

Designated Outdoor Smoking Areas

What is a Designated Outdoor Smoking Area and when do you need it?

Under the *Smoke-Free Public Places Act 2003* it is an offence to allow people to use a smoking product in outdoor eating and drinking areas in the ACT, unless the place where the person is smoking is a Designated Outdoor Smoking Area, often referred to as a DOSA.

A DOSA is an area where patrons are allowed to smoke and drink, only if the drinks are purchased in another part of the premises.

What are the requirements for a DOSA?

It is not a requirement to establish a DOSA, however if you choose to have a DOSA, then you must have a suitable smoking management plan and a smoke buffer.

Premises that choose to have a DOSA must adhere to a number of requirements and obligations under the *Smoke-Free Public Places Act 2003*, including:

- > A smoking management plan which states how smoking is managed at the premises
- > Display of a public notice near the DOSA that shows:
 - That the area is a DOSA
 - That persons less than 18 years old are not allowed in the DOSA
 - That a smoking management plan is available for inspection
 - A diagram that sets out the boundaries of the DOSA.
- > No food or drink service (this includes clearing of glasses while someone is smoking in the DOSA)
- > No consumption of food
- > No gaming machines
- > No entertainment is to be offered or directly accessible.

All DOSAs must have a buffer on each perimeter that is adjacent to other parts of the outdoor area which may be accessed by patrons.

On completion of creating a DOSA, the licensee must notify the Commissioner for Fair Trading of its existence via the form available on www.act.gov.au/accessCBR. Failure to notify the Commissioner within 14 days of a created DOSA is an offence under the *Smoke-Free Public Places Act 2003* with a penalty of up to \$50,000.

More information:

For assistance on the DOSA application process, including guidance and compliance advice, please visit the Access Canberra website, www.act.gov.au/accessCBR.

Disclaimer: These are the key points relating to a Designated Outdoor Smoking Area as outlined in the *Smoke-Free Public Places Act 2003*. This is not a detailed list of all the requirements and/or obligations you must comply with. It is your responsibility to be familiar with the *Smoke-Free Public Places Act 2003* as well as any compliance obligations under the *Liquor Act 2010*. Failure to comply could result in financial penalties or occupational discipline.