

Ban on smoking in motor vehicles if a person under 18 is present

1 January 2010

Q1 What does this ban mean?

A person must not smoke in a motor vehicle if a person under 18 is present.

This ban includes whether the car is moving or not, whether the windows are open or closed, and whether the roof is down or not.

It also means that a person under 18 may not smoke in a motor vehicle if another person under 18 is present.

Q2 Who will be fined?

The person smoking will be fined.

Q3 Who will enforce this law?

Victoria Police will enforce this law as part of their every day monitoring of road users.

Q4 What is the penalty?

The maximum penalty for an individual breaching this law will be 5 penalty units¹, with an infringement penalty of 2 penalty units.

Q5 Why is this ban being introduced?

This ban will reduce children's exposure to second-hand smoke and encourage adults not to smoke around them.

There is no risk-free level of second-hand smoke in confined areas such as cars. Research shows that air quality in a car with a window partially or wholly down while a person smokes is similar to that found in a smoky pub (Edwards et al., 2006).

Even brief periods of exposure to second-hand smoke can be harmful to children, because they are especially vulnerable to its effects (US Department of Health and Human Services, 2006). Scientific studies consistently demonstrate that children exposed to second-hand smoke are at an increased risk of premature death and disease, including reduced lung function, increased number and severity of asthma episodes and increased risk of lower respiratory tract infections (Wipfli et al., 2008).

Public consultation found overwhelming support for a ban on smoking in cars carrying children.

¹ A penalty unit for 2009/10 is \$116.82 (indexed annually).

For updated penalty unit values visit the Office of the Chief Parliamentary Counsel [website](#).

Q6 Why is the age limit 18?

The Victorian Government recognises the importance of protecting all children from the harms of second hand smoke exposure and that many of them are unable to request that smoking does not occur around them.

This law will reinforce the message to parents and adults that it is not acceptable to smoke around children, particularly in confined spaces such as cars.

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