

|  |
| --- |
| 2022-2023 fines and penalties for Tobacco Act 1987 |
| OFFICIAL |

This document is an annually updated publication of the indexation of fines and penalties for the reference of the general public.

# Tobacco Act 1987

| Tobacco Act 1987, Section  | Description  | Associated with | 2021-2022 Penalty amount(Natural person) | 2022-2023 Penalty amount(Natural Person)  | 2021-2022 Penalty amount(Body Corporate)  | 2022-2023 Penalty amount(Body Corporate) |
| --- | --- | --- | --- | --- | --- | --- |
| 5A(1) Enclosed workplaces: offence by smoker | A person must not smoke in an enclosed workplace. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5A(4) Enclosed workplaces: offence by smoker | A person who is contravening subsection (1) must not, without reasonable excuse, fail to comply with a direction by an inspector to cease the contravention. | Court Ordered Penalty | $909 | $925 | x | x |
| 5B(1) Enclosed workplaces: offence by occupier | If smoking occurs in an enclosed workplace, in contravention of section 5A, the occupier of the enclosed workplace is guilty of an offence  | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty  | $363 | $370 | x | x |
| 5C(1) Outdoor drinking areas: offence by smoker | A person must not smoke in an outdoor drinking area if it has a roof and walls exceeding 75 % of the total notional wall area. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5C(1A) Outdoor drinking area; offence by smoker | A person must not smoke in an outdoor drinking area if any part of the outdoor drinking area is within 4 metres of an outdoor dining area, irrespective of whether or not the outdoor drinking area and the outdoor dining area are operated by the same occupier; and the outdoor dining area and the outdoor drinking area are not separated by a wall that is at least 2.1 metres high. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5C(3) Outdoor drinking areas: offence by smoker | A person who is contravening subsection (1) or (1A) must not, without reasonable excuse, fail to comply with a direction by an inspector to cease the contravention | Court Ordered Penalty | $909 | $925 | x | x |
| 5D(1) Outdoor drinking areas: offence by occupier | If smoking occurs in an outdoor drinking area, in contravention of section 5C(1), the occupier of the area is guilty of an offence | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | $909 | $925 |
| 5D(3) Outdoor drinking areas: Offence by occupier | If a person smokes in an outdoor drinking area in contravention of section 5C(1A), the occupier of the outdoor drinking area is guilty of an offence | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | $909 | $925 |
| 5E (1) Outdoor drinking areas: no smoking signs | - The occupier of an outdoor drinking area in which smoking is prohibited by section 5C(1) or (1A) is guilty of an offence if, without reasonable excuse, acceptable no smoking signs are not displayed in accordance with subsection (2) - Natural person | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | $909 | $925 |
| 5EA (1) Outdoor dining areas: Offence by a smoker | A person must not smoke in an outdoor dining area. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5EA (3) Outdoor dining areas: Offence by a smoker | A person who is contravening subsection 1 must not, without reasonable excuse, fail to comply with a direction by an inspector to cease the contravention | Court Ordered Penalty | $909 | $925 | x | x |
| 5EB(1) Outdoor dining areas: Offence by occupier | If smoking occurs in an outdoor dining area, in contravention of section 5EA, the occupier of the area is guilty of an offence | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty  | $363 | $370 | $909 | $925 |
| 5EC(1) Outdoor dining areas; no smoking signs | The occupier of an outdoor dining area in which smoking is prohibited by section 5EA, is guilty of an offence if, without reasonable excuse, acceptable no smoking signs are not displayed in accordance with subsection (2) | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | $909 | $925 |
| 5F(1) Enclosed restaurants and cafes: no smoking signs | The occupier of an enclosed restaurant or cafe is guilty of an offence if, without reasonable excuse, acceptable no smoking signs are not displayed in accordance with subsection (2). | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | $909 | $925 |
| 5G(1) Retail shopping centres: no smoking signs | The occupier of a retail shopping centre is guilty of an offence if, without reasonable excuse, acceptable no smoking signs are not displayed in accordance with subsection (2)  | Infringement Penalty  | $363 | $370 | $909 | $925 |
| 5G(3) Retail shopping centres: no smoking signs | It is an offence for the occupier of a retail shopping centre, without reasonable excuse, to not display acceptable no smoking signs in accordance with subsection (2) | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 5H(1) Bingo areas and centres: no smoking signs | The occupier of a bingo area or bingo centre is guilty of an offence, if, without reasonable excuse, acceptable no smoking signs are not displayed in accordance with subsection (2) | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | $909 | $925 |
| 5K(1) Casinos: no smoking signs | The occupier of an area of a casino, other than a declared smoking area, is guilty of an offence, if, without reasonable excuse, acceptable no smoking signs are not displayed in accordance with subsection (2) | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | $909 | $925 |
| 5N(1) Approved venues: no smoking signs | - The occupier of a gaming machine area or an enclosed gaming room is guilty of an offence, if, without reasonable excuse, acceptable no smoking signs are not displayed in accordance with subsection (2) | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | $909 | $925 |
| 5R(1) Licensed premises: no smoking signs | The occupier of enclosed licensed premises is guilty of an offence, if, without reasonable excuse, acceptable no smoking signs are not displayed in accordance with subsection (2) | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | $909 | $925 |
| 5RA(1) No smoking at patrolled beaches  | A person must not smoke within an area (on public land or in the sea) that is - (a) between red and yellow flags temporarily erected on behalf of Surf Life Saving Victoria or its affiliated surf lifesaving clubs marking the boundaries for safe swimming; or (b) within a 50-metre radius of a red and yellow flag referred to in paragraph (a). | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | X | x |
| 5RA(4) No smoking at patrolled beaches | A person who is contravening subsection (1) must comply with a direction by an inspector to cease the contravention. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RB (1) No smoking in outdoor area of education and care service premises or children's services premises or their vicinity | A person must not smoke in an area that is not enclosed and is within - (a) education and care service premises while they are being used to provide an education and care service; or (b) children's service premises while they are being used to provide a children's service. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RB(2) No smoking in outdoor area of education and care service premises or children's services premises or their vicinity | A person must not smoke at or within 4 metres of any part of a pedestrian access point to (a) education and care service premises while they are being used to provide an education and care service; or (b) children's service premises while they are being used to provide a children's service. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RB(5) No smoking in outdoor area of education and care service premises or children's services premises or their vicinity | A person who is contravening subsection (1) or (2) must comply with a direction by an inspector to cease the contravention. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | X | x |
| 5RC(1) No smoking in outdoor area of public swimming pool complex | A person must not smoke in an outdoor area of a swimming pool complex that is a public place. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | X | x |
| 5RC(3) No smoking in outdoor area of public swimming pool complex | A person who is contravening subsection (1) must comply with a direction by an inspector to cease the contravention. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RD(1) No smoking in outdoor area of school premises or vicinity of school premises | A person must not smoke in an area that is within school premises and is not enclosed. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RD(2) No smoking in outdoor area of school premises or vicinity of school premises | A person must not smoke at or within 4 metres of any part of a pedestrian access point to school premises. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RD(5) No smoking in outdoor area of school premises or vicinity of school premises | A person who is contravening subsection (1) or (2) must comply with a direction by an inspector to cease the contravention. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RE(1) No smoking at or in vicinity of outdoor children's playground equipment | A person must not smoke at or within 10 metres of children's playground equipment that is in an outdoor public place. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RE(4) No smoking at or in vicinity of outdoor children's playground equipment | A person who is contravening subsection (1) must comply with a direction by an inspector to cease the contravention. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RF(1) No smoking in vicinity of children's indoor play centre | A person must not smoke at or within 4 metres of any part of a pedestrian access point to a children's indoor play centre. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RF(4) No smoking in vicinity of children's indoor play centre | A person who is contravening subsection (1) must comply with a direction by an inspector to cease the contravention. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RG(1) No smoking at or in vicinity of outdoor skate park | A person must not smoke at or within 10 metres of a skate park that is in an outdoor public place. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RG(4) No smoking at or in vicinity of outdoor skate park | A person who is contravening subsection (1) must comply with a direction by an inspector to cease the contravention. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RH(1) No smoking in vicinity of Victorian public premises | A person must not smoke at or within 4 metres of any part of a pedestrian access point to Victoria public premises. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RH(4) No smoking in vicinity of Victorian public premises | A person who is contravening subsection (1) must comply with a direction by an inspector to cease the contravention. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RI(1) No smoking at or in vicinity of outdoor sporting venue | A person must not smoke at or within 10 metres of a sporting venue that is an outdoor public place during- (a) an organised underage sporting event; or (b) a training or practice session to prepare for participation in an organised underage sporting event; or (c) any break or interval during the course of the organised underage sporting event or training or practice session. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5RI(4) No smoking at or in vicinity of outdoor sporting venue | A person who is contravening subsection (1) must comply with a direction by an inspector to cease the contravention. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 5S Offence to smoke in motor vehicle if person under 18 is present. | Despite anything to the contrary in this Act, a person must not smoke in a motor vehicle, whether or not the motor vehicle is in motion, if another person is present in the motor vehicle and the other person is under the age of 18 years. | Court Ordered Penalty | $909 | $925 | x | x |
| 5T(2) Power to require driver to stop  | Subject to subsection (3), a person must not fail to stop a motor vehicle when required to do so under subsection (1). | Court Ordered Penalty | $1,817 | $1,849 | x | x |
| 6(1) Certain advertising prohibited  | A person must not for any direct or indirect pecuniary benefit - (a) display or cause or permit to be displayed, or authorise the display of, a tobacco advertisement in a theatre; or (b) sell, or cause or permit to be sold, any film or video tape that contains a tobacco advertisement; or (c) distribute or cause or permit to be distributed, or authorise the distribution of, to the public any unsolicited leaflet, handbill or other document that is a tobacco advertisement. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 6(2) Certain advertising prohibited | A person must not for any direct or indirect pecuniary benefit- (a) place or display or cause or permit to be placed or displayed, or authorise the placing or display of, a tobacco or e-cigarette advertisement that is visible from a public place; or (b) place or display, or cause or permit to be placed or displayed, or authorise the placing or display of, a tobacco or e-cigarette advertisement on the outside of any road, sea or air vehicle or vessel. | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 6 (2AA) Certain advertising prohibited | If there is a tobacco or e-cigarette advertisement at a retail outlet (other than a specialist tobacconist, a specialist e-cigarette retailing premises or an on airport duty free shop), the person carrying on the tobacco or e-cigarette retailing business at that retail outlet is guilty of an offence and liable to a penalty, not exceeding | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 6 (2A) Certain advertising prohibited | If there is a tobacco or e-cigarette advertisement of a product line of a tobacco or e-cigarette product at a point of sale at a specialist tobacconist or an on-airport duty free shop retail outlet or at a wholesale outlet that is not in accordance with section 6A, the person carrying on the tobacco retailing business or the tobacco wholesaling business or the e-cigarette retailing businesses or the e-cigarette wholesaling business at that outlet is guilty of an offence and liable to a penalty not exceeding: | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
|  | Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 6(2AB) Certain advertising prohibited | A person carrying on an e-cigarette retailing business at a specialist e-cigarette retailing premises must not display a tobacco or e-cigarette advertisement of a product line of an e-cigarette product at a point of sale at that specialist e-cigarette retailing premises that is not in accordance with section 6B | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 6(2AC) Certain advertising prohibited | A person carrying on an e-cigarette retailing business at a specialist e-cigarette retailing premises must not display a tobacco or e-cigarette advertisement of a product line of a tobacco product. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 6(2AD) Certain advertising prohibited | A person carrying on an e-cigarette retailing business at a specialist e-cigarette retailing premises must not display a tobacco product | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 6(2B) - Certain advertising prohibited | A person must not, in the course of carrying on a tobacco retailing business or e-cigarette retailing business at a specialist tobacconist, a specialist e-cigarette retailing premises or an on-airport duty free shop or tobacco wholesaling business or e-cigarette wholesaling business, display tobacco products or e-cigarette products at a retail outlet or wholesale outlet other than at a point of sale | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 6(2D) Certain advertising prohibited | A tobacco or e-cigarette company is guilty of an offence against this subsection, and liable to a penalty not exceeding the following amount, if the tobacco or e-cigarette company intentionally or recklessly—(a) contravenes subsection (1), (2), (2AA), (2A), (2AB), (2AC), (2AD) or (2B); or(b) causes another person to contravene subsection (1), (2), (2AA), (2A) or (2B). | Court Ordered Penalty | $908,700 | $924,600 | x | x |
| 7(1) Competitions, rewards and shopper loyalty schemes | A person must not, in connection with the sale of a tobacco product or e-cigarette product or for the purpose of promoting the sale of a tobacco product or e-cigarette product— (a) supply to the purchaser or any other person— (i) any non-tobacco product, non-e-cigarette product or other benefit (whether or not a separate charge is made for that product or benefit); or (ii) a stamp, coupon, token, voucher, ticket or other thing by virtue of which the purchaser or any other person may become entitled to, or may qualify for any non-tobacco product, non-e-cigarette product or other benefit (whether the entitlement or qualification is absolute or conditional); or (iii) any thing which, or a copy or facsimile of which, is a necessary prerequisite to participation in, or is likely to confer an advantage in, any game, contest or other activity in which a participant may become entitled to, or may qualify for, any non-tobacco product, non-e-cigarette product or other benefit (whether the entitlement or qualification is absolute or conditional); or (b) conduct a scheme declared by the Governor in Council by Order published in the Government Gazette for the purposes of this section to be a scheme to promote the sale of a tobacco product or e-cigarette product or to promote smoking generally | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 7(5) Competitions, rewards and shopper loyalty schemes | A tobacco company or e-cigarette company is guilty of an offence against this subsection, and liable to a penalty not exceeding 5000 penalty units, if the tobacco company or e-cigarette company intentionally or recklessly- (a) contravenes subsection (1); or (b) causes another person to contravene subsection (1). | Court Ordered Penalty | $908,700 | $924,600 | x | x |
| 8(1) Free samples | A person must not, for the purpose of inducing or promoting - (a) the sale of a tobacco or e-cigarette product; or (b) the use or consumption of a tobacco product; or (ba) the use of an e-cigarette product or (c) smoking generally - offer, give or distribute to a member of the public a free sample of a tobacco product or e-cigarette product or a product which advertises a tobacco product or e-cigarette product | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 8(3) Free Samples | A tobacco company or e-cigarette company is guilty of an offence against this subsection, and liable to a penalty not exceeding 5000 penalty units, if the tobacco company or e-cigarette company intentionally or recklessly - (a) contravenes subsection (1); or (b) causes another person to contravene subsection (1). | Court Ordered Penalty | $908,700 | $924,600 | x | x |
| 9(1) Prohibition of certain sponsorships | A person must not, under a contract, agreement, undertaking or understanding, whether or not legally binding, with another person (a) promote— (i) a tobacco product or e-cigarette; or (ii) a trademark or brand name or part of a trademark or brand name of a tobacco product or e-cigarette product; or (b) promote the name or interests of a manufacturer or distributor of a tobacco product or e-cigarette product in association, whether directly or indirectly, with that tobacco or e-cigarette product - in exchange for a sponsorship, gift, prize, scholarship or like benefit given or agreed to be given by another person | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 9(2) Prohibition of certain sponsorships | A person must not, under a contract, agreement, undertaking or understanding, whether or not legally binding, with another person give or agree to give any sponsorship, gift, prize, scholarship or like benefit in exchange for the promotion of, or an agreement to promote, a tobacco or e-cigarette product or a name, interest, trademark or brand name referred to in subsection (1) | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 9(5) Prohibition of certain sponsorships | A tobacco company or e-cigarette company is guilty of an offence against this subsection, and liable to a penalty not exceeding the following amount, if the tobacco company or e-cigarette company intentionally or recklessly - (a) contravenes subsection (1) or (2); or (b) causes another person to contravene subsection (1) or (2). | Court Ordered Penalty | $908,700 | $924,600 | x | x |
| 11A Offence to possess certain tobacco products | A person who carries on a tobacco retailing business or a tobacco wholesaling business must not, without reasonable excuse, have in the person's possession or under the person's control, any tobacco products that the person knows or ought reasonably to know— (a) are smuggled goods or prohibited imports within the meaning of the Customs Act 1901 of the Commonwealth; or (b) are excisable goods within the meaning of the Excise Act 1901 of the Commonwealth upon which excise duty has not been paid | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 12(1) Supplying tobacco or e-cigarette products to person under 18 years | A person must not sell a tobacco product or e-cigarette product to a person under 18 years | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| Infringement Penalty | $727 | $740 | $10,904 | $11,095 |
| 12(2) Supplying tobacco or e-cigarette products to person under 18 years | A person must not purchase a tobacco product or e-cigarette product for the use of a person under the age of 18 years | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| Infringement Penalty | $363 | $370 | $2,181 | $2,219 |
| 12(3) Supplying tobacco or e-cigarette products to person under 18 years  | The occupier of premises on which a vending machine is situated must not permit a person under the age of 18 years to obtain a tobacco or e-cigarette product from that vending machine - Natural person | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 13(1) Vending machines | A person must not place or cause or permit to be placed in any premises a vending machine for operation by members of the public  | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 13(1A) Vending machines | A person must not sell any e-cigarette product from a vending machine | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 13A(1) Mobile selling of tobacco and e-cigarette products | A person must not, in the course of carrying on a business or in the course of his or her employment, sell any tobacco or e-cigarette product that is carried about on his or her person. | Court Ordered Penalty | $21,809 | $22,190 | x | x |
| Infringement Penalty | $363 | $370 | x | x |
| 13A(2) Mobile selling of tobacco and e-cigarette products | A person must not authorise another (the seller) to sell any tobacco or e-cigarette product that is carried about on the seller's person | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| Infringement Penalty | $727 | $740 | $10,904 | $11,095 |
| 13A(2A) Mobile selling of tobacco and e-cigarette products | A tobacco company or e-cigarette company is guilty of an offence against this subsection, and liable to a penalty not exceeding the following amount, if the tobacco company or e-cigarette company intentionally or recklessly- (a) contravenes subsection (2); or (b) causes another person to contravene subsection (1) or (2). | Court Ordered Penalty | $908,700 | $924,600 | x | x |
| 14 Packages of cigarettes | A person must not sell cigarettes unless the cigarettes are in a package containing at least 20 cigarettes | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
|  | Infringement Penalty | $545 | $555 | $10,904 | $11,095 |
| 15(1) Smokeless tobacco | A person must not manufacture or sell a tobacco product other than a product prepared for smoking | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 15C (1) Retail outlets: signage | The occupier of premises on which a tobacco retailing business is carried on must cause to be displayed on those premises in accordance with the regulations (a) a health warning sign; or (b) a sign relating to programs assisting in the cessation of smoking | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | $909 | $925 |
| 15C(3) Retail outlets: signage | The occupier of premises on which a tobacco retailing business is carried on must cause to be displayed on those premises in accordance with the regulations a prescribed sign relating to the prohibition of the sale of tobacco products to persons under the age of 18 years | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | $909 | $925 |
| 15D(2) Prohibition of retailing at premises where offences have been committed | If (a) a person (the retailer) carries on a tobacco retailing business or e-cigarette retailing business at premises that are a retail outlet; and (b) one relevant offence in respect of, or relating to, the carrying on of that business at those premises has been committed by any of the retailer and the associates of the retailer and there has been a finding of guilt; and (c) the retailer, or an associate of the retailer, is found guilty of another relevant offence in respect of, or relating to, the carrying on of that business at those premises the retailer, or any associate of the retailer, must not carry on a tobacco or e-cigarette retailing business at those premises or, if the court so determines, at any new premises within 5 kilometres of those premises, during the period of 3 months or, if the court which makes the finding of guilt specifies a longer period not exceeding 12 months, during that specified period, and commencing on such date, as the court determines | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 15C(3) Retail outlets: signage | If (a) a person (the retailer) carries on a tobacco retailing business or e-cigarette retailing business at premises that are a retail outlet; and (b) two or more relevant offences in respect of, or relating to, the carrying on of that business at those premises have been committed by any one or more of the retailer and the associates of the retailer, and there has been a finding of guilt for each such offence; and (c) the retailer, or an associate of the retailer, is found guilty of another relevant offence in respect of, or relating to, the carrying on of that business at those premises— the retailer, or any associate of the retailer, must not carry on a tobacco retailing business or e-cigarette retailing business at those premises or, if the court so determines, at any new premises within 5 kilometres of those premises, during the period of 5 years commencing on such date as the court determines | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 15D(2) Prohibition of retailing at premises where offences have been committed | If (a) a person (the retailer) carries on a tobacco retailing business or e-cigarette retailing business at premises that are a retail outlet; and (b) one relevant offence in respect of, or relating to, the carrying on of that business at those premises has been committed by any of the retailer and the associates of the retailer and there has been a finding of guilt; and (c) the retailer, or an associate of the retailer, is found guilty of another relevant offence in respect of, or relating to, the carrying on of that business at those premises— the retailer, or any associate of the retailer, must not carry on a tobacco retailing business or e-cigarette retailing business at those premises or, if the court so determines, at any new premises within 5 kilometres of those premises, during the period of 3 months or, if the court which makes the finding of guilt specifies a longer period not exceeding 12 months, during that specified period, and commencing on such date, as the court determines  | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 15D(3) Prohibition of retailing at premises where offences have been committed | if (a) a person (the retailer) carries on a tobacco retailing business or e-cigarette retailing business at premises that are a retail outlet; and (b) two or more relevant offences in respect of, or relating to, the carrying on of that business at those premises have been committed by any one or more of the retailer and the associates of the retailer, and there has been a finding of guilt for each such offence; and (c) the retailer, or an associate of the retailer, is found guilty of another relevant offence in respect of, or relating to, the carrying on of that business at those premises— the retailer, or any associate of the retailer, must not carry on a tobacco retailing business or e-cigarette retailing business at those premises or, if the court so determines, at any new premises within 5 kilometres of those premises, during the period of 5 years commencing on such date as the court determines | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 15F(1) No smoking at underage music/dance events | A person must not smoke in any area or premises while an underage music/dance event is taking place there. | Court Ordered Penalty | $909 | $925 | x | X |
| Infringement Penalty | $182 | $185 | x | x |
| 15F(3) No smoking at underage music/dance events | A person who is contravening subsection (1) must not, without reasonable excuse, fail to comply with a direction by an inspector to cease the contravention. | Court Ordered Penalty | $909 | $925 | x | x |
| 15G(1) Offence by occupier | If smoking occurs in an area or premises while an underage music/dance event is taking place there, in contravention of section 15F, the occupier of the area or premises is guilty of an offence and liable to a penalty of | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | x | x |
| 15H(1) No smoking signs | The occupier of an area or premises where an underage music/dance event is taking place is guilty of an offence, and liable to a penalty, if, without reasonable excuse, acceptable no smoking signs are not displayed in accordance with subsection (2) | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $363 | $370 | $909 | $925 |
| 15I(1) Covering vending machines, tobacco or e-cigarette advertisements etc | The occupier of an area or premises where an underage music/dance event is taking place must ensure that each of the following is removed or covered at all times while the event is taking place - (a) a vending machine in on premises; (b) a tobacco or e-cigarette advertisement on the premises; (c) a display of tobacco or e-cigarette products on the premises | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 15J Prohibition on supplying tobacco or e-cigarette products at underage music/dance events | A person must not sell a tobacco product or e-cigarette product to another person in any area-or premises while an underage music/dance event is taking place there | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 15L(1) Offence to sell tobacco or e-cigarette products from temporary outlet | A person must not sell tobacco or e-cigarette products from a point of sale that is located in a temporary display stand, booth or tent or other temporary or mobile structure or enclosure, whether or not a part of that display stand, booth, tent, structure or enclosure is permanent | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 15L(2) Offence to sell tobacco or e-cigarette products from temporary outlet | A person must not sell tobacco or e-cigarette products from a point of sale that is in a retail outlet established in an area or premises for the duration of a specific sports, music or arts-related function or event in the area or premises | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
|  | Infringement Penalty | $545 | $555 | $5,452 | $5,548 |
| 15M (1) Offence for tobacco company to sell tobacco products or e-cigarette company to sell e-cigarette products from temporary outlet | A tobacco company is guilty of an offence against this subsection, if the tobacco company intentionally or recklessly contravenes section 15L(1) or 15L(2) or causes another person to contravene section 15L(1) or 15L(2). | Court Ordered Penalty | $908,700 | $924,600 | x | x |
| 15M(1A) Offence for tobacco company to sell tobacco products or e-cigarette company to sell e-cigarette products from temporary outlet | An e-cigarette company is guilty of an offence against this subsection, if the e-cigarette company intentionally or recklessly contravenes section 15L(1) or (2) or causes another person to contravene section 15L(1) or (2). | Court Ordered Penalty | $908,700 | $924,600 | x | x |
| 15S(1) Offence to breach a ban order | A person must not sell by retail or wholesale a product in respect of which a ban order under section 15N is in force | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| Infringement Penalty | $727 | $740 | $10,904 | $11,095 |
| 15S(2) Offence to breach a ban order | A tobacco or e-cigarette company is guilty of an offence against this subsection and liable to a penalty not exceeding 5000 penalty units, if the tobacco company intentionally or recklessly - (a) contravenes subsection (1); or (b) causes another person to contravene subsection (1). | Court Ordered Penalty | $908,700 | $924,600 | x | x |
| 15ZA(1) Offence to provide false or misleading information to Secretary | A person must not give information to the Secretary under this Part that the person knows to be false or misleading in any material particular | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 15ZA(2) Offence to provide false or misleading information to Secretary | A person must not produce a document to the Secretary under this Part that the person knows to be false or misleading in any material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 15ZB Specialist tobacconist or specialist e-cigarette retailing premises must display certificate | A person who carries on business at a retail outlet that is certified to be a specialist tobacconist or a specialist e-cigarette retailing premises, as the case may be, must display the certificate issued under section 15U(6) in a conspicuous place at the retail outlet in a manner that invites attention. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 36B(1) Production of identity card | An inspector must produce his or her identity card for inspection - (a) before exercising a power under this Part other than a requirement made by post; and (b) at any time during the exercise of a power under this Part, if asked to do so. | Court Ordered Penalty | $1,817 | $1,849 | x | x |
| 36C(3) Power to require names and addresses | A person must not, in response to a request made by an inspector in accordance with this section - (a) refuse or fail to comply with the request; or (b) state a name that is false in a material particular; or (c) state an address other than the full and correct address of his or her ordinary place of residence or business. | Court Ordered Penalty | $909 | $925 | x | x |
| Infringement Penalty | $182 | $185 | x | x |
| 36C(5) Power to require names and addresses | An inspector must not, in response to a request under subsection (4) - (a) refuse or fail to comply with the request; or (b) state a name that is false in a material particular; or (c) refuse to comply with the request in writing if requested to do so. | Court Ordered Penalty | $909 | $925 | x | x |
| 36N Refusal or failure to comply with requirement | A person must not, without reasonable excuse, refuse or fail to comply with a requirement of an inspector under this Part. | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 36P Offence to give false or misleading information | A person must not— (a) give information to an inspector under this Part that the person knows to be false or misleading in any material particular; or (b) produce a document to an inspector under this Part that the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information. | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 36Q Offence to hinder or obstruct inspector | A person must not, without reasonable excuse, hinder or obstruct an inspector who is exercising a power under this Part | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 36QA Offence to intimidate, threaten or assault an inspector | A person must not, without reasonable excuse, intimidate, threaten or assault an inspector who is exercising a power under this Part. | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 36R Offence to impersonate inspector | A person who is not an inspector must not, in any way, hold himself or herself out to be an inspector | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 36T(1) Confidentiality  | An inspector must not, except to the extent necessary to carry out the inspector's functions under this Part, give to any other person, whether directly or indirectly, any information acquired by the inspector in carrying out those functions. | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 42A(2) Power to require names of persons supplied with tobacco or e-cigarettes | If a person to whom a requirement under subsection (1) or (1AA) is addressed refuses or fails to respond or provides information that the person knows to be false or misleading in any material particular, the person is guilty of an offence | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 42A(3) Power to require names of persons supplied with tobacco | The Secretary must not give to any other person, whether directly or indirectly, any information acquired by the Secretary under this section except to the extent necessary to enable the Secretary to perform his or her duties or functions or to exercise his or her powers under this Act or the regulations; or (b) to enable an inspector to perform his or her duties or functions or to exercise his or her powers under this Act or the regulations; or. (c) to enable the tobacco retailers or e-cigarette retailers identified by the information to be informed about their obligations under this Act, the regulations or another law of this State or of the Commonwealth in relation to the sale of tobacco products; or (d) to further the purpose or objects of the Act. | Court Ordered Penalty | $10,904 | $11,095 | x | x |

|  |
| --- |
| To receive this document in another format, phone 1300 650 172, using the National Relay Service 13 36 77 if required, or email Fees and Penalties <feesandpenalties@dhhs.vic.gov.au>Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.© State of Victoria, Australia, Department of Health, April 2023.Available at [Fees, charges and penalties webpage](https://www.health.vic.gov.au/payments/fees-charges-and-penalties-subject-to-automatic-indexation) <https://www.health.vic.gov.au/payments/fees-charges-and-penalties-subject-to-automatic-indexation> |