

# Smoke-free Environments Amendment Act 1997

Public Act 1997 No 32  
Date of assent 28 July 1997

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**An Act to amend the Smoke-free Environments Act 1990**

**BE IT ENACTED by the Parliament of New Zealand as follows:****1 Short Title and commencement**

- (1) This Act may be cited as the Smoke-free Environments Amendment Act 1997, and is part of the Smoke-free Environments Act 1990 (**the principal Act**).
- (2) Except as provided in section 7(5), this Act comes into force on the day after the date on which it receives the Royal assent.

**2 Interpretation**

- (1) This subsection amended s 2 of the principal Act by inserting definitions of the terms **Automatic vending machine**, **Casino**, **Casino operator's licence**, **Code of practice or code**, **Gaming** and **Gaming area**.
- (2) This subsection amended s 2 of the principal Act by inserting para (ha) of the definition of the term **publish**.

**3 Smoking in casinos**

This section inserted s 13A of the principal Act.

**4 Complaints to Director-General**

Section 16(2)(a)(iii) of the principal Act is amended by omitting the word "board", and substituting the word "Director-General".

**5 Offences in respect of smoking**

This section inserted s 17(8A) of the principal Act.

**6 Purpose of this Part**

This section substituted s 21 of the principal Act.

**7 Exemptions for retailers and vending machines**

- (1)
- (2) This subsection substituted s 23 of the principal Act.
- (3) The principal Act is consequentially amended—
  - (a) By repealing the definition of the term **code of practice** in section 2 (as inserted by section 2(1) of this Act):

- (b) By repealing section 39(1)(d) (as substituted by section 14(2) of this Act).
- (4) The following enactments are consequentially repealed:
  - (a) Subsection (1) of this section:
  - (b) Sections 11 and 14(2) of this Act.
- (5) Subsections (2) to (4) of this section come into force on 11 December 1998.

Subsection (1), which substituted section 23(1)(b) and repealed section 23(1)(c) of the principal Act, was repealed, as from 11 December 1998, by section 7(4)(a) of this Act.

**8 Free distribution and rewards prohibited**

This section substituted s 28 of the principal Act.

**9 New sections substituted**

This section substituted s 30, and inserted s 30A of the principal Act.

**10 Limits on harmful constituents**

This section substituted s 31 of the principal Act.

**11 New heading and sections inserted**

*[Repealed]*

This section, which inserted sections 32A to 32I and the preceding heading of the principal Act, was repealed, as from 11 December 1998, by section 7(4)(b) of this Act.

**12 Offences in respect of tobacco products**

This section substituted s 36(6) and (7), inserted s 36(7A), and substituted s 36(8) of the principal Act.

**13 Liability of employees, employers, agents, and principals**

This section substituted s 38 of the principal Act.

**14 Regulations**

- (1) This subsection substituted s 39(1)(a) of the principal Act.
- (2)

- (3) This subsection substituted s 39(1)(g), and inserted s 39(1)(ga) of the principal Act.
- (4) This subsection repealed s 39(2) of the principal Act.
- (5) The Smoke-free Environments Amendment Act 1990 is consequentially repealed.

Subsection (2), which substituted section 39(1)(d) of the principal Act, was repealed, as from 11 December 1998, by section 7(4)(b) of this Act.

### **15 Transitional provision**

- (1) This section applies to—
  - (a) Packages of cigarettes (as defined in section 30A(1) of the principal Act); and
  - (b) Packages of tobacco—  
that are, at the date on which this section comes into force,—
  - (c) In New Zealand; or
  - (d) In transit to New Zealand; or
  - (e) The subject of an irrevocable purchasing order by a person in New Zealand.
- (2) Nothing in section 30A(3) of the principal Act (as inserted by section 9 of this Act) applies in respect of the sale or offering for sale, before 1 February 1998, of any package of cigarettes, or any package of tobacco, to which this section applies.