

WESTERN AUSTRALIA

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**ACTS AMENDMENT (FRANCHISE  
FEES) ACT 1997**

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No. 56 of 1997

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AN ACT to amend the —

- *Business Franchise (Tobacco) Act 1975;*
- *Commercial Tenancy (Retail Shops) Agreements Act 1985;*
- *Liquor Licensing Act 1988;*
- *Main Roads Act 1930;*
- *Taxation (Reciprocal Powers) Act 1989;*
- *Tobacco Control Act 1990;* and
- *Transport Co-ordination Act 1966.*

[Assented to 12 December 1997.]

The Parliament of Western Australia enacts as follows:

**PART 1 — PRELIMINARY**

**Short title**

1. This Act may be cited as the *Acts Amendment (Franchise Fees) Act 1997*.

**Commencement**

2. The provisions of this Act come into operation on such day as is, or such days as are respectively, fixed by proclamation.

**PART 2 — BUSINESS FRANCHISE (TOBACCO) ACT 1975**

**Principal Act**

3. In this Part the *Business Franchise (Tobacco) Act 1975\** is referred to as the principal Act.

[\* Reprinted as at 20 August 1987.

For subsequent amendments see 1996 Index to  
Legislation of Western Australia, Table 1, p. 27.]

**Section 1 amended**

4. Section 1 of the principal Act is amended by deleting “*Business Franchise (Tobacco)*” and substituting the following —

“ *Tobacco Sellers Licensing* ”.

**Section 2 amended**

5. (1) Section 2 (1) of the principal Act is amended by deleting the definition of “Commissioner” and substituting the following definition —

“ **“Commissioner”** means the chief executive officer of the department of the Public Service principally assisting the Minister in the administration of this Act; ”.

(2) Section 2 (1) of the principal Act is amended by inserting in the appropriate alphabetical position the following definition —

“ **“sell”** includes —

- (a) attempting to sell;
- (b) offering, displaying or exposing for sale; and
- (c) with a view to sale, supplying or transporting or holding;

”.

**s. 6**

(3) Section 2 (1) of the principal Act is amended —

- (a) by deleting the definitions of “group tobacco licence”, “relevant period”, “section”, “subsection” and “voting share”; and
- (b) by deleting the semicolon after the definition of “vending machine” and substituting a full stop.

(4) Section 2 (5e) (b) of the principal Act is amended by deleting “, a retail tobacconist’s licence, or a group tobacco licence” and substituting the following —

“ or a retail tobacconist’s licence ”.

(5) Section 2 (8) of the principal Act is repealed.

**Sections 2A to 2F repealed**

**6.** Sections 2A, 2B, 2C, 2D, 2E and 2F of the principal Act are repealed.

**Section 4 amended**

**7.** Section 4 (1e) (a) of the principal Act is deleted and the following paragraph is substituted —

“  
(a) any records that will, or are reasonably believed to, afford evidence of the commission of an offence against this Act;  
”.

**Section 5 amended**

**8.** After section 5 (2) of the principal Act the following subsection is inserted —

“

(3) Subsection (2) does not prevent the disclosure of any record or information to —

- (a) the Treasury Department;
- (b) an officer of Customs for a purpose connected with the administration or enforcement of the *Customs Act 1901*, *Customs Tariff Act 1995*, *Excise Act 1901*, or *Excise Tariff Act 1921* of the Commonwealth, as amended from time to time.

”.

**Section 6 repealed and a section substituted**

**9.** Section 6 of the principal Act is repealed and the following section is substituted —

“

**Sellers of tobacco to be licensed**

**6.** (1) A person shall not carry on tobacco wholesaling except under the authority of a wholesale tobacco merchant's licence.

Penalty: \$40 000.

(2) A person shall not carry on tobacco retailing except under the authority of a retail tobacconist's licence or a wholesale tobacco merchant's licence.

Penalty: \$40 000.

**s. 10**

(3) For the purposes of subsections (1) and (2) a person does not carry on tobacco wholesaling or tobacco retailing if all of the tobacco that the person sells has been purchased from the holder of a wholesale tobacco merchant's licence or a retail tobacconist's licence.

”.

**Section 7 amended**

**10.** (1) Section 7 (1) of the principal Act is amended by deleting “, a retail tobacconist's licence, or a group tobacco licence” and substituting the following —

“ or a retail tobacconist's licence ”.

(2) Section 7 (1a), (2), (2a), (2b) and (3) are repealed and the following subsections are substituted —

“

(1a) The application shall be accompanied —

- (a) if it is for a wholesale tobacco merchant's licence — by a fee of \$1 200;
- (b) if it is for a retail tobacconist's licence — by a fee of \$600.

(2) On the receipt of the application and the appropriate fee the Commissioner may, subject to sections 7B and 7C, issue the licence.

(3) An issued licence shall be in force for a year commencing on the date of issue, unless it sooner ceases to have effect or is sooner cancelled.

”.

(3) Section 7 (6) of the principal Act is repealed.

**Section 7A repealed**

**11.** Section 7A of the principal Act is repealed.

**Section 7D amended**

**12.** After section 7D (2) of the principal Act the following subsection is inserted —

“

(2a) The Commissioner may cancel a licence if the licensee does not comply with a requirement of a notice under section 14A within the time specified in the notice (or any further time the Commissioner may allow).

”.

**Section 8 repealed, a section substituted and consequential amendments**

**13.** (1) Section 8 of the principal Act is repealed and the following section is substituted —

“

**Offences**

**8.** (1) A holder of a licence who carries on tobacco wholesaling or tobacco retailing on premises that are not specified in the licence as premises to be used for or in connection with the business carried on under the licence commits an offence.

Penalty: \$20 000.

(2) A person convicted of an offence under subsection (1) may be punished for the offence even if the premises are subsequently specified in the licence, despite section 11 of *The Criminal Code*.

”.

**s. 14**

(2) Section 2 (5) of the principal Act is amended by deleting “or 8 (1)”.

(3) Section 2 (5b) of the principal Act is amended by deleting “section 8 (1).” and substituting the following —

“ section 6 (1) or (2). ”.

(4) Section 4 (1e) (b) (i) of the principal Act is amended by deleting “section 8 (3)” and substituting the following —

“ section 8 ”.

(5) Section 4A (8) and (9) of the principal Act are each amended by deleting “or 8 (1)” and substituting the following —

“ or 8 ”.

(6) Section 8A of the principal Act is amended —

(a) by deleting “or 8 (1)”; and

(b) by deleting “, the purchase of tobacco, ”.

**Section 10 repealed and a section substituted**

**14.** Section 10 of the principal Act is repealed and the following section is substituted —

“

**Unlicensed persons to pay amount equal to double fee**

**10.** (1) If a person carries on tobacco wholesaling or tobacco retailing when not the holder of the necessary licence, the person is liable to pay an amount that is double the fee or fees that would have been payable had the person applied for and been issued the licence for the period during which the person carried on the wholesaling or retailing.



(2) For the purposes of determining whether a person has carried on or is carrying on tobacco wholesaling or tobacco retailing, the Commissioner may presume any or all of the following matters unless the contrary is proved:

- (a) that any tobacco acquired by the person was not purchased from the holder of a wholesale tobacco merchant's licence or a retail tobacconist's licence;
- (b) that any tobacco acquired by the person was sold by the person;
- (c) that any tobacco acquired by the person in a year was sold by the person in that year.

(3) If the Commissioner is satisfied that a person is liable under subsection (1), the Commissioner may give the person a written notice that sets out —

- (a) details of why the person is liable; and
- (b) the amount to be paid by the person.

(4) The amount to be paid is due and payable by the person within 14 days after the notice is given to the person.

(5) If the amount is not paid —

- (a) a court convicting the person of an offence under section 6 in relation to the wholesaling or retailing for which the person is liable under subsection (1) may order the person to pay it; or
- (b) the Commissioner may recover it in a court of competent jurisdiction as a debt due to the Crown.

”.

**s. 15**

**Section 12 repealed and a section substituted**

**15.** Section 12 of the principal Act is repealed and the following section is substituted —

“ **Liability of directors etc. if offence by corporation**

**12.** (1) If an offence is committed by a body corporate against section 6 (1), 6 (2), 7B (7), 7D (4), 8, 12E (1), 12E (2), 14 (1), 14 (3), 14 (4) or 14A (3), any person who at the time was a director or who took part in the management of the body corporate is jointly and severally liable with the body corporate and other such persons for the payment of —

- (a) any fine imposed on the body corporate for the offence; and
- (b) any amount payable under section 10.

(2) This section does not affect the operation of section 592 of the Corporations Law.

”.

**Sections 12A to 12D repealed**

**16.** Sections 12A, 12B, 12C and 12D of the principal Act are repealed.

**Section 13A amended**

**17.** Section 13A (1) of the principal Act is amended —

- (a) by inserting after “7D” the following —  
“ , 10 (3) ”; and
- (b) by deleting 42 days and substituting the following —  
“ 60 days ”.

**Section 14A repealed and a section substituted**

**18.** Section 14A of the principal Act is repealed and the following section is substituted —

“

**Provision of information to Commissioner**

**14A.** (1) The Commissioner may require a licensee to furnish particulars of sales, or of specified sales, of tobacco by the licensee in any specified period after 1 July 1997.

(2) The requirement shall be made by a written notice given to the licensee concerned.

(3) A person who does not comply with a requirement of a notice under this section within the time specified in the notice (or any further time the Commissioner may allow) commits an offence.

Penalty: \$20 000.

”.

**Section 15 amended**

**19.** Section 15 (6) of the principal Act is amended by deleting “any fee or penalty under section 10, 12 or 12A or an appeal under section 17.” and substituting the following —

“ an amount payable under section 10. ”.

**Sections 16 and 17 repealed**

**20.** Sections 16 and 17 of the principal Act are repealed.

**s. 21**

**Section 18 amended**

**21.** Section 18 (2) of the principal Act is amended by inserting after “furnishing any” the following —

“ particulars or other ”.

**Schedule 1 repealed**

**22.** Schedule 1 to the principal Act is repealed.

**Transitional provision**

**23.** (1) If immediately before the commencement of this Part a person is the holder of a wholesale tobacco merchant’s licence or a retail tobacconist’s licence issued or renewed under the principal Act in respect of a period beginning on or after that commencement, then on that commencement the person is to be taken to be the holder of a licence of the corresponding kind issued under the principal Act as amended by this Part for that period.

(2) If immediately before the commencement of this Part a person is the holder of a group tobacco licence issued or renewed under the principal Act in respect of a period beginning on or after that commencement, then on that commencement the person is to be taken to be the holder of a wholesale tobacco merchant’s licence issued under the principal Act as amended by this Part for that period.

**PART 3 — COMMERCIAL TENANCY (RETAIL SHOPS)  
AGREEMENTS ACT 1985**

**Section 3 amended**

**24.** Section 3 (1) of the *Commercial Tenancy (Retail Shops) Agreements Act 1985*\* is amended in the definition of “retail shop” by deleting “petroleum products as defined in section 47G of the *Transport Co-ordination Act 1966* for use in road vehicles as so defined” and substituting the following —

“ petrol or diesel to be used to propel vehicles on public roads ”.

[\* Reprinted as at 27 September 1991.]

**PART 4 — LIQUOR LICENSING ACT 1988**

**Principal Act**

25. In this Part the *Liquor Licensing Act 1988*\* is referred to as the principal act.

[\* *Act No. 54 of 1988.*  
*For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 134.*]

**Section 3 amended and consequential amendments**

26. (1) Section 3 (1) of the principal Act is amended by deleting the definitions of “assessment period”, “relevant assessment period” and “retail licence”.

(2) Section 3 (1) of the principal Act is amended in the definition of “licence fee” by deleting “, and includes a fee payable on surrender or cancellation of a licence”.

(3) Section 3 (1) of the principal Act is amended by inserting in the appropriate alphabetical positions the following definitions —

“**assessment**” in relation to a subsidy includes determining eligibility to receive the subsidy and the calculation of the subsidy;

“**subsidy**” means subsidy within the meaning of Division 2 of Part 5;

”.

(4) Sections 58 (3) (b) and 169 (3) of the principal Act are amended by deleting “assessment period” and substituting the following —

“ financial year ”.

**Section 4 amended**

**27.** Section 4 (1), (2), (3) and (4) of the principal Act are repealed.

**Section 14 amended**

**28.** Section 14 (1) (a) (ii) of the principal Act is amended by inserting after “transactions” the following —

“ and subsidies ”.

**Section 25 amended**

**29.** Section 25 (5) (a) (iii) of the principal Act is deleted and the following subparagraph is substituted —

“ (iii) the assessment of a subsidy; ”.

**Section 30 amended**

**30.** Section 30 (6) of the principal Act is amended by deleting “the fee payable in respect of a licence” and substituting the following —

“ a subsidy ”.

**Section 64 amended**

**31.** Section 64 (3) (k) of the principal Act is amended by deleting “reduce licence fees” and substituting the following —

“ increase any subsidy payable ”.

**Section 85 amended**

**32.** (1) Section 85 (1) of the principal Act is amended by deleting “Subject to subsection (2), where” and substituting the following —

“ Where ”.

(2) Section 85 (2) of the principal Act is repealed.

**Section 95 amended**

**33.** Section 95 (4) (n) of the principal Act is amended by deleting “or instalment of a fee”.

**Section 127 amended**

**34.** (1) Section 127 (1) of the principal Act is repealed and the following subsection is substituted —

“  
(1) Subject to this Act, for so long as a licence is in force the licence fee prescribed in respect of the licence is payable not later than such day as is prescribed in each year in respect of each licence period.  
”.

(2) Section 127 (2) of the principal Act is repealed and the following subsection is substituted —

“  
(2) A new licence shall not come into force until the licence fee prescribed in respect of the licence has been paid, unless otherwise prescribed.  
”.

(3) Section 127 (3) of the principal Act is amended by deleting “or instalment of a fee”.



**Sections 128 to 133 repealed and a section substituted**

**35.** Sections 128 to 133 of the principal Act are repealed and the following section is substituted —

“

**Regulations relating to licence fees**

**128.** Regulations may be made for and with respect to the time, place and method of the payment of licence fees, penalties for late payment, the reduction, waiver or refund of such penalties, and the suspension or cancellation of licences or permits after a failure to pay any moneys payable.

”.

**Division 2 of Part 5 repealed and a Division substituted**

**36.** Division 2 of Part 5 of the principal Act is repealed and the following Division is substituted —

“

***Division 2 — Subsidies***

**Interpretation**

**129.** In this Division, unless the contrary intention appears —

“**producer**” means the holder of a producer’s licence, a special facility licence or a certificate of exemption;

“**wholesaler**” means the holder of a wholesaler’s licence, and such other persons as are prescribed.

**Subsidies to wholesalers and producers**

**130.** (1) Subject to this Division, subsidies are payable to —

- (a) wholesalers; and
- (b) producers,

in respect of such sales of liquor as are prescribed.

(2) A subsidy is not payable in respect of any period during which a person who would otherwise be eligible for a subsidy failed to comply with a condition prescribed, or imposed by the Director in accordance with the regulations.

(3) A subsidy is to be calculated in accordance with the regulations.

**Application for a subsidy**

**131.** (1) Application for a subsidy is to be made in accordance with the regulations.

(2) If the Director is not satisfied with information provided in an application the Director may, whether before or after paying a subsidy in respect of the application, request the applicant to provide further information in relation to the application.

(3) If the applicant does not provide the further information requested by the Director or the Director is not satisfied with the information provided, the Director may —

- (a) refuse to pay the subsidy; or
- (b) if the subsidy is already paid, treat the subsidy as having been paid under an incorrect subsidy application and section 135 applies accordingly.

**Director to pay subsidies**

**132.** If a person applies for a subsidy in accordance with section 131 the Director is to pay the applicant a subsidy, subject to section 131 (3) and 135 (5).

**Consolidated Fund appropriated**

**133.** The money required to pay subsidies is to be charged to the Consolidated Fund which is appropriated accordingly.

**Correcting incorrect subsidy payments**

**134.** (1) In this section and section 135 a person makes an incorrect subsidy application if the person applies for a subsidy in circumstances where —

- (a) a subsidy is not payable to the person under this Act; or
- (b) the amount of the subsidy applied for is greater than the amount of the subsidy that ought to have been applied for.

(2) If a person makes an incorrect subsidy application, then the person must within 21 days after making the application —

- (a) notify the Director accordingly; and
- (b) pay the Director an amount equal to the unjustified benefit that the person has received or will receive.

(3) The unjustified benefit is the amount by which the subsidy applied for in the incorrect subsidy application is greater than the subsidy to which the person is entitled under this Act.

**Failure to correct incorrect subsidy application**

**135.** (1) If a person makes an incorrect subsidy application and does not comply with section 134 (2) the Director may give the person a notice that sets out —

- (a) details of the incorrect application; and
- (b) the penalty to be paid by the person.

(2) The penalty to be paid by a person referred to in subsection (1) is to be double —

- (a) the amount that the person ought to have paid under section 134 (2); or
- (b) if the Director is not able to determine that amount due to insufficient, false or misleading records or information, such amount as is assessed by the Director.

(3) If a person who has been given a notice under subsection (1) does not pay the penalty on or before the date for payment specified in the notice, the person commits an offence.

Penalty: \$5 000.

(4) The date for payment to be specified in a notice under subsection (1) is to be at least 7 days after the date the notice is given to the person.

(5) Where an amount is unpaid under this section the Director may —

- (a) recover the amount in a court of competent jurisdiction as a debt due to the Crown; or
- (b) retain the amount from moneys that would otherwise be paid to the person as a subsidy,

and the Director may suspend the operation of any licence held by that person until the amount is paid.

(6) The Director is to notify a person in writing before taking any action under subsection (5) in respect of that person.

**Minister may order subsidies to cease**

**136.** (1) The Minister may at any time order that the subsidy to wholesalers or producers, or to both, is no longer to be paid.

(2) The Minister may by a subsequent order amend or cancel an order referred to in subsection (1).

(3) The Minister may, either in the initial order or in a subsequent order, give any directions reasonably necessary to give effect to the initial order.

(4) Without limiting subsection (3), directions may modify the operation of this Act in relation to subsidies.

(5) An order under this section is to be published in the *Gazette*.

(6) An order under this section is to be laid before each House of Parliament under section 42 of the *Interpretation Act 1984* and that section applies as if the order were a regulation.

”.

**Heading to Division 3 of Part 5 amended**

**37.** The heading to Division 3 of Part 5 of the principal Act is amended by deleting “*Payment of fees*” and substituting the following —

“ *Power of Court with respect to moneys due* ”.

**Sections 139 to 142 repealed**

**38.** Sections 139 to 142 of the principal Act are repealed.

**s. 39**

**Section 143 amended**

**39.** Section 143 (1) of the principal Act is amended by inserting after “Act” the following —

“  
    , including an amount due under section 135 in respect of  
    an incorrect subsidy application  
”.

**Section 144 repealed**

**40.** Section 144 of the principal Act is repealed.

**Section 145 amended**

**41.** (1) Section 145 (1) of the principal Act is amended by deleting “A licensee” and substituting the following —

“ Such licensees as are prescribed ”.

(2) After section 145 (1) of the principal Act the following subsection is inserted —

“  
    (1a) A person who has applied for a subsidy in relation  
    to the sale of liquor shall make and maintain such records  
    relating to the subsidy as are prescribed.  
”.

(3) Section 145 (2) of the principal Act is amended by deleting “The record — ” and substituting the following —

“ Records to be kept under subsection (1) or (1a) — ”.

(4) Section 145 (3) of the principal Act is amended by deleting “of a transaction”.

**Section 146 amended**

**42.** (1) Section 146 (1) of the principal Act is repealed and the following subsection is substituted —

“

(1) A person required to make a record under section 145 shall, if so required by the Director or so prescribed, lodge returns with the Director containing such information as the Director may require or as is prescribed —

(a) relating to transactions involving —

(i) the sale, or other disposal of liquor; or

(ii) the purchase or other acquisition of liquor;

or

(b) relating to the assessment of a subsidy,

in respect of such period, or in relation to such circumstances, as the Director may require or as is prescribed.

Penalty: \$5 000.

”.

(2) Section 146 (3), (4), (5) and (6) of the principal Act are repealed.

**Heading to Division 5 of Part 5 amended**

**43.** The heading to Division 5 of Part 5 of the principal Act is amended by deleting “*and estimated amounts*”.

**s. 44**

**Section 147 amended**

**44.** Section 147 (3) of the principal Act is repealed.

**Section 148 amended**

**45.** Section 148 (1) of the principal Act is amended by inserting after “amount of” the following —

“ any subsidy or any other ”.

**Section 150 amended**

**46.** Section 150 (1) (c) of the principal Act is amended by deleting “any monies that are or may be payable under this Act” and substituting the following —

“ any subsidy ”.

**Section 154 amended**

**47.** (1) Section 154 (1) (g) of the principal Act is amended by inserting after “relevant to” the following —

“ a subsidy, ”.

(2) Section 154 (1) (h) of the principal Act is amended by inserting after “relating to” the following —

“ a subsidy, or to ”.

(3) Section 154 (6) of the principal Act is amended by deleting “licence fee” and substituting the following —

“ subsidy ”.



**Section 161 amended**

**48.** Section 161 (1) of the principal Act is amended —

(a) by deleting “or collection of a licence fee” and substituting the following —

“ of a subsidy ”; and

(b) in paragraph (d) by deleting “or collection of a licence fee” and substituting the following —

“ of a subsidy ”.

**Section 172 amended**

**49.** (1) Section 172 (11) (b) of the principal Act is amended by deleting “immediately before the end of a specified assessment period for the licence” and substituting the following —

“ at a specified time or during a specified period ”.

(2) Section 172 (11) (c) of the principal Act is amended by deleting “the return” and substituting the following —

“ a return ”.

(3) Section 172 (11) of the principal Act is amended by deleting paragraphs (d), (e) and (f) and substituting the following paragraphs —

“

(d) that a subsidy of a specified amount was paid to a specified person on a specified day in relation to a specified period;

(e) that specified conditions were imposed on a specified person by the Director under section 130 (2);

**s. 50**

- (f) that notice under section 135 has been given to a specified person that a specified penalty was to be paid by a specified date and that penalty has not been paid;

”.

**Section 175 amended**

**50.** Section 175 (1) (a) of the principal Act is amended by deleting “assessment,”.

**Savings provisions**

**51.** (1) A licence fee paid under the principal Act before 6 August 1997 may be re-assessed and, as is appropriate, an amount may be paid to, or recovered from, the licensee, under the principal Act as in force immediately before the commencement of this Act.

(2) If the Director considers it appropriate to do so, the Director may conduct an inquiry or cause an investigation to be made under the principal Act as in force immediately before the commencement of this Act with respect to the re-assessment of a licence fee referred to in subsection (1).

**PART 5 — MAIN ROADS ACT 1930**

**Section 32 amended**

**52.** Section 32 (1) of the *Main Roads Act 1930*\* is amended by deleting paragraph (b) and substituting the following paragraph —

“

- (b) secondly, in payment of any amount specified or determined by the Treasurer to be credited to the Consolidated Fund as a contribution towards the payment of interest and sinking fund contributions payable on loan moneys that have, from time to time, been appropriated by Parliament for expenditure on road construction;

”.

[\* Reprinted as at 10 September 1987.  
For subsequent amendments see 1996 Index to  
Legislation of Western Australia, Table 1, pp. 140-1.]

**PART 6 — TAXATION (RECIPROCAL POWERS) ACT 1989**

**Principal Act**

53. In this Part the *Taxation (Reciprocal Powers) Act 1989*\* is referred to as the principal Act.

[\* *Act No. 18 of 1989.*  
*For subsequent amendments see 1996 Index to  
Legislation of Western Australia, Table 1, p. 226.*]

**Section 3 amended**

54. (1) Section 3 (1) of the principal Act is amended by deleting the definition of “State Taxation Act” and substituting the following definition —

“

**“State Taxation Act”** means the —

*Debits Tax Assessment Act 1990;*  
*Financial Institutions Duty Act 1983;*  
*Fuel Suppliers Licensing and Diesel Subsidies Act 1997;*  
*Land Tax Assessment Act 1976;*  
*Pay-roll Tax Assessment Act 1971;*  
*Stamp Act 1921;*  
*Tobacco Sellers Licensing Act 1975,*

and any other Act prescribed by regulation for the purposes of this definition.

”.

(2) Section 3 (2) of the principal Act is amended by inserting after paragraph (a) the following paragraph —

“

(ab) a law of the Commonwealth or of a State (other than Western Australia) that provides for the payment of a subsidy in relation to any goods to be a recognized revenue law for the purposes of this Act;

”.

**Section 16 and Schedule 1 repealed**

**55.** Section 16 and Schedule 1 of the principal Act are repealed.

**PART 7 — TOBACCO CONTROL ACT 1990**

**Section 26 amended**

**56.** Section 26 (2) of the *Tobacco Control Act 1990*\* is repealed and the following subsection is substituted —

“

(2) In respect of each financial year \$12.9 million shall be paid to the Foundation, and the Consolidated Fund is appropriated accordingly.

”.

[\* *Act No. 104 of 1990.*

*For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 228.]*

**PART 8 — TRANSPORT CO-ORDINATION ACT 1966**

**Principal Act**

57. In this Part the *Transport Co-ordination Act 1966*\* is referred to as the principal Act.

[\* Reprinted as at 9 September 1997.]

**Part IIIA (ss. 47G-47X) repealed**

58. Part IIIA of the principal Act is repealed.

**Section 62A amended**

59. (1) Section 62A (1) of the principal Act is amended by deleting paragraph (a) and “and” following it and substituting the following —

“

(a) to which shall be credited —

(i) moneys appropriated by Parliament for the purposes of the fund; and

(ii) any other moneys lawfully payable to the fund;

and

”.

(2) Section 62A (1) (b) of the principal Act is amended by deleting “any amount directed to be credited under section 62 (6) to the Transport Co-ordination Fund, and”.

**Minor consequential amendments**

**60.** The principal Act is amended as set out in the Table to this section.

TABLE

s. 16 (4)	Delete “, other than licences under Part IIIA,”.
s. 56A (1)	Delete “other than an offence under Part IIIA”.
s. 57 (7)	Delete “Part IIIA or”.
s. 62 (2) (a)	Delete “other than moneys received in respect of licences under Part IIIA”.
s. 62 (6)	Repeal the subsection.
s. 62 (7)	Repeal the subsection.
Third Schedule	Repeal the Schedule.