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TOBACCO CONTROL ACT 1990

TOBACCO CONTROL (EXEMPTIONS) NOTICE 1998

Made by the Minister for Health under section 14 of the *Tobacco Control Act 1990* after consultation with the Minister for Sport and Recreation.

Citation

1. This notice may be cited as the *Tobacco Control (Exemptions) Notice 1998*.

Interpretation

2. In this notice—

“Associated Statement” means the statement ‘Government Health Warning’;

“Drivers” means drivers and co-drivers who are competing in the Event and are nominated to score points by Teams;

“Event” means the 1998 Rally Australia motor racing event to be held between 5 November 1998 and 8 November 1998 in Western Australia;

“Health Warning” means the statement ‘SMOKING KILLS’;

“Motor Vehicle” means a motor vehicle driven by a Driver for the purposes of competing in the Event;

“Organiser” means the Western Australian Tourism Commission;

“Photograph” includes a photograph reproduced in a newspaper, magazine, brochure or poster;

“Print Media” means persons producing, selling or distributing newspapers or magazines;

“Teams” means teams registered for the 1998 World Rally Championship, 1998 Two Litre World Cup or the 1998 FIA Teams Cup;

“the 1999 Event” means the Rally Australia motor racing event to be held in Western Australia in 1999.

Exemptions

3. (1) Subject to the conditions set out in clause 4, Drivers are exempted from the operation of sections 5 and 8 of the *Tobacco Control Act 1990* in respect of the Event.

(2) The Organiser of the Event and Print Media who, for the sole purposes of reporting on, or promoting, the Event or the 1999 Event, publish a Photograph that accidentally or incidentally displays or contains a tobacco advertisement are exempted from the operation of section 5 of the Act in respect of the publication of that Photograph provided that the tobacco advertisement complies with clause 4.

- (3) For the avoidance of doubt, the exemption referred to in subclause (1) does not apply to—

(a) advertisements on the uniforms of support staff and persons officially supporting or directly assisting Drivers at the Event; and

(b) advertisements on official vehicles used for the transport of Drivers, support staff and persons officially supporting or directly assisting Drivers at the Event.

Conditions

4. The exemptions set out in clause 3 are granted subject to the following conditions—

(a) any tobacco advertisement is displayed only—

(i) on the outside of Motor Vehicles; or

(ii) on the uniforms of Drivers;

where—

(iii) such display is required by, or otherwise pursuant to, international contracts or arrangements for the sponsorship of Teams or Drivers that have competed in at least five rounds of the 1998 World Rally Championship;

(iv) the content of the advertisement is required by, or otherwise pursuant to, international contracts or arrangements for the sponsorship of Teams or Drivers that have competed in at least five rounds of the 1998 World Rally Championship; and

- (v) the advertisement is only visible while the Event is in progress, in official testing for the Event, during official events listed in the 1998 API Rally Australia Program, or while the Motor Vehicles are being driven directly to and from those events;
- (b) when displayed, any tobacco advertisement is accompanied by the Health Warning and the Associated Statement in accordance with the following conditions:
 - (i) the area exclusively devoted to the display of the Health Warning and Associated Statement is not less than 30% of the total area of the tobacco advertisement;
 - (ii) the Health Warning that accompanies a tobacco advertisement displayed on a uniform referred to in paragraph (a) (ii) appears in capitals not less than 8 millimetres in height and the Associated Statement appears in title case not greater than 4 millimetres in height;
 - (iii) the Health Warning—
 - (A) appears immediately before, after, above or below the first word, number or symbol of the tobacco advertisement and adjacent to the Associated Statement;
 - (B) appears in black Helvetica Bold capitals on a white background; and
 - (C) except in the circumstances referred to in subparagraph (ii), occupies, together with the Associated Statement, not less than 80% of the area devoted to the display of the Health Warning and Associated Statement; and
 - (iv) the Associated Statement—
 - (A) appears in Helvetica Medium capitals and Helvetica Medium lower case type; and
 - (B) is not greater than half the height of the letters used in the Health Warning.

JOHN DAY, Minister for Health.

