

Tobacco laws for businesses



Council assists the Department of Health and Human Services in providing advice and services to different business and the community affected by the Tobacco Act 1987. This information sheet gives a general overview of the legislation and how it applies to different premises. For more detailed information or specific advice relating to your premise, please speak with your Environmental Health Officer.

Licensed premises, gaming venues and eating establishments

- All enclosed areas must be smoke-free.
- Smoking is prohibited in outdoor dining or drinking areas where the area has a roof in place and walls that cover more than 75% of the total notional wall area.
- Prescribed 'No Smoking' signs must be displayed on entering and within the smoke free area, room or venue.
- If also retailing tobacco see 'Tobacco Retailer' section.

Workplaces

It is an offence to smoke in most enclosed workplaces, including any food or drink businesses. The occupier (person in control) of the workplace may also be liable for breaching the Tobacco Act if smoking occurs, as well as under the Food Act in certain circumstances.

Tobacco Retailers

The sale of tobacco to persons under the age of 18 is prohibited and can attract fines, and/or prosecution to both the person who sold, and the business owner.

Retailers are also to comply with the following:

- No display of cigarettes / cartons / cigars or loose tobacco products*
- The prescribed A3-sized 'Health Warning' and A4-sized 'We don't sell tobacco to under 18's' signs are displayed
- If displaying a price board, a prescribed A4-sized graphic health warning must be adjacent to it
- Price tickets and price boards need to conform to size and colour regulations
- No gifts / benefits can be offered with tobacco products
- No 'cheap smokes' or 'discount cigarettes' advertising
- No sale of single cigarettes or in packs of less than 20
- No tobacco advertising within the premises, including non-branded advertising (e.g. pictures of matches and lighters)

Managers / proprietors must also train their staff every 6 months, and document the training (see 'Tobacco Retailer Guide' for more information).

Tobacco products must not be visible from anywhere inside or outside a retail outlet. Tobacco products include cigarettes, cigars and loose tobacco, and the ban also applies to vending machines.

*The display of tobacco products is banned for all retailers, except 'specialist tobacconists' certified by the Department of Health and Human Services.

Vending Machines

Tobacco vending machines have the same requirements as tobacco retailers (above) and are only allowed to be placed in:

- Licensed premises where the vending machine is in direct sight of staff and no more than 5 metres away
- A gaming venue or casino in sight of service counter / cashier
- In a liquor shop immediately adjacent to the service counter

For a tobacco retailer booklet, smoke free dining booklet, licensed premises including gaming venues booklet, or any of the prescribed signage mentioned above, please contact the Environmental Health Unit on (03) 5261 0600 or email info@surfcoast.vic.gov.au

For further information on these laws, please visit the website at www.health.vic.gov.au/tobaccoreforms