

Smoking restrictions in outdoor drinking areas

Factsheet for businesses

This factsheet provides general guidance on the smoking restrictions in outdoor drinking areas and their interaction with smoke-free outdoor dining areas.

Further detailed information is available in the *Smoking restrictions in outdoor drinking areas guide* available from May 2017 on the tobacco reforms website <www.health.vic.gov.au/tobaccoreforms>.

Outdoor drinking and outdoor dining areas

From 1 August 2017, changes to the *Tobacco Act 1987* mean that smoking is banned in all commercial outdoor dining areas in Victoria.

The introduction of smoke-free outdoor dining now means there are two types of outdoor areas for dining and drinking activities.

An outdoor area can be either:

- an outdoor dining area, or
- an outdoor drinking area.

Outdoor drinking areas

Outdoor drinking areas include the following places if predominantly used for the consumption of drinks:

- a balcony or veranda
- a courtyard
- a rooftop
- a marquee
- a street or footpath
- any similar outdoor area.

Drinks can include both alcoholic and non-alcoholic drinks such as coffee.

Existing smoking restrictions continue to apply

Smoking in outdoor drinking areas is banned when:

- an area has a roof in place, **and**
- the total actual area of wall surfaces exceeds 75 per cent of the total notional wall area.¹

Outdoor drinking areas within 4 metres of outdoor dining areas

To support smoke-free outdoor dining, from 1 August 2017 smoking is banned in an outdoor drinking area if any part of that area is within 4 metres of an outdoor dining area, unless separated by a wall at least 2.1 metres high.

This means that if any part of an outdoor drinking area is within **4 metres** of an outdoor dining area at the same or neighbouring venue, the business owner or manager of an outdoor drinking area will need to:

- ensure the outdoor drinking area is smoke-free, or
- separate the two areas by:
 - a 4-metre buffer zone, or
 - a wall at least 2.1 metres high.

A neighbouring venue is a different venue that is located immediately next to your venue.

Snacks can be eaten in outdoor drinking areas

Customers can eat only snacks in outdoor drinking areas.

A snack is a pre-packaged shelf-stable food that:

- is sealed in the container or package in which the manufacturer intended it to be sold, and
- does not require any preparation prior to serving.

¹ The total notional wall area is the area of the wall surface if the walls were at the perimeter of the roofed area and continuous and of a uniform height equal to the lowest height of the roof.

Shelf-stable food means food that can be stored safely for long periods (months) at room temperature.

Snacks also include uncut and unpeeled fruit.

Examples of snacks include pre-packaged potato crisps, nuts and chocolate bars. Pre-packaged sandwiches and hot chips are not snacks.

Complying with the new law

The following is general guidance about how to comply with the **new** law.

Same venue

Figure 1: Separation by a 4-metre buffer zone

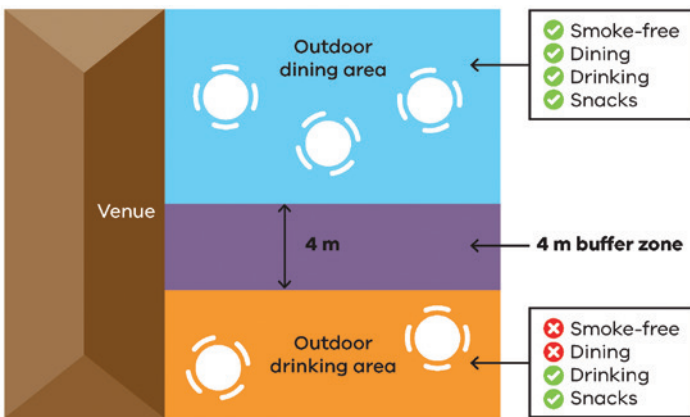
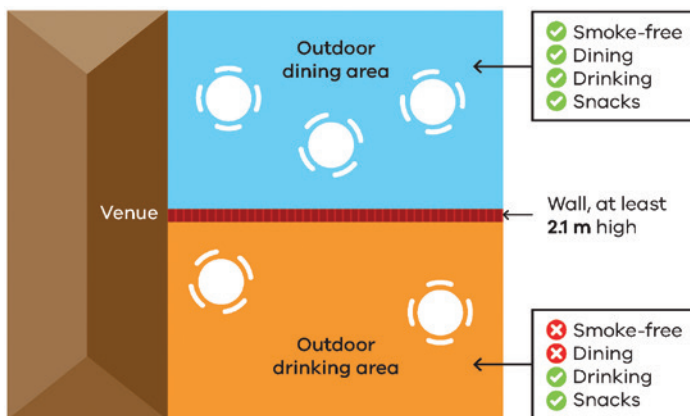


Figure 2: Separation by a wall at least 2.1 metres high



*A wall is a structure or device that prevents or significantly impedes lateral airflow, such as water-resistant cafe blind.

Neighbouring venues

Figure 3: Separation by a 4-metre buffer zone (neighbouring venues on a footpath)

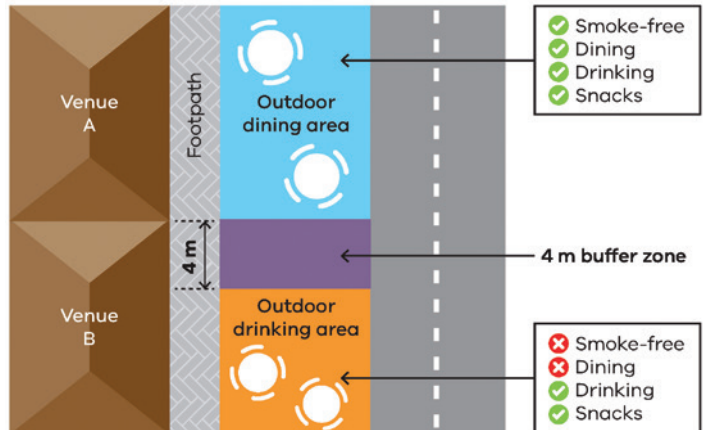
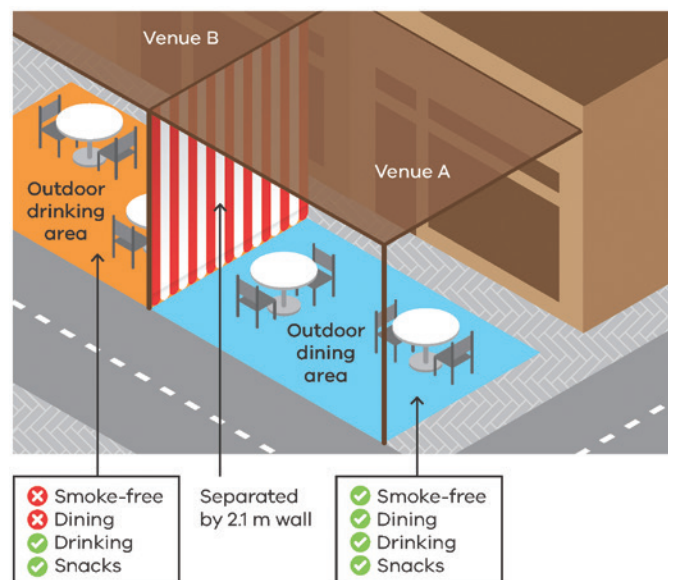


Figure 4: Separation by a wall at least 2.1 metres high (neighbouring venues on a footpath)



Go smoke-free

You can make your outdoor drinking area smoke-free.

This will reduce the risk of non-compliance with the law and is the most effective way to protect customers and staff from smoke-drift.

Signage required

Venues must display acceptable 'No smoking' signage to indicate smoke-free areas. The signs must be displayed so customers can see a sign when entering, or within, the outdoor drinking area.

Signs can be ordered free of charge from the tobacco reforms website <www.health.vic.gov.au/tobaccoreforms>.

Further information and resources

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@dhhs.vic.gov.au

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