



House of Representatives

Supplementary Order Paper

Wednesday, 13 August 2003

Smoke-free Environments Amendment Bill

Proposed amendments

Steve Chadwick, in Committee, to move the following amendments:

Clause 2(1)

To insert, before the definition of **variant** (lines 22 to 24 on page 7), the following definition:

“**tobacco packages in a visible stack** means 2 or more tobacco packages so arranged that—

“(a) one is in front of, but does not completely obscure, the other or others; but

“(b) at least 88% of the total surface area of every package behind the front package is obscured”

Clause 8A

To omit from proposed *new section 23A(1)(h)* of the principal Act (lines 15 to 26 on page 26), and substitute the following paragraph:

“(h) there is displayed at each point of sale where tobacco products are exposed for sale a rectangular sign, with its longer sides horizontal and its shorter sides vertical, and the message ‘SMOKING KILLS Ka mate koe i te kai hikareti’ printed in black across it—

“(i) within a black rectangular border that is no wider than an upper case letter ‘i’ in the point size used for the words ‘SMOKING KILLS’; and

“(ii) on a white background within that border; and

“(iii) in the type face known as Helvetica; and

“(iv) in roman font; and

“(v) with the words ‘SMOKING KILLS’ printed centred, in upper case letters, in one line; and

- “(vi) with the words ‘Ka mate koe i te kai hikareti’ printed centred, in upper case and lower case letters (as it is printed in this subparagraph) in one line—
 - “(A) beneath the words ‘SMOKING KILLS’; and
 - “(B) in a point size such that its risers are two-thirds the height of the words ‘SMOKING KILLS’; and
- “(vii) in a type that is clear and legible, of normal weight, and of such a point size that the words ‘Ka mate koe i te kai hikareti’ do not touch the vertical elements of the border, but as nearly as possible take up the full width of the sign between them.

To omit proposed new *section 23A(3)* of the principal Act (lines 36 and 37 on page 26 and lines 1 to 7 on page 27), and substitute the following subsections:

- “(3) The sign may include the attribution ‘*Ministry of Health Warning*’, printed centred, in one line beneath the words ‘Ka mate koe i te kai hikareti’,—
 - “(a) in upper case and lower case letters (as it is set out above); and
 - “(b) in an italic font in the type face known as Helvetica; and
 - “(c) in a point size such that its risers are no more than half the height of the words ‘SMOKING KILLS’; and
 - “(d) otherwise in accordance with **subsection (1)(h)**.
- “(3A) The sign must not include anything that is not—
 - “(a) required by **subsection (1)(h)**; or
 - “(b) authorised by **subsection (3)**.

Clause 8AA

To insert, after *clause 8A* (after line 10 on page 28) the following clause:

8AA New section 23B inserted

The principal Act is amended by inserting, before section 24, the following section:

“23B Exposure for sale

- “(1) For the purposes of **sections 23(1) and 23A**,—
 - “(a) a tobacco product is exposed for sale if the tobacco package or tobacco carton it is in is exposed for sale; and
 - “(b) a tobacco package or tobacco carton is exposed for sale inside a retailer’s place of business if it is for sale, and any part of it is visible—
 - “(i) from outside the place; or
 - “(ii) from an area inside the place to which members of the public are allowed access.

- “(2) In determining for the purposes of **section 23(1)** how many tobacco packages in a visible stack are exposed for sale, the front package must be counted; but
- “(a) if there are 4 or fewer other packages behind it that are exposed for sale, the other packages must not be counted; and
 - “(b) if there are 5 or more other packages behind it that are exposed for sale, the first 4 of the other packages must not be counted.”

Explanatory note

The amendment to *clause 2(1)* inserts into the principal Act a new definition needed for the purposes of proposed *new section 23B*.

The amendments to *clause 8A* have 2 effects. First, they require the words “Ka mate koe i te kai hikareti” to be included in the signs required to be displayed at points of sale where tobacco products are exposed for sale. At present the Bill requires the words “SMOKING KILLS”, and allows retailers to add (if they wish) the words “*Ministry of Health Warning*”. Secondly, they specify in greater detail the configuration of the signs.

New clause 8AA inserts into the principal Act a *new section 23B*, which provides more particularly for determining whether tobacco packages and cartons are on display in a shop, and (in particular) allows some relaxation in relation to the counting of packages in certain units that display tobacco packages in stacks that partly obscure the packages at the rear, by providing that the first 4 packages behind the front package in a stack will not be counted.