

1995

**LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY**

**EXEMPTION FOR PRIME MINISTER'S XI  
CRICKET MATCH (5 DECEMBER 1995)  
FROM SOME PROVISIONS OF  
THE *TOBACCO ACT 1927***

**EXPLANATORY MEMORANDUM**

NO. 113 OF 1995

**Circulated by the authority of Kate Carnell MLA  
Minister for Health and Community Care**

## EXPLANATORY MEMORANDUM

### Overview

This instrument exempts specified tobacco advertising and specified existing contracts pertaining to tobacco sponsorship and advertising from provisions of the *Tobacco Act 1927*, as amended. The purpose of the exemption is to allow tobacco advertising and sponsorship to occur in relation to a cricket match between the Prime Minister's XI and the West Indies team on 5 December 1995 at Manuka Oval.

### Relevant provisions of the Tobacco Act 1927, as amended

Section 10(3) of the Tobacco Act gives the Minister the power to exempt specified tobacco advertising from the general prohibition in section 10(1). It includes the power to apply conditions to the granting of an exemption

Section 12(4) of the Act gives the Minister the power to exempt specified tobacco sponsorship and promotional arrangements from the general prohibitions in sections 12(1) and (2). An exemption may be granted in accordance with specified conditions

### Schedule A: contracts

Schedule A specifies that the contracts and agreements which are exempt are those between the Australian cricket Board Incorporated and the Benson and Hedges Company, owned by WD and HO Wills (Australia) Limited as are in force at the date of the exemption.

Section 12(4) of the Act gives the Minister the power to exempt specified tobacco sponsorship and promotional arrangements from the general prohibitions in section as(1) and (2). An exemption may be granted in accordance with specified conditions

### Schedule B: advertising

Schedule B specifies that the advertising to be exempt consists of four signs displayed during the Prime Minister's XI cricket match at Manuka Oval on 5 December 1995.

### Schedule C: conditions

Schedule C specifies the 9 conditions to which the exemption is subject:

Paragraph (a) limits the display of exempt advertising to that occurring during the conduct of the specified cricket match

Paragraph (b) specifies the size and location of the exempt advertisement

Paragraph (c) specifies that on each of the tobacco advertising signs shall be displayed a health warning occupying at least one-third of the area devoted to the display of the tobacco advertisement.

Paragraph (d) specifies that the two health warnings to be displayed are **SMOKING KILLS** and **SMOKING IS ADDICTIVE**.

Paragraph (e) specifies that the words of the health warnings will appear before the first word, number or symbol of the tobacco advertisement, that they will occupy at least 80 percent of the area devoted to the display of the health warnings, and that the type face to be used is Helvetica Bold capitals in white against a black background. This is a plain type face which ensures that the warning is easily readable

Paragraph (f) specifies that the words 'Health Authority Warning' appear adjacent to the health warning, and that the type face used for these words is Helvetica Medium capitals and lower case, the size of which does not exceed half the height of the letters of the health warnings

Paragraph (g) specifies that anti-smoking signs of a specified size shall be displayed in specified positions at the Oval. These signs have been previously displayed at the Oval at Prime Minister's XI matches.

Paragraph (h) specifies that at least one-third of the spectator seating at the match be designated as non-smoking and be clearly labelled as such. There is no specification as to whether the seating must consist of a single contiguous area or may consist of sections of each of the spectator stands.

Paragraph (i) specifies that an authorised officer shall be given access to the Oval immediately before or during the match in order to monitor compliance with this exemption and to obtain evidence, including photographic evidence, consistent with this task.