

Smoke-Free Public Places (Public Transport Stops) Declaration 2017 (No 1)

Disallowable Instrument DI2017–248

made under the

Smoke-Free Public Places Act 2003, s 90 (Declaration of smoke-free public place or event)

1 Name of instrument

This instrument is the *Smoke-Free Public Places (Public Transport Stops) Declaration 2017 (No 1)*.

2 Commencement

This instrument commences on 1 October 2017.

3 Declaration

- (1) I declare a public transport stop and the area within five metres of a public transport stop, to be a smoke-free public place.
- (2) I declare a public transport waiting area and the area within five metres of a public transport waiting area, to be a smoke-free public place.

4 Exemptions

- (1) This Declaration does not apply to a person in or on a vehicle travelling within five metres of a public transport stop or public transport waiting area.

Examples for paragraph (1)

- (1) A person smoking in a vehicle that travels within the five metre smoke-free perimeter around a public transport stop is exempt from the operation of this Declaration.
- (2) This Declaration does not apply to a person at a residential premises.

Examples for paragraph (2)

- (2) A person smoking in a front yard that is within five metres of a public transport stop or public transport waiting area is exempt from the operation of this Declaration.

5 Definitions

In this instrument –

Public transport means a public passenger vehicle as defined by the *Road Transport (Public Passenger Services) Act 2001*.

Public transport stop means a designated place where public transport vehicles stop to allow passengers to board or alight. These stops are designated by the ACT Government and are marked by a fixture such a sign mounted to a pole with the label ‘bus stop’, ‘taxi zone’, ‘light rail stop’ or a pictorial symbol of a public transport vehicle.

Public transport waiting area means a seating area (whether covered or uncovered) at a public transport stop that is intended as a waiting area for commuters such as a bench or chair.

Andrew Barr MLA
Chief Minister

18 September 2017

Meegan Fitzharris MLA
Minister for Health and
Wellbeing

14 September 2017