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| Ban on smoking and vaping at certain Victorian Government buildings  |
| Factsheet for visitors  |

**By law, smoking and the use of e-cigarettes (vaping) is banned within four metres of an entrance to certain Victorian Government buildings.[[1]](#footnote-1)**

### **Where does the ban apply?**

Smoking and vaping is banned within four metres of entrances (pedestrian access points)[[2]](#footnote-2) to Victorian Government buildings occupied either wholly or in part by:

* Parliament, but not electorate offices
* Victorian courts
	+ Supreme Court
	+ County Court
	+ Magistrates’ Court
	+ Children’s Court
	+ Coroners Court
* public service bodies3
	+ Victorian Government departments
	+ Victorian Public Sector Commission
	+ administrative offices
* special bodies.[[3]](#footnote-3)

The diagram below shows an example of where the smoking and vaping ban applies.



### **What are the administrative offices?**

There are eight administrative offices within the meaning of the *Public Administration Act 2004.*

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| Administrative offices |
| Environmental Protection Authority |
| Local Government Investigations & Compliance Inspectorate |
| Office of the Chief Parliamentary Counsel |
| Office of the Governor |
| Public Record Office Victoria |
| Regional Rail Link Authority |
| Victorian Government Architect |
| Victorian Government Solicitor’s Office |
| Family Safety Victoria |
| Latrobe Valley Authority |
| Level Crossing Removal Authority |
| Melbourne Metro Rail Authority |
| North East Link Authority |
| Office of Projects Victoria |
| Safer Care Victoria |
| Victorian Agency for Health Information |
| Western Distributer Authority |

### **What are the special bodies?**

There are fifteen special bodies within the meaning of the *Public Administration Act 2004*.

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| Special bodies |
| Department of the Parliament of Victoria |
| Electoral Boundaries Commission |
| Mental Health Complaints Commissioner |
| Mental Health Tribunal |
| Office of the Health Complaints Commissioner |
| Office of the Ombudsman |
| Office of the Victims of Crime Commissioner |
| Office of the Victorian Information Commissioner |
| Victorian Civil and Administrative Tribunal (VCAT) |
| Victorian Auditor-General’s Office |
| Victorian Electoral Commission |
| Victoria Police (including all Victorian Police Stations) |
| Independent Broad-based Anti-corruption Commission |
| The Commission for Children and Young People |
| The Victorian Inspectorate |

### **Why does the ban exist?**

#### The purpose of the smoking and vaping ban is to:

* protect the community from exposure to second-hand tobacco smoke and the aerosol from e-cigarettes
* further de-normalise smoking and vaping in the community. The more people see smoking and vaping in public places the more they will tend to think smoking and vaping is okay, rather than harmful
* support people who have quit or are trying to quit smoking and vaping.

**Where does the ban not apply?**

The ban does not apply:

* to entrances of Commonwealth Government buildings, such as Centrelink or Medicare offices
* to entrances of Local Government buildings, such as municipal libraries
* to an emergency exit that is locked to entry
* to a person walking through the smoke-free and vape-free area
* to a person in a motor vehicle that is driving or being driven through the smoke-free and vape-free area
* to a person in an area that is separated from the smoke-free and vape-free area by a road
* to a person in an outdoor drinking area located within the smoke-free and vape-free area
* to a person at a residential premises (at privately owned homes and land).

### **How will people know about the ban?**

Signs will be displayed in the smoke-free and vape-free area.

### **How will the ban be enforced?**

There is strong community support for banning smoking and vaping at public places. This means most people will voluntarily comply with the smoking and vaping ban and expect others to do so.

Inspectors authorised under the *Tobacco Act 1987* may provide information about and, when necessary, enforce the ban. The first priority of the inspector is to make sure smokers and vapers understand the ban.

Inspectors may not be available to respond to every complaint but, where circumstances allow, may attend in response.

### **What penalties might apply?**

The maximum penalty for someone breaking this law is five penalty units, with an infringement penalty of one penalty unit.[[4]](#footnote-4)

### **How can I find out more?**

For more information:

* visit the [tobacco reforms website](https://www.health.vic.gov.au/public-health/tobacco-reforms) <www.health.vic.gov.au/public-health/tobacco-reforms>
* call the Tobacco Information Line on 1300 136 775

To view the legislation visit the Victorian Government’s [legislation website](http://www.legislation.vic.gov.au/) <www.legislation.vic.gov.au> and search *Tobacco Act 1987.*

**DISCLAIMER:** Please note that any advice contained in this factsheet is for general guidance only. The Department of Health does not accept any liability for any loss or damage suffered as a result of reliance on the advice contained in this factsheet. Nothing in this factsheet should replace seeking appropriate legal advice.

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1. Section 5RH(1) of the *Tobacco Act 1987.* [↑](#footnote-ref-1)
2. A pedestrian access point in relation to premises is defined in the *Tobacco Act 1987* as a door or gate by which a pedestrian can enter or exit the premises. [↑](#footnote-ref-2)
3. Within the meaning of the *Public Administration Act 2004.* [↑](#footnote-ref-3)
4. For current penalty unit values, visit the [Department of Treasury and Finance website](https://www.dtf.vic.gov.au/financial-management-government/indexation-fees-and-penalties) <www.dtf.vic.gov.au/financial-management-government/indexation-fees-and-penalties> [↑](#footnote-ref-4)