

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 21 August 1990

SMOKE-FREE ENVIRONMENTS BILL

Proposed Amendments

Right Hon. HELEN CLARK, in Committee, to move the following amendments:

Clause 2: To insert in line 6 on page 6, after the word “premises”, the words “, or any part of any premises,”.

To insert in line 8 on page 6, after the word “premises”, the words “, whether or not liquor is or may be sold on those premises or that part of those premises”.

To insert in line 35 on page 6, after the word “video”, the word “recording”.

To insert in line 18 on page 7, after the word “tobacco”, the word “products”.

Clause 12: To omit from line 18 on page 13 the word “provided”, and substitute the words “set aside”.

Clause 13: To add, on page 14, the following subclause:

(4) Where, in any premises or any part of any premises, or on any ship or train, more than 1 room or enclosed area is used as a restaurant, and 1 or more of those rooms or enclosed areas, or any combination of them, is treated as a separate restaurant by reason that it caters for a different category of patron, or offers a different type of meal or refreshment or a different type of service, the provisions of this section shall apply, in respect of each such room or enclosed area or, as the case may be, each such combination of them so treated, as if it were a separate restaurant.

Clause 28 (1): To omit paragraph (c) (all the words in lines 12 to 15 on page 28), and substitute the following paragraph:

(c) New Zealand is a port of call for that race.

New clause 28A: To insert on page 28, after clause 28, the following clause:

28A. Exemption for craft in emergencies—Where any craft on which is displayed any tobacco product trade mark or the company name of any tobacco products manufacturer is compelled, for reasons of health or safety, or for the preservation of life or property, to enter New Zealand, nothing

in section 24 or section 26 or section 27 of this Act shall apply to the display, on that craft, of that tobacco product trade mark or that company name for as long as that craft is in New Zealand for any of those reasons.

EXPLANATORY NOTE

This Supplementary Order Paper proposes to amend the Smoke-free Environments Bill as follows:

- (a) *Clause 2* is amended by making 2 alterations to the definition of the term “restaurant”. The amendments clarify the application of the definition to premises only part of which is used for the provision of meals, and also make it clear that the term applies to both licensed and unlicensed premises. Two drafting amendments are also made to the definition of “tobacco product advertisement”.
- (b) *Clause 12* is amended to clarify the application of *subclause (2)*. The clause allows smoking in bars, except where seating is provided for the consumption of meals, in which case half of that seating must be designated for non-smokers. The amendment makes it clear that it is only when seating is specially set aside for the consumption of meals that the requirement to provide a smoke-free area arises:
- (c) *Clause 13* is amended by adding a new subclause (4). The new subclause provides that where any restaurant is divided into more than 1 dining area and those dining areas cater for different categories of patron or offer different types of food or service, the requirements of *clause 13* apply to each such dining area as if it were a separate restaurant:
- (d) A new *clause 28A* is added. The effect of that new provision is that the ban on tobacco advertising in relation to ships or aircraft does not apply when the ship or aircraft is required to enter New Zealand for reasons of health or safety or for the preservation of life or property. *Clause 28 (1) (c)* is consequentially amended.