

WESTERN AUSTRALIA

**BUSINESS FRANCHISE
(TOBACCO) AMENDMENT
ACT (NO. 2) 1993**

No. 18 of 1993

AN ACT to amend the *Business Franchise (Tobacco) Act 1975*.

[Assented to 1 December 1993]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Business Franchise (Tobacco) Amendment Act (No. 2) 1993*.

Commencement

2. This Act comes into operation on the day on which it receives the Royal Assent.

Principal Act

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

[* *Reprinted as at 20 August 1987.*
*For subsequent amendments see 1992 Index to
Legislation of Western Australia, Table 1, p. 23 and
Act No. 12 of 1993.]*

PART 2 — AMENDMENTS

Section 2 amended

4. Section 2 (1) of the principal Act is amended in the definition of “relevant period” by deleting “of 2 months as”.

Section 4 amended

5. Section 4 (1e) (a) (ii) of the principal Act is amended by deleting “licence fee under section 10 or 12 or a fee under section 12A,” and substituting the following —

“ fee under this Act; ”.

Section 7 amended

6. Section 7 of the principal Act is amended by repealing subsections (1), (2) and (3) and substituting the following subsections —

“

(1) An application for the issue of a wholesale tobacco merchant’s licence, a retail tobacconist’s licence, or a group tobacco licence under this Act shall be made to the Commissioner in a form approved by him.

(1a) An application under subsection (1) shall be accompanied by the fee payable for the licence under section 10.

(2) On the receipt of an application under subsection (1) and the fee in accordance with subsection (1a) and, if the case requires, the additional fee in accordance with section 7A, the Commissioner may issue a licence, but not otherwise.

(2a) If a group tobacco licence is issued, it may be issued to each member of the group.

(2b) If an application for the renewal of a licence is made, and the fee in accordance with subsection (1a) is paid to the Commissioner and, if the case requires, the additional fee in accordance with section 7A is paid to the Commissioner, before the licence expires but the Commissioner has not renewed the licence or otherwise made a decision about the application before the licence expires, then the licence shall be deemed to have been renewed and to be in force until —

- (a) the end of the month to which the application relates; or
- (b) the Commissioner determines to refuse to renew the licence and notifies the applicant accordingly,

whichever happens first.

(3) An issued licence shall be in force for the month, or such shorter period, specified in the licence, unless it sooner ceases to have effect.

Section 9 repealed

7. Section 9 of the principal Act is repealed.

Section 9A repealed

8. Section 9A of the principal Act is repealed.

Section 10 amended

9. Section 10 (3a) of the principal Act is amended by deleting “2 months” and substituting the following —

“ one month ”.

Schedule 1 repealed and a schedule substituted

10. Schedule 1 to the principal Act is repealed and the following schedule is substituted —

“

**SCHEDULE 1
RELEVANT PERIODS**

[s. 2 (1)]

<i>Column 1</i> Licence period	<i>Column 2</i> Sales period on which licence fee is based
January	November
February	December
March	January
April	February
May	March
June	April
July	May
August	June
September	July
October	August
November	September
December	October

”.

PART 3 — TRANSITIONAL PROVISIONS

Interpretation

11. In this Part words and expressions have the same meanings as in the principal Act.

Relevant period for January 1994

12. Despite section 10 (1) of the principal Act as amended by this Act, the relevant period for the purposes of calculating the fee for a licence for the month of January 1994 is October and November 1993.

Reduction of January and February 1994 licence period

13. (1) If before this Act commences a licence has been issued under section 7 (but not renewed) for —

- (a) the period of January and February 1994; or
- (b) a period which is part of January and all of February 1994,

then on the commencement of this Act, and by operation of this section, that licence shall be in force for the month of January 1994 only, or that part of January 1994 only, as the case may be.

(2) If before this Act commences a licence has been renewed under section 9A of the principal Act (or is deemed by that section to have been renewed) for the period of January and February 1994, then on the commencement of this Act, and by operation of this section, that licence shall be in force for the month of January 1994 only.