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TOBACCO CONTROL ACT 1990

Tobacco Control (Exemption) Notice 2001

Made by the Minister under section 14 of the Act after consultation with the Minister for Sport and Recreation.

1. Citation

This notice may be cited as the *Tobacco Control (Exemption) Notice 2001*.

2. Definitions

In this notice—

“**associated statement**” means the statement “Government Health Warning”;

“**driver**” means a driver or co-driver competing in the Event—

- (a) who has been nominated to score points in the Event by a registered team; or
- (b) who has competed in at least 5 rounds of the 2001 FIA World Rally Championship within 12 months before the start of the Event;

“**external surfaces**”, in relation to a rally car, means the external surfaces of the rally car when its doors, windows, bonnet and boot are closed;

“**health warning**” means the statement “SMOKING KILLS”;

“**illuminated tobacco advertisement**” means any tobacco advertisement which emits light, and in particular includes any fluorescent tobacco advertisement;

“**official FIA events**” means the following—

- (a) the media Publicity Stage and Manufacturer Teams' Shakedown on 30 October 2001;
- (b) the official FIA Shakedown on 31 October 2001 at Langford Park;
- (c) the official one hour FIA Media Conference on 31 October 2001;
- (d) FIA Turbo Sealing and FIA Scrutineering on 31 October 2001 and 1 November 2001;
- (e) the official prize presentation on the evening of 4 November 2001.

“**photograph**” includes a photograph reproduced in any printed material;

“**publisher**” means a person who produces, sells, supplies or distributes printed material;

“**rally car**” means a motor vehicle driven by a driver for the purposes of competing in the Event;

“**registered team**” means a team—

- (a) that is registered to compete in the 2001 FIA World Rally Championship or the 2001 FIA World Teams Cup; or
- (b) that has competed in at least 5 rounds of the 2001 FIA World Rally Championship within 12 months before the start of the Event;

“**the Event**” means the Rally Australia motor racing event to be held on 1, 2, 3 and 4 November 2001 in Western Australia;

“**the Organizer**” means the Western Australian Tourism Commission established under section 4 of the *Western Australian Tourism Commission Act 1983*;

“**the 2002 Event**” means the Rally Australia motor racing event to be held in 2002 in Western Australia;

3. Exemptions

- (1) This clause has effect subject to clauses 4 and 5.
- (2) A driver is exempted from the operation of sections 5 and 8 of the Act in respect of the Event.
- (3) The Organizer is exempted from the operation of section 5 of the Act in respect of the Event.
- (4) A publisher is exempted from the operation of section 5 of the Act in respect of the Event.

4. Conditions relating to drivers

- (1) An exemption under clause 3 (2) ("**the exemption**") is subject to the conditions to which subclauses (2), (3) and (4) apply.
- (2) This subclause applies to the condition that any tobacco advertisement in relation to which the exemption has effect must be displayed only in accordance with a contract or arrangement for a sponsorship of a driver or of a registered team and only on—
- (a) the uniform of a driver; or
 - (b) the external surfaces of a rally car.
- (3) This subclause applies to the condition that any tobacco advertisement in relation to which the exemption has effect must be displayed—
- (a) only if accompanied by the health warning and the associated statement;
 - (b) only if it is not an illuminated tobacco advertisement; and
 - (c) only while the Event is in progress, during official FIA events or while the rally cars are driven, or transported, directly to or from the Event or those official FIA events.
- (4) This subclause applies to the condition that the health warning and associated statement that accompany any tobacco advertisement in relation to which the exemption has effect—
- (a) must be in the format which would be specified for a warning message or explanatory message in regulation 9 of the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 1985* of the Commonwealth ("**the Regulations**"), if regulation 9 of the Regulations had been amended so that—
 - (i) in paragraph 9 (a) (i) of the Regulations the word "black" was substituted with the word "white";
 - (ii) in paragraph 9 (a) (ii) of the Regulations the word "white" was substituted with the word "black";
 - (iii) in paragraph 9 (b) (iii) of the Regulations the word "black" was substituted with the word "white"; and
 - (b) must occupy at least 50% of the area devoted to the display of the tobacco advertisement.

5. Condition relating to Organizer and publishers

- (1) An exemption under clause 3 (3) or (4) is subject to the condition that any tobacco advertisement in relation to which the exemption has effect—
- (a) must be only incidentally or accidentally present in a photograph used for the purposes of reporting on, publicizing or promoting the Event or the 2002 Event; and
 - (b) must comply with subclause (2).
- (2) A tobacco advertisement in a photograph complies with this subclause if—
- (a) when the photograph was taken, the tobacco advertisement was displayed in accordance with clause 4 (2) and (3); and
 - (b) the tobacco advertisement is accompanied in the photograph by the health warning and associated statement in accordance with clause 4 (4).
- (3) The exemption under clause 3 (3) is subject to the condition that the Organizer shall formally advise each registered team of the need to comply with the conditions set out in this Notice.

Dated this 24th day of October, 2001.

BOB KUCERA, APM, MLA, Minister for Health.

