smoke-free: Department of Health & Human Services; 2020 {cited 31 July 2020}.
Available from: <https://www2.health.vic.gov.au/public-health/tobacco-reform/smoke-free-areas/childrens-recreational-areas-smoke-free/underage-sporting-events-smoke-free>
2. Quit Victoria. Smoking, the law and OH&S obligations: Quit Victoria; 2020 {cited 31 July 2020}.
Available from: <https://www.quit.org.au/resources/workplaces/smoking-law-and-ohs-obligations>
3. Victoria State Government. Children’s recreational areas - smoke-free: Department of Health & Human Services; 2020 {cited 31 July 2020}.
Available from: <https://www2.health.vic.gov.au/public-health/tobacco-reform/smoke-free-areas/childrens-recreational-areas-smoke-free>
4. Victoria State Government. Smoke-free outdoor dining: A guide for businesses and event organisers- From 1 August 2017. 2017.
5. Victoria State Government. Children’s recreational areas - smoke-free - FAQs: Department of Health & Human Services; 2020 {cited 31 July 2020}.
Available from: <https://www2.health.vic.gov.au/public-health/tobacco-reform/smoke-free-areas/childrens-recreational-areas-smoke-free/childrens-recreational-areas-smoke-free>
6. Victoria State Government. Smoking restrictions in outdoor drinking areas: A guide for businesses and event organisers incorporating reforms from 1 August 2017. Department of Health and Human Services; 2017.