



Smoke Free Premises

All areas inside premises are smoke free and this needs to be considered by all staff working in licensed or permit premises.

If patrons smoke in any indoor area penalties apply for both the smoker and the operator.

So, licensees, permit holders, management and staff have a responsibility to maintain the comfort of all patrons by making sure that smokers move outside.

Understanding the law and the obligations of staff and licensees/permit holders is important if penalties are to be avoided.

Smoke free areas

Tobacco laws under the [Public Health Act 1997](#) provide that:

- smoking is banned in:
 - outdoor dining areas in which solid food is consumed;
 - within three metres of an outdoor dining area unless surrounded by a screen or other barrier at least 2.1 metres high and is impervious to smoke;
 - within three metres of an entry or exit to a public building;
 - within 10 metres of air intakes for ventilation equipment for public buildings;
- some public events may be designated as smoke-free by the Director of Public Health; and
- competition and seating areas at sporting events (and within 20 metres) are smoke-free.

Unless otherwise designated, a smoke free area under the Act does not include an 'outdoor smoking area' provided on a licensed or permit premises for the use of customers who smoke. However, designated outdoor smoking areas must

- not be serviced (including delivery of beverages and food to customers in that area); and
- either not have a roof or if roofed must have a perimeter consisting of more than 50 percent walls or windows (further clarification is provided in the [Act](#))

Some councils have introduced their own smoke-free laws in relation to licensed premises, particularly those that have a council-issued Occupation Licence or the like. It is recommended that you contact your local council for advice on smoke-free legislation.

Designated Outdoor Smoking Areas (DOSA's)

Compliant DOSA's

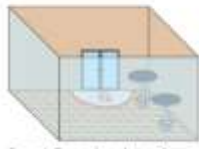


Figure 1: Four walls and no roof



Figure 2: Three walls and angled roof. Note: in all cases, less restrictive consideration may be given if the roof is angled or pitched upwards.



Figure 3: Two walls and full roof

Non-compliant DOSA's

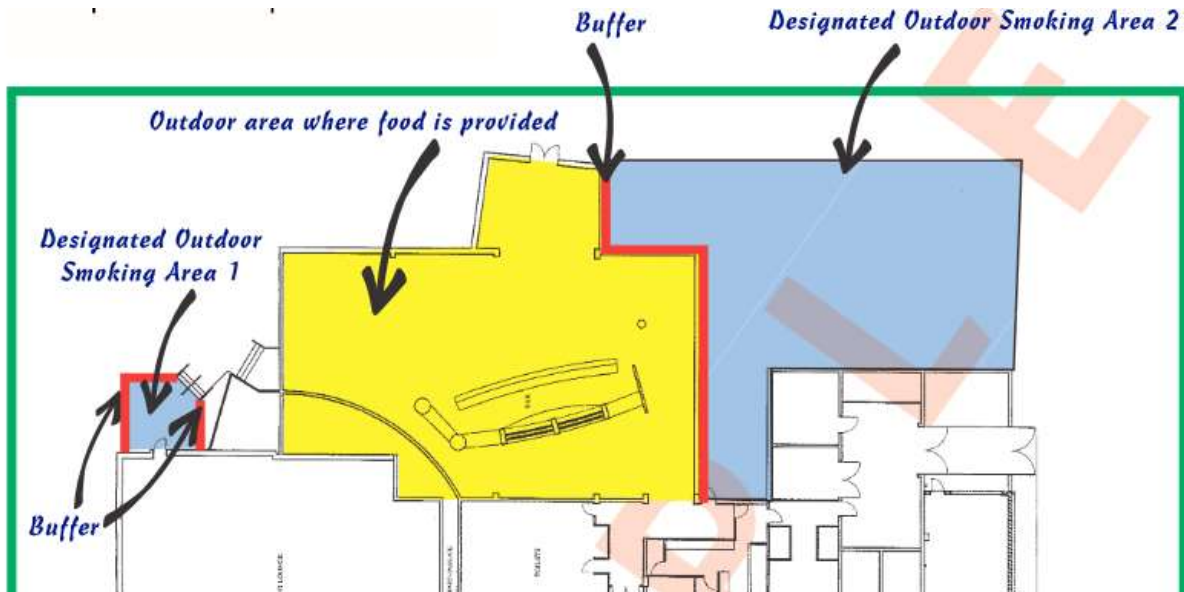


Figure 4: Three walls and 2/3 roof

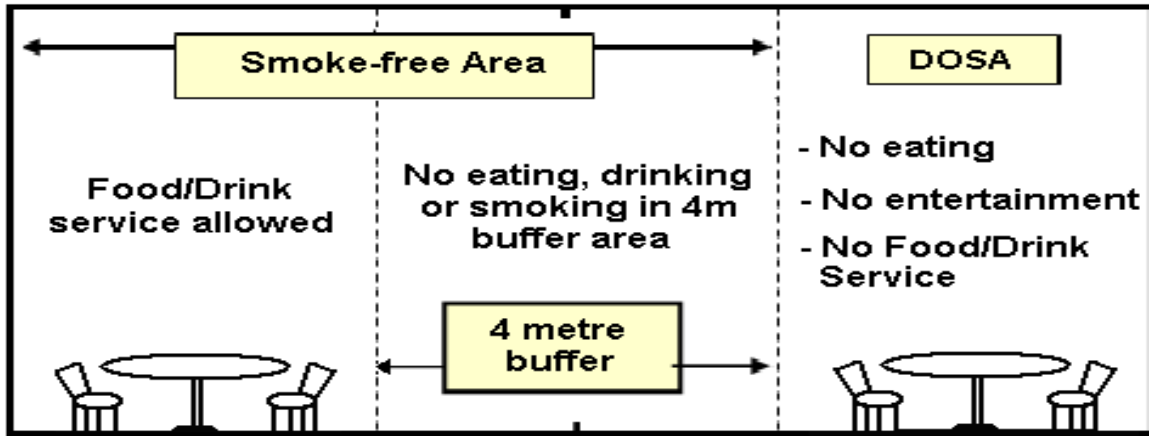


Figure 5: Three walls and full roof

DOSA example

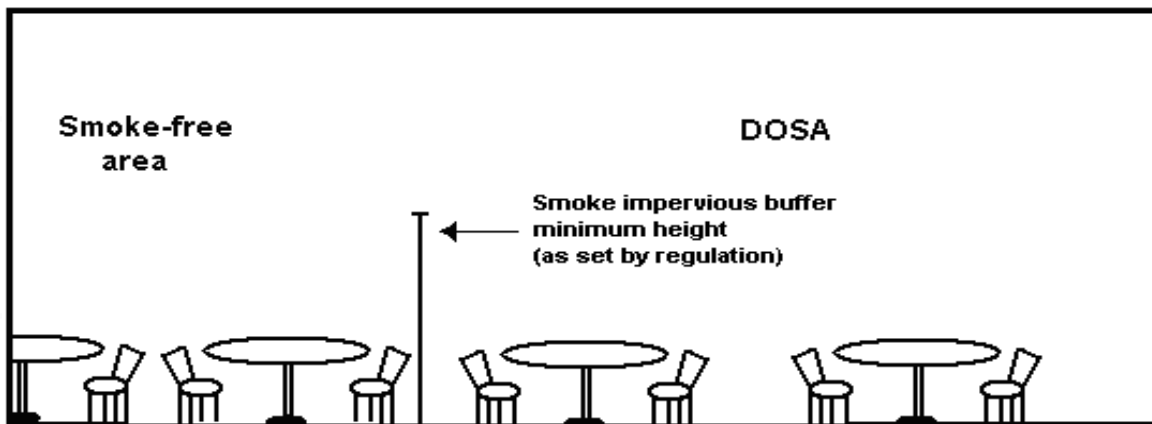


Other DOSA Examples



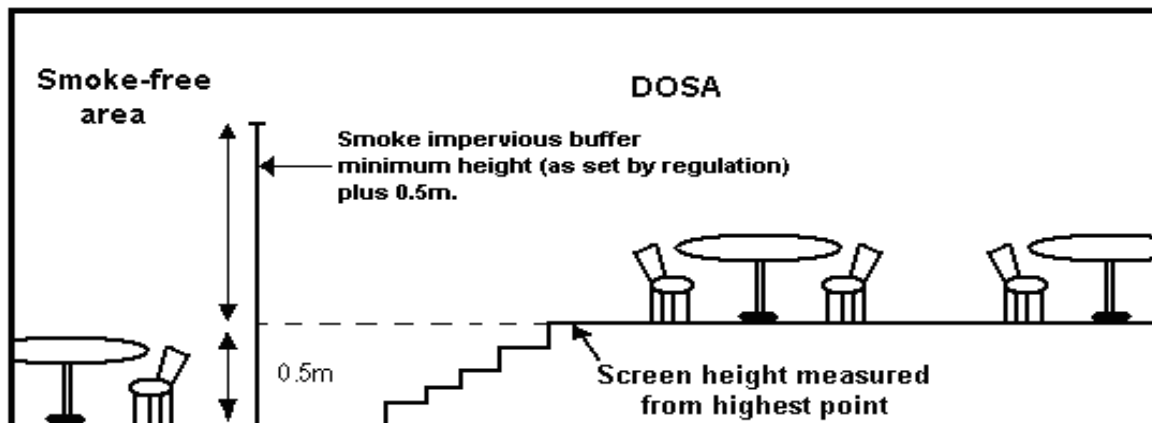
DOSA with the 4-meter smoke-free corridor option

Tables or chairs may not be placed within the four-meter buffer area. Plants and decorative features may be in the buffer area if they do not encourage loitering (e.g. planter boxes that may be used as seats).



DOSA with screen/wall buffer option

Version 1 – minimum DOSA buffer screen/wall height.



DOSA with screen/wall buffer option

Version 2 – due to elevated area in the DOSA, buffer height is measured from the highest floor point in the DOSA.

***Note: These diagrams do not show the entire outdoor smoke-free area. DOSAs must not exceed 50% of the licensed outdoor area of a premises (excluding off-gaming areas).**

DOSA Rules

A number of rules must also be followed when establishing a DOSA, including:

- Can have more than one DOSA, but total area of all DOSA's cannot be more than 50 per cent of the whole outdoor licensed area.
- Can have variations to the DOSA that apply at specific times or to suit events but must be strictly followed and strategies included on Smoking Management plan. (best to only have set areas in most businesses)
- Each DOSA must have a buffer around the perimeter, wherever it is next to other parts of an outdoor area that are ordinarily accessed by patrons either:
 - A designated buffer area (2-4m depending on state) in which patrons cannot eat, drink or smoke
 - A high screen that is impervious to smoke
- NO form of entertainment may be provided (including TV's) in DOSA
- Food cannot be taken into or consumed in the DOSA nor can food or drink be served to patrons within the DOSA.
- Staff can enter the DOSA to clear glasses and empty ashtrays, but must not take orders from or serve food or drinks to patrons.
- It is a legal requirement that the entire remaining outdoor licensed area is no-smoking.
- The licensee must prepare and implement a smoking management plan for the entire premises.
- Must provide copy of Smoking Management Plan if requested by authorities.

Exemptions in specific areas

- Accommodation – All states and territories retain exemptions from smoking bans for private rooms in sleeping accommodation, including hotels and motels.
- Cafés, restaurants – All states and territories have totally banned smoking in restaurants
- Al fresco dining areas – Most states/territories (except Victoria & SA) have now banned smoking in enclosed* outdoor eating areas.

*Enclosed outdoor areas normally have a roof and 2-3 walls in place and cover 50-70% of the area (this varies by state)
- South Australia are proposing to introduce smoke free outdoor eating areas by July 2016. Snacks (packaged food products) will still be able available in these areas.

- Casinos and poker machines – exemptions apply for high-roller rooms in some states casinos. The Australian Capital Territory, South Australia and Tasmania are the only Australian jurisdictions to have banned smoking in all enclosed areas of casinos including high-roller rooms.

In New South Wales, Australian Capital Territory, South Australia, Tasmania and Western Australia, some licensed premises tried to provide poker machines in outdoor areas to enable smokers to play the machines while smoking. Each of these premises were stopped from doing so by the local Liquor and Gaming authorities.

In March 2011 the South Australian Office of the Liquor and Gambling Commission directed Adelaide Casino to shut down poker machines that the casino had moved to an outdoor courtyard.

Examples of No Smoking Signage

Signage must be displayed in outdoor dining and outdoor smoking areas to ensure members of the public and patrons are aware that an area is smoke free. Signage must be clearly legible and adequately convey the smoke free requirements.





No Smoking
Except in Designated Areas



No Smoking
It is against the law to
smoke on these premises



THANK YOU
FOR OBSERVING OUR
NO SMOKING
POLICY



No Smoking



Designated
SMOKING AREA

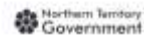
No Smoking



From 2 January 2011, smoking will be banned in all of the Northern Territory's outdoor public eating and drinking areas.

Licensed premises may allocate up to 50 per cent of outdoor space for smokers subject to some restrictions.

For further information visit
www.smokefree.nt.gov.au



Smoking area



*Tobacco Control Act
Penalties Apply*



No service available in this area

Buffer area



No Smoking
*Tobacco Control Act
Penalties Apply*



No service available in this area

