
Victoria's tobacco laws

Summary

Tobacco causes many illnesses, including cancers, heart disease, stroke and emphysema.

Tobacco laws and anti-smoking initiatives have helped to reduce smoking rates in Victoria – both in adults and young people (see Tobacco laws – the results so far).

To minimise the health effects of tobacco on individuals and the community, Victoria has laws controlling cigarette sales and where people can smoke. Victoria's tobacco laws make it a world leader in discouraging tobacco smoking, with legislation that is making smoking less attractive, especially to young people.

Recent reforms have targeted preventing youth smoking, and reducing the harm caused by second-hand smoke.

Victoria's laws on smoking

The **Tobacco Act 1987** (the Tobacco Act) regulates where you can smoke, as well as the sale and advertising of cigarettes.

Restrictions on where you can smoke

The Tobacco Act makes it illegal to smoke in all enclosed workplaces and many public spaces where people can be exposed to **second-hand tobacco smoke**.

The Act now bans smoking in more public places than ever before. Specifically, you cannot smoke:

- at enclosed restaurants, cafes and dining areas of hotels
- at licensed clubs
- at shopping centres
- in enclosed workplaces
- in a motor vehicle, if anyone under 18 is present
- at patrolled beaches
- at outdoor public children's playgrounds, skate parks and sporting venues during organised under-age sporting events
- at under-age music or dance events
- at outdoor areas within public pool complexes
- within the grounds of, and within four metres of entrances to, childcare centres, kindergartens, pre-schools, and primary and secondary schools
- within four metres of entrances to children's indoor play centres
- within four metres of entrances to public hospitals and registered health centres
- within four metres of entrances to certain Victorian Government buildings
- in courts or police stations
- at train stations, tram platforms, or tram and bus shelters.

As of 1 August 2017 it is against the law to smoke in outdoor dining areas of restaurants, cafes, take-away shops and licensed premises.

There are on-the-spot fines for those who breach the law. This information is available from the [Tobacco Reforms](http://health.vic.gov.au) section of health.vic.gov.au.

Restrictions on selling tobacco products

Victoria's tobacco laws make it illegal to sell any tobacco product to anyone under 18 years of age. Both the person who sells the product and their employer can get into trouble, unless the employer can prove they had no knowledge of the offence and had properly trained their staff.

Inspectors from local councils investigate alleged offences and will issue a formal warning or fine, or provide education to the business owner, manager and staff.

Under the Tobacco Act:

- Tobacco products cannot be sold from temporary outlets (for example at sporting, music and cultural events).
- The Minister for Health can ban the sale of certain tobacco products if they are found to appeal to young people (for example, products with a fruity or sweet flavour).
- Retailers cannot display tobacco products at point of sale (with an exemption for specialist tobacconists).
- Tobacco products cannot be included in shopper loyalty schemes.

Since April 2014 retailers can no longer apply to be a certified specialist tobacconist. If an existing specialist tobacconist changes address or trades under new management their certification becomes void. This change to the law limits the number of retailers who are allowed to display tobacco products.

National ban on tobacco advertising

The Australian Government bans tobacco advertising under the [Tobacco Advertising Prohibition Act 1992](#) (the Tobacco Advertising Prohibition Act). This Act makes it an offence for a corporation to publish or broadcast a tobacco advertisement (with limited exceptions).

The Tobacco Advertising Prohibition Act limits the persuasive messages and images that encourage people to start or continue smoking or using tobacco products.

In 2012 the ban was extended to the internet and other electronic media in Australia.

Plain packaging for tobacco products

Since 1 December 2012 all tobacco products sold, offered for sale, or otherwise supplied in Australia have to be in plain packaging (under the [Tobacco Plain Packaging Act 2011](#)). Plain packaging is designed to:

- make cigarettes less appealing, especially to young people
- make the graphic health warnings on the packets more noticeable
- reduce the tobacco companies' ability to mislead smokers about the harmful effects of smoking.

Focus on young people and smoking prevention

Many of the recent changes to smoking regulations in Victoria and across Australia focus on discouraging young people from taking up smoking – for example, bans on:

- displaying tobacco products at point of sale
- smoking at playgrounds, beaches and sporting grounds
- smoking at or within four metres of entrances to schools, kindergartens, childcare centres and pre-schools
- tobacco advertising
- selling tobacco to children under the age of 18
- smoking in outdoor dining areas.

Studies show that **promoting tobacco products at point of sale** is linked with children and adolescents taking up smoking.

Promoting tobacco products in-store can also prompt unplanned purchases, and smoking among non-smokers. It is also linked with relapse among smokers who have recently quit.

Tobacco laws – the results so far

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Statistics show that Victoria's tobacco laws are helping to decrease the rate of tobacco smoking.

Four per cent of Victorian students aged 12 to 15 years, and 14 per cent of students aged 16 to 17, are current smokers. These figures have been dropping since the early 2000s.

In adults, smoking has decreased from 21.6 per cent in 1999 to 13.3 per cent in 2012.

More work is needed to help people stop smoking and to make smoking unattractive to young people. In 2009 smoking caused approximately 4000 deaths in Victoria, at a cost of about \$2.4 billion to the economy. Smoking still has a huge impact on Victoria's healthcare and productivity.

What next for tobacco laws in Victoria?

From 1 August 2017 the Tobacco Amendment Act 2016 bans smoking in outdoor dining areas when food is being consumed. It also regulates e-cigarettes and shisha tobacco in the same way as other tobacco products.

Smoking is banned in outdoor dining areas of cafes, footpath dining, restaurants and pubs, food fairs, community and street festivals.

People are not allowed to use e-cigarettes in areas where smoking is banned. Retailers are not permitted to display e-cigarettes in retail outlets or sell them to anyone under the age of 18.

Shisha tobacco is banned in all areas where smoking is banned under the Tobacco Act. Retailers are permitted to sell shisha tobacco to a person under the age of 18, display or advertise it at point of sale, sell it from any temporary outlet (such as a stand at a fair), or give it away for free.

To stay updated with the proposed laws and with tobacco control news, subscribe to the Department of Health and Human Services [tobacco control newsletter](#).

Where to get help

- Your doctor
- [Quitline](#) Tel. 13 7848, Monday to Friday, 8 am–8 pm
- [Quit](#)

This page has been produced in consultation with and approved by:

Department of Health and Human Services - MHW&A - Drugs Primary Care and Comm Programs - Prevention Policy & Research

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