

# LEGISLATIVE ASSEMBLY

Read 1° 15 August 1989

*(Brought in by Mr Jolly and Mr Roper)*

## A BILL

to amend the *Business Franchise (Tobacco) Act* 1974 and for other purposes.

### **Business Franchise (Tobacco) (Amendment) Act 1989**

The Parliament of Victoria enacts as follows:

#### **Purpose**

- 5 1. The purpose of this Act is to increase the fees for licences under the *Business Franchise (Tobacco) Act* 1974 and to make minor amendments to the Business Franchise Acts.

#### **Commencement**

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

#### **Principal Act**

- 10 3. In this Act, the *Business Franchise (Tobacco) Act* 1974 is called the Principal Act.

No. 8597  
Reprinted to No.  
66/1988 and  
subsequently  
amended by No.  
57/1989.

**Amendment to section 10**

4. (1) In section 10 of the Principal Act—

(a) in sub-section (1), for “30 per centum” (where three times occurring) substitute “35 per centum”; and

(b) in sub-section (2), for “ $\frac{100}{130}$ ”, substitute “ $\frac{100}{135}$ ”. 5

(2) The Principal Act, as amended by sub-section (1), applies to licences issued under the Principal Act for a licence period commencing on or after 1 October 1989.

(3) Section 10 of the Principal Act, as in force immediately before the commencement of this section, continues to apply to licences issued under the Principal Act for a licence period ending on or before 30 September 1989. 10

**Amendment of sections 7 and 11C**

5. The Principal Act is amended as follows:

(a) In section 7 (3B), for “believes” substitute “believe”; 15

(b) In section 11C (1), after “who sells” insert “by retail sale”.

**New section 19BB inserted**

6. After section 19BA of the Principal Act, insert—

**Substituted service**

“19BB. (1) Despite any Act or rule of court to the contrary, in any proceedings for the recovery of any amount due under the Business Franchise Acts including any judgment debt and costs in respect of that amount, any process may, without leave of court, be served on a person— 20

(a) personally; or 25

(b) by leaving it at any address shown as a business address on the last application for a licence by the person under the Business Franchise Acts or at the person’s last known place of business or abode in victoria; or

(c) by sending it or a sealed copy of it by post addressed to the person at the person’s last known place of business or abode in Australia; or 30

(d) by such other method as is permitted by any Act or rule of court.

(2) Where sub-section (1) (c) applies, unless the contrary is proved, service of the process is deemed to have been effected two days after the date of posting.”.

5 **Minor amendment of *Business Franchise (Petroleum Products) Act 1979***

7. In section 7 (8B) of the *Business Franchise (Petroleum Products) Act 1979*, for “believes” substitute “believe”.

No. 9272  
Reprinted to No.  
66/1988.

