

Preparing to make your venue smoke-free

Department of Human Services
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After 18 months lead in time, proprietors of licensed premises will be required to ensure that enclosed areas of their venues are smoke-free as of 1 July 2007. As the law comes into effect from midnight on Saturday 30 June 2007, proprietors are encouraged to consider a range of options that may assist with a smooth transition.

Responsibilities from 1 July

The proprietor or person in control of the premises (the occupier*):

- must display appropriate No Smoking signage (as shown below) in all enclosed areas
- can remove ashtrays, matches, lighters or other assistance to facilitate smoking (failure to do so may result in the occupier being liable for patrons who breach the law).

If a person smokes, the occupier should:

- ask the person to stop smoking
- inform the person that it is an offence to smoke in the premises/area
- ask the person to temporarily leave if they wish to smoke.

Prior to 1 July

Proprietors or occupiers may wish to:

- train staff on the law and how to deal with patrons who smoke in the venue from 1 July
- raise awareness of the new smoking ban in the week leading up to 1 July by talking to patrons, making announcements via the PA system and displaying notices
- prepare an amenity management plan that considers the impact on public amenity in the immediate vicinity if smokers temporarily leave the venue (butt litter, footpath obstruction, noise, alcohol consumption).

Trading on 30 June

At midnight on 30 June, trading will be at its peak in some venues. To avoid confusion and the resulting difficulties, proprietors may wish to convert all enclosed areas to smoke-free from the commencement of business on Saturday 30 June or earlier, (NB not enforceable by law until after midnight, i.e 1 July)



* Occupier is defined as "in relation to an area or premises, means a person who is over 16 years of age and who is, or appears to be, in control of the area or premises."

Prior to midnight on 30 June

It will be important to ensure that the implementation of the bans from midnight does not result in conflict between venue staff and patrons at late night venues. To that extent the period between midnight and closing time on 1 July will be an important period during which venue staff will be able to advise and educate patrons regarding the smoking ban in "enclosed areas".

Proprietors or occupiers who wait until midnight:

- will need to install appropriate No Smoking signage in all enclosed areas
- can remove ashtrays, matches and lighters (failure to do so may result in the occupier being liable for patrons who breach the law).
- can provide clear signage directing patrons to areas where smoking is permitted
- can raise awareness via public announcement system during the course of the evening informing patrons what areas will be smoke-free midnight
- can place signage at venue entry points at the start of the evening raising awareness of the changes that will take place after midnight.

Enforcement

From 1 July 2007, if a person smokes in an enclosed licensed premises or an outdoor dining or drinking area that is required to be smoke-free, the person who smokes may receive a fine or be prosecuted, as may the occupier.

The Tobacco Act 1987 can be enforced by Local Council Environmental Health Officers, authorised officers of the Department of Human Services and the Victorian Police.

Enforcement officers will respond to all complaints of smoking breaches in licensed premises. While education will be at the forefront of all enforcement action, infringement notices may be issued.

Further Information

For further information please refer to the Smoke-free guide: Licensed premises and outdoor dining or drinking areas (shown below).

Additional information and copies of the guide are available from:

Tobacco Information Line: 1300 136 775

www.health.vic.gov.au/tobaccoreforms

