

Ban on smoking at public hospitals and registered community health centres

Factsheet for occupiers and staff

By law, smoking is banned within four metres of an entrance to public hospitals and registered community health centre in Victoria.

Public hospitals and registered community health centres may also have policies in place which further limit smoking in outdoor areas. Such a policy would apply in addition to the legislative ban.

Where does the ban apply?

Smoking is banned within four metres of pedestrian access points (entrances) to public hospitals and registered community health centres.

The diagrams to the right and below show examples of where the smoking ban applies at a hospital.

Figure 1: Smoking ban at public hospital entrances

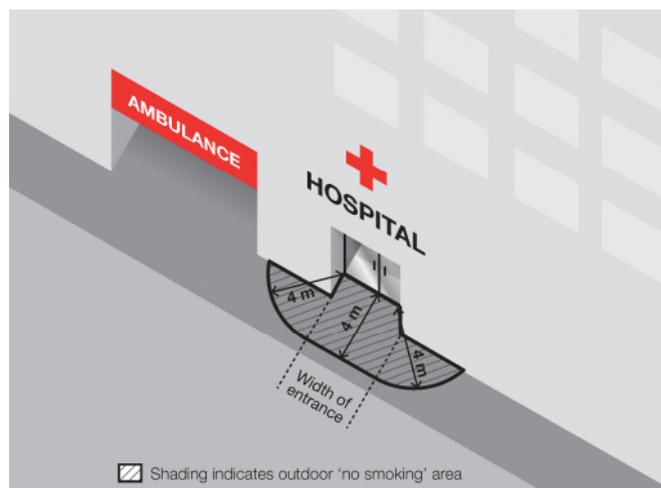
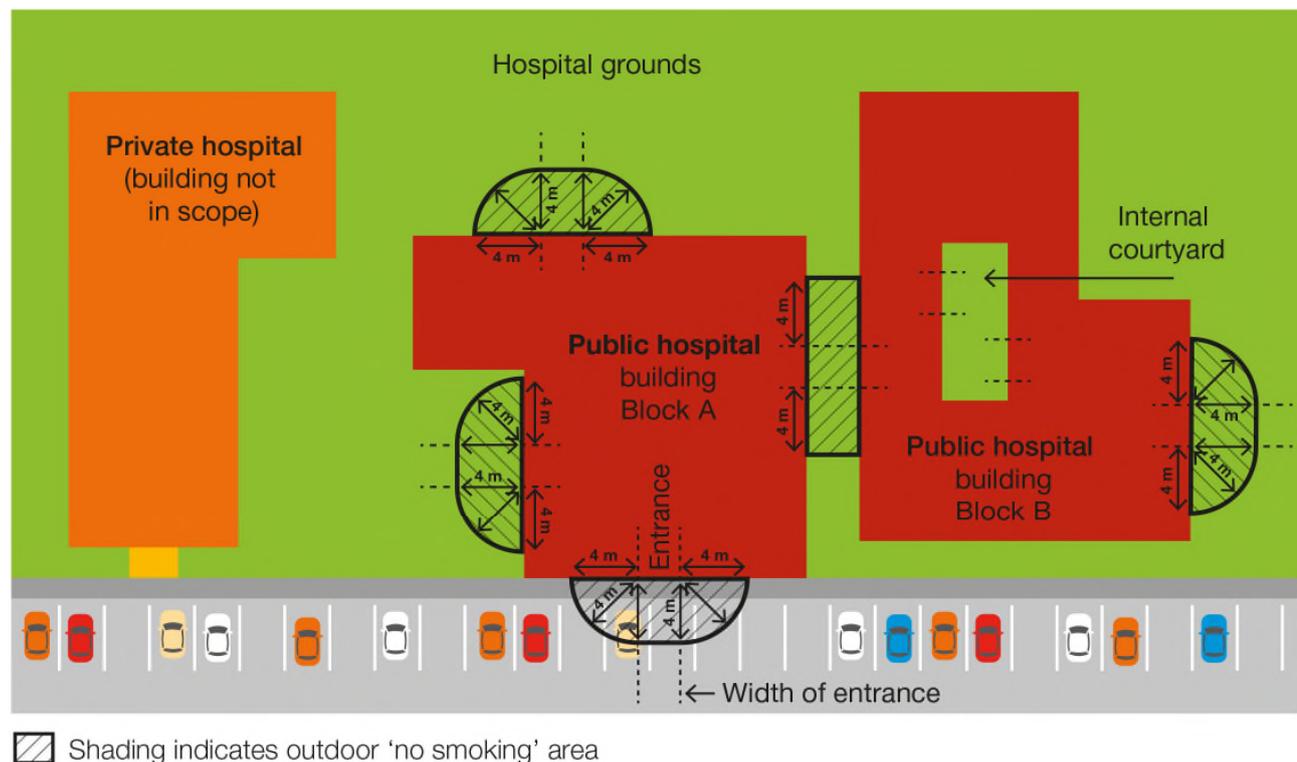


Figure 2: Smoking ban on public hospital grounds



Why does the ban exist?

The purpose of the smoking ban is to:

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

What is a public hospital and a registered community health centre?

'Public hospital' is used broadly to refer to any of the following entities within the meaning of the *Health Services Act 1988*:

- public health services
- public hospitals
- denominational hospitals
- multi-purpose services
- one privately-operated hospital (Mildura Base Hospital).

A registered community health centre is an independent community health centre that is registered by the Department of Health and Human Services.

What is a pedestrian access point?

A pedestrian access point (entrance) means a door or gate by which a person can enter or exit the premises.

It *does not* include an emergency exit that is locked to entry.

It *does* include shared doors or gates. For example, where a building is occupied by a registered community health centre as well as other organisations, such as private businesses, any shared entrances that are used to access both areas of the building is subject to the smoking ban.

Any entrances which lead only to premises not included in the smoking ban, such as the private offices, would not be subject to the smoking ban.

How will people know about the ban?

Occupiers are required to display signs in the smoke-free area (see page 3).

Where does the ban not apply?

The ban does not apply:

- to an entrance to a private hospital, unless the entrance also provides access to a public hospital
- to an emergency exit that is locked to entry
- to a person walking through the smoke-free area
- to a person in a motor vehicle that is driving or being driven through the smoke-free area
- to a person in an area that is separated from the smoke-free area by a road
- to a person in an outdoor drinking area located within the smoke-free area
- to a person at a residential premises (at privately owned homes and land).

What if we have our own smoking policy?

The state-wide ban is intended to complement and provide legislative support to smoke-free policies at public hospitals and registered community health centres.

If a public hospital or registered community health centre has its own smoking ban in place, the state-wide ban acts as a minimum standard, with any further requirements put in place by the premises applying in addition to the legislative ban.

For example, if your hospital has a smoke-free policy for the entire grounds, both your hospital's policy and the state-wide ban will apply. However, local council inspectors authorised under the *Tobacco Act 1987* can only take action to enforce the legislative ban.

Are occupiers or staff expected to enforce the ban?

No.

Occupiers and staff are not expected to enforce the ban and are not empowered under the law to do so.

Compliance with the ban is expected to occur through changed community expectations.

Consultation undertaken by the Department of Health and Human Services shows strong community support for banning smoking at public places.

How is the ban enforced?

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

Local council 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 understand the ban.

Councils may conduct proactive patrols of hospital entrances to enforce the ban.

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

Occupiers and staff can assist to raise awareness of the ban by providing staff, patients and visitors access to promotional resources.

What penalties might apply?

The maximum penalty for someone breaking this law is five penalty units, with an infringement penalty of one penalty unit. As of 1 July 2017, one penalty unit is valued at \$158.57.¹

What resources are available to promote the ban?

Signage

Occupiers are required by law to install acceptable 'No smoking' signs at entrances (pedestrian access points) to their premises. Signs are available to order free-of-charge at: www.health.vic.gov.au/tobaccoreforms

Electronic versions of the signs can also be downloaded and printed from the website above.

Figure 3: No smoking signage



¹ Penalty units are indexed annually. For current penalty unit values, visit the Office of the Chief Parliamentary Council website, www.ocpc.vic.gov.au

Promotional materials

Hospitals and registered community health centres are able to request posters, brochures and palm cards to help educate and inform staff, patients and visitors of the new ban. These are available to order free-of-charge at:

www.health.vic.gov.au/tobaccoreforms

Figure 4: Promotional materials



Definitions of 'occupier'

Under the *Tobacco Act 1987*, an occupier in relation to an area or premises, means:

- a person who appears to be of or over the age of 16 years and who is or appears to be in control of the area or premises, whether or not the person is present in the area or on the premises; or
- a body corporate that is or appears to be in control of the area or premises.

In the case of public hospitals and registered community health services, the occupier is usually the Chief Executive Officer or their equivalent.

How can I find out more?

For more information:

- visit www.health.vic.gov.au/tobaccoreforms
- call the Tobacco Information Line on 1300 136 775

To view the exact wording of the law from 1 August 2017, visit the Victorian Government's legislation website www.legislation.vic.gov.au and search Tobacco Act 1987

To receive this publication in an accessible format phone the Tobacco Information Line on 1300 136 775, using the National Relay Service 13 36 77 if required, or email tobacco.policy@dhhs.vic.gov.au

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Available at www.health.vic.gov.au/tobaccoreforms