

SMOKE-FREE ENVIRONMENTS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill provides a temporary exemption, from the provisions of the Smoke-free Environments Act 1990 prohibiting tobacco product advertising and the use of tobacco product trade marks and tobacco company names, in relation to the rugby league competition organised by or for the Australian Rugby Football League Limited and known as the "Winfield Cup".

The Bill provides that notwithstanding sections 22, 24, and 25 of the Smoke-free Environments Act 1990, where the name of any manufacturer or importer of tobacco products or the trade mark of any tobacco product was, immediately before 1 March 1995, associated with any rugby league competition organised by or for the Australian Rugby Football League Limited, that name or trade mark may be used—

- (a) In the name of that rugby league competition;
- (b) To advertise that competition or the fact that the competition is sponsored, in whole or in part, by that manufacturer or importer;
- (c) To advertise any service or article that is associated with that competition;
- (d) On any article (including (without limitation) any ticket or poster)—
 - (i) That is associated with that competition; or
 - (ii) For the purpose of advertising or promoting or identifying to the public that competition; or
 - (iii) For the purpose of advertising or promoting or identifying to the public the fact that the competition is sponsored, in whole or in part, by that manufacturer or importer.

The exemption does not allow the use of tobacco company names or trade marks in association with a tobacco product.

The exemption will last only until **1 January 1996**, when Australian legislation will prohibit the use of a tobacco company's name in association with sporting competitions.

Hon. Maurice Williamson

SMOKE-FREE ENVIRONMENTS AMENDMENT

ANALYSIS

Title	2. Temporary exemption
1. Short Title	3. Expiry of this Act

A BILL INTITULED

An Act to provide a temporary exemption from certain provisions of the Smoke-free Environments Act 1990

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title**—This Act may be cited as the Smoke-free Environments Amendment Act 1995, and shall be read together with and deemed part of the Smoke-free Environments Act 1990* (hereinafter referred to as the principal Act).

10 **2. Temporary exemption**—Notwithstanding anything in section 22 or section 24 or section 25 of the principal Act, where the name of any manufacturer or importer of tobacco products or the trade mark of any tobacco product was, immediately before the **1st day of March 1995**, associated with any
15 rugby league competition organised by or for the Australian Rugby Football League Limited, that name or, as the case requires, that trade mark may be used, otherwise than in association with a tobacco product,—

- (a) In the name of that rugby league competition:
20 (b) To advertise that competition or the fact that the competition is sponsored, in whole or in part, by that manufacturer or importer:
(c) To advertise any service or article that is associated with that competition:
25 (d) On any article (including (without limitation) any ticket or poster)—

*R.S. Vol. 32, p. 587

- (i) That is associated with that competition; or
- (ii) For the purpose of advertising or promoting or identifying to the public that competition; or
- (iii) For the purpose of advertising or promoting or identifying to the public the fact that the competition is sponsored, in whole or in part, by that manufacturer or importer. 5

3. Expiry of this Act—This Act shall expire with the close of the **31st day of December 1995**, and on the **1st day of January 1996** this Act shall be deemed to have been repealed. 10