

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

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**No. 29 of 1989**

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

[Assented to 12 December 1989]

The Parliament of Western Australia enacts as follows:

## **Short title**

1. This Act may be cited as the *Business Franchise (Tobacco) Amendment Act 1989*.

## **Commencement**

2. This Act shall—

- (a) if it receives the Royal Assent on or before 1 November 1989, come into operation on the day on which it receives the Royal Assent; or

- (b) if it receives the Royal Assent after 1 November 1989, be deemed to have come into operation on 1 November 1989.

### **Section 10 amended**

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

- (a) in each of paragraphs (i), (j) and (k) by inserting after “1983” the following—
  - “ and ending on or before 31 December 1989 ”;
- (b) by deleting “and” after paragraph (j);
- (c) in paragraph (k) by deleting “, a group tobacco licence or another tobacco retailer” and substituting the following—
  - “ or a group tobacco licence, or from another tobacco retailer. ”; and
- (d) by deleting the full stop at the end of paragraph (k), substituting a semi-colon and inserting the following—
  - “ (l) for a wholesale tobacco merchant’s licence that is in force for the period of January and February, 1990, a fee of \$20 for each wholesaler together with an amount of 35% of the value of tobacco sold by the applicant during October, 1989, and an amount of 50% of the value of tobacco sold by the applicant during November, 1989 (other than, in the case of each of the months of October and November, 1989, tobacco sold to the holder of a wholesale tobacco merchant’s licence or a group tobacco licence);
  - (m) for a group tobacco licence that is in force for the period of January and February, 1990, a fee of \$20 for each member of the group together with an amount of 35% of the value of tobacco sold by all members of the group during October, 1989, and an amount of 50% of the value of tobacco sold by all members of the group during November, 1989 (other than, in the case of each of the months of October and November, 1989, tobacco sold to the holder of a wholesale tobacco merchant’s licence or a group tobacco licence);
  - (n) for a retail tobacconist’s licence that is in force for the period of January and February, 1990, a fee of \$20 for each retailer together with an amount equal to 35% of

the value of tobacco sold by the applicant in the course of tobacco retailing during October, 1989, and an amount of 50% of the value of tobacco sold by the applicant in the course of tobacco retailing during November, 1989 (other than, in the case of each of the months of October and November, 1989, 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);

- (o) for a wholesale tobacco merchant's licence that is in force for any period after 28 February 1990, a fee of \$20 for each wholesaler together with an amount of 50% 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);
- (p) for a group tobacco licence that is in force for any period after 28 February 1990, a fee of \$20 for each member of the group together with an amount of 50% 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
- (q) for a retail tobacconist's licence that is in force for any period after 28 February 1990, a fee of \$20 for each retailer together with an amount equal to 50% 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). ”.

[\*Reprinted as at 20 August 1987.]

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