## Smoke-Free Public Places Act 2003

# 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 allowpeople 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](http://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 apenalty 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](http://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.