

WESTERN AUSTRALIA

**TOBACCO CONTROL
AMENDMENT ACT 1993**

No. 39 of 1993

AN ACT to amend the *Tobacco Control Act 1990*.

[Assented to 22 December 1993.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Tobacco Control Amendment Act 1993*.

Commencement

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

Section 17 amended

3. (1) Section 17 (1) of the *Tobacco Control Act 1990** is amended by deleting paragraph (k) and substituting the following paragraph—

“

- (k) one shall be the chief executive officer for the time being of the department principally assisting the Minister for the Family or the nominee of that chief executive officer.

”.

(2) After section 17 (9) of the *Tobacco Control Act 1990** the following subsections are inserted—

“

(10) If the Minister considers that a body referred to in paragraph (b), (c), (d), (e), (f) or (g) of subsection (1) has ceased to exist or ceased to operate, the Minister may, after consultation with the Premier, by notice published in the *Gazette*, designate another body to be the nominating body for the purposes of that paragraph, and, when such a notice has been published, the body so designated—

- (a) may make any nomination subsequently required under that paragraph; and
- (b) shall be regarded as the body referred to in that paragraph for the purposes of subsections (4) (b) and (5) and as a relevant body for the purposes of subsection 8 (b).

(11) The body designated by the Minister under subsection (10) has to be a body that the Minister considers to be representative of interests similar to those represented by the body that has ceased to exist or ceased to operate.

”.

Section 26 amended

4. Section 26 of the *Tobacco Control Act 1990** is amended by repealing subsection (2) and substituting the following subsection —

“

(2) There shall in respect of the financial year commencing on 1 July 1993 and of each subsequent financial year be paid to the Foundation —

- (a) an amount equal to 7% of the total amount of fees paid under the *Business Franchise (Tobacco) Act 1975* to the Commissioner of State Taxation during that financial year; or
- (b) \$12.9 million,

whichever is the lesser amount, and this subsection appropriates the Consolidated Fund accordingly.

”.

[* *Act No. 104 of 1990.*

For subsequent amendments see Act No. 6 of 1993.]