

WESTERN AUSTRALIA

**BUSINESS FRANCHISE
(TOBACCO) AMENDMENT
ACT 1993**

No. 12 of 1993

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

[Assented to 9 November 1993.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Business Franchise (Tobacco) Amendment Act 1993*.

Commencement

2. This Act is deemed to have come into operation on 1 August 1993.

Section 10 amended

3. Section 10 (1) of the *Business Franchise (Tobacco) Act 1975** is amended —

- (a) by repealing paragraphs (i) to (n);
- (b) in each of paragraphs (o), (p) and (q) by inserting after “1990” the following —
 - “ and ending on or before 31 October 1993 ”;
- (c) by deleting “and” after paragraph (p);
- (d) by deleting the fullstop at the end of paragraph (q), substituting a semicolon and inserting the following paragraphs —
 - “
 - (r) for a wholesale tobacco merchant’s licence that is in force for any period after 31 October 1993, a fee of \$20 for each wholesaler together with an amount of 100% of the value of tobacco sold by the applicant during the relevant period (other than tobacco sold to the holder of a wholesale tobacco merchant’s licence or a group tobacco licence);
 - (s) for a group tobacco licence that is in force for any period after 31 October 1993, a fee of \$20 for each member of the group together with an amount of 100% of the value of tobacco sold by all members of the group during the relevant period (other than tobacco sold to the holder of a wholesale

tobacco merchant's licence or a group tobacco licence); and

- (t) for a retail tobacconist's licence that is in force for any period after 31 October 1993, a fee of \$20 for each retailer together with an amount equal to 100% of the value of tobacco sold by the applicant in the course of tobacco retailing during the relevant period (other than tobacco purchased from the holder of a wholesale tobacco merchant's licence or a group tobacco licence, or from another tobacco retailer, for the purposes of resale).

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[* *Reprinted as at 20 August 1975.*

*For subsequent amendments see 1992 Index to
Legislation of Western Australia, Table 1, p. 23.]*

Recovery of certain fees

4. (1) In this section “licence” has the same meaning as it has in the principal Act.

(2) This section applies where, before this Act received the Royal Assent, a licence was issued or renewed to be in force for any period after 31 October 1993.

(3) Where the licence was issued or renewed on payment of a fee (“the fee paid”) that is less than the fee that would have been payable if this Act had received the Royal Assent before the licence was issued or renewed (“the fee payable”), the amount by which the fee payable exceeds the fee paid is to be regarded as an unpaid licence fee and section 12B of the principal Act applies accordingly.