

Smoke-free outdoor dining

Factsheet for the community

Under the *Tobacco Act 1987*, smoking is banned in outdoor dining areas from 1 August 2017.

Where does the ban apply?

From 1 August 2017, smoking will be banned:

- in outdoor areas at hospitality and food venues used for eating food. This includes footpath dining areas, courtyards and beer gardens during times food is being eaten, or is available to be eaten
- in all outdoor areas at food fairs. A food fair is an event where the principal activity is the supply of food for consumption at the event
- in outdoor areas within 10 metres of a food stall or food vendor at organised events (other than a food fair).

Protecting customers from smoke-drift

To support smoke-free outdoor dining, outdoor drinking areas where smoking is permitted under certain conditions must be separated from outdoor dining areas (including those at neighbouring premises) by either:

- a 4-metre buffer zone, or
- a wall at least 2.1 metres high, such as a water resistant cafe blind.

If the separation requirement is not met, smoking is banned in the outdoor drinking area.

Snacks can be consumed in outdoor drinking areas

Customers can eat snacks in outdoor drinking areas where smoking is permitted under certain conditions.

Snacks include pre-packaged confectionery or savoury foods such as crisps, chocolate or nuts, as well as uncut and unpeeled pieces of fruit.

How will people know about the ban?

An awareness and education campaign, including newspaper, radio and online advertising, will inform the public of the new law. Business owners, managers and event organisers must display 'No smoking' signs in outdoor dining areas.

Why does the ban exist?

There is a compelling rationale and strong community support for smoke-free outdoor dining.

Smoke-free outdoor dining will:

- protect the community from the harmful effects of second-hand smoke
- de-normalise smoking behaviours, which is particularly important for discouraging children from taking up smoking
- support people who have recently quit smoking or who are trying to quit smoking by removing smoking visual cues and triggers
- improve Victorians' outdoor dining experience.

How will the ban be enforced?

There is strong community support for banning smoking in outdoor dining areas. This means most people will voluntarily comply with the smoking ban and expect others to do so.

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

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

Venues will raise awareness of the ban by displaying 'No smoking' signs.



What penalties might apply?

Both the business owner/manager of the venue and individual smoking can be fined.

An on-the-spot fine of one penalty unit¹ may apply to an individual who smokes in an outdoor dining area. The maximum court penalty is five penalty units.

An on-the-spot fine of two penalty units may apply to the person in charge of a venue. The maximum court penalty is 10 penalty units for an individual or 50 penalty units for a company.

Does the ban apply to e-cigarettes and shisha tobacco?

Yes. The use of e-cigarettes and smoking shisha tobacco is banned in areas where smoking is banned under the Tobacco Act, including outdoor dining areas.

How can I find out more?

For more information:

- visit the tobacco reforms website <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 1300 136 775 using the National Relay Service 13 36 77 if required, or email tobacco.policy@health.vic.gov.au

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

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ISBN: 978-0-7311-7147-7 (Pdf/online)

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

(1703024)

¹ Penalty units are indexed annually. The value of one penalty unit for 2017–18 is \$158.57.