

Business Franchise (Tobacco) (Amendment) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 23 May 1995

(Brought in by Mr Stockdale and Mr Smith (Polwarth))

A BILL

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

Business Franchise (Tobacco) (Amendment) Act 1995

The Parliament of Victoria enacts as follows:

1. Purpose

The main purpose of this Act is to amend the **Business Franchise (Tobacco) Act 1974**—

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- (a) to provide for the compulsory licensing of tobacco wholesalers;
- (b) to revise the procedure for applying for and granting wholesale tobacco merchant's and group wholesale tobacco merchant's licences.

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984**.)

2. Commencement

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

3. Principal Act

In this Act the **Business Franchise (Tobacco) Act 1974** is called the Principal Act. 5

N . 8597
r print d to
N . 66/1988
and
subs qu ntly
am nded by
N 57/1989,
75/1989,
54/1990,
76/1992,
104/1993,
80/1994 and
119/1994.

4. Definitions

- (1) In section 2 (1) of the Principal Act **insert** the following definitions—
 - “**associate**” has the meaning, in relation to a person, 10
it would have under Division 2 of Part 1.2 of the Corporations Law if—
 - (a) for paragraphs (b) and (c) of section 12 (1) of that Law, there were substituted—
“or 15
 - (b) whether the primary person is in a position to exercise certain powers in relation to a body corporate;” and
 - (b) sections 13, 14, 16 (2) and 17 of that Law were repealed; 20
 - “**Australian citizen**” has the same meaning as in the Australian Citizenship Act 1948 of the Commonwealth;
 - “**Australian resident**” means an Australian citizen or a person who is ordinarily resident in Australia; 25
 - “**corresponding law**” has the same meaning as in the Taxation (Reciprocal Powers) Act 1987;

“**director**”, in relation to a corporation, has the same meaning as in section 9 of the Corporations Law;

5 “**related body corporate**”, in relation to a body corporate, has the same meaning as in section 9 of the Corporations Law;

“**sell**” includes offer to sell;

“**share**” has the same meaning as in section 9 of the Corporations Law;

10 “**State Taxation Act**” has the same meaning as in the **Taxation (Reciprocal Powers) Act 1987**;’.

(2) After section 2 (4) of the Principal Act **insert**—

15 “(5) For the purposes of this Act, a person whose name is endorsed on a group wholesale tobacco merchant’s licence is deemed to hold that licence and a reference in this Act to a holder of, or a person who holds, a group wholesale tobacco merchant’s licence includes a reference to each person whose name is endorsed on the licence.

20 (5A) For the purposes of this Act, the shares in a corporation to which a person is entitled include shares in the corporation to which the person is entitled in accordance with section 609 of the Corporations Law.”.

5. *Amendment of section 2C*

In section 2C of the Principal Act—

(a) in sub-section (2), for “sub-section (3) of this section” **substitute** “section 2CA”;

30 (b) sub-sections (3) to (6) are **repealed**.

6. *New section 2CA inserted*

After section 2C of the Principal Act **insert**—

“2CA. Controlling interest

- (1) A person has (or persons have together) a controlling interest in a business carried on by a corporation if—
- (a) the directors; or 5
 - (b) any of the directors entitled to exercise a majority in voting powers at meetings of the directors of the corporation—
- are or is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of the person (or those persons acting together). 10
- (2) A person has (or persons have together) a controlling interest in a business carried on by a corporation that has a share capital if the person (or those persons acting together) are entitled to half or more than half of the voting shares in that corporation. 15 20
- (3) A corporation which, by virtue of this section, has a controlling interest in a business has a controlling interest in any other business in which a related body corporate has a controlling interest. 25
- (4) A person has (or persons have together) a controlling interest in a business carried on by a partnership if the person (or those persons together)— 30
- (a) owns or own, whether beneficially or not, half or more than half of the capital of the partnership; or
 - (b) is or are entitled, whether beneficially or not, to half or more than half of the profits of the partnership. 35

(5) A person has a controlling interest in a business if, whether or not the person is a trustee of a trust, the person is the sole owner of the business.

(6) Persons together have a controlling interest in a business if, being 2 or more trustees of a trust, they are the owners of the business.

(7) A person has (or persons have together) a controlling interest in a business carried on under a trust if the person is the beneficiary (or those persons are together the beneficiaries), whether or not as the trustee or trustees of another trust, in respect of half or more than half of the value of the interests in the trust first mentioned in this sub-section.

(8) If—

(a) by virtue of this section, a person has (or persons have together) a controlling interest in a business; and

(b) the person or persons carrying on that business has or have together a controlling interest in another business—

the person or persons referred to in paragraph (a) has or have a controlling interest in the business referred to in paragraph (b).

(9) If—

(a) a person is a beneficiary (or persons together are the beneficiaries) under a trust, in respect of half or more than half of the value of the interests in the trust; and

(b) by virtue of this section, the trustee or trustees of the trust has or have

together a controlling interest in a business—

the beneficiary has or the beneficiaries have a controlling interest in that business.

5

(10) A person who, as the result of the exercise of a power or discretion by—

(a) the trustee of a discretionary trust, acting alone or with another person; or

10

(b) any other person—

may benefit under the trust shall, for the purposes of this section, be taken to be a beneficiary in respect of half or more than half of the value of the interests in the trust.”.

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7. Tobacco wholesalers to be licensed

(1) In section 6 of the Principal Act, before sub-section (2) **insert**—

“(1) A person must not, on or after 1 August 1995, carry on tobacco wholesaling unless the person is the holder of a wholesale tobacco merchant’s licence or a group wholesale tobacco merchant’s licence.

20

Penalty: For a first offence, 100 penalty units.

25

For a second or subsequent offence, 1000 penalty units.”.

(2) In section 6 (3) of the Principal Act, for “sub-section (2)” **substitute** “sub-section (1) or (2)”.

8. Amendment of section 7

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In section 7 of the Principal Act—

(a) in sub-section (1) paragraphs (b) and (c) are **repealed**;

(b) sub-section (1A) is **repealed**;

- (c) in sub-sections (3) and (3A) after “applicant”
insert “under this section”;
- (d) in sub-sections (5) (a) and (6) for “tobacco
wholesaling or tobacco retailing (as the case
may be)” **substitute** “tobacco retailing”;
- (e) in sub-section (5) **omit** “in the prescribed form”.

9. *Licensing of tobacco wholesalers*

After section 7 of the Principal Act **insert**—

**‘7AA. *Application for wholesale or group wholesale
licence—new applicants***

- (1) A person who does not hold a wholesale tobacco merchant’s licence (other than a person who is a member of a group of wholesale tobacco merchants) may apply to the Commissioner, in accordance with this section, for a wholesale tobacco merchant’s licence for the month that is the third month after the month in which the application is made.
- (2) A person who is a member of a group of wholesale tobacco merchants that does not hold a group wholesale tobacco merchant’s licence may apply, on behalf of any or all of the members of the group, to the Commissioner, in accordance with this section, for a group wholesale tobacco merchant’s licence for the month that is the third month after the month in which the application is made.
- (3) An application under sub-section (1)—
 - (a) must be in the prescribed form; and
 - (b) must contain—
 - (i) a full and true disclosure of all the material facts known to the applicant and, if the applicant is

- a corporation, each director of the applicant, that are necessary to enable the Commissioner to determine the application and ascertain the licence fee payable by the applicant; and 5
 - (ii) if the applicant is a corporation, the name and address of each director of the applicant; and
 - (iii) a statutory declaration made by the applicant verifying the information in the application. 10
- (4) An application under sub-section (2)—
 - (a) must be in the prescribed form; and
 - (b) must name each member of the group on whose behalf the application is made; and 15
 - (c) must contain, in relation to the applicant and each member of the group on whose behalf the application is made— 20
 - (i) a full and true disclosure of all the material facts known to the applicant or member and, if the applicant or member is a corporation, each director of the applicant or member that are necessary to enable the Commissioner to determine the application and ascertain the licence fee payable by the applicant; and 25 30
 - (ii) if the applicant or member is a corporation, the name and address of each director of the applicant or member; and 35
 - (iii) a statutory declaration made by the applicant verifying the information in the application.

5 (5) If an applicant under this section is a corporation, the statutory declaration in the application may be made on behalf of the applicant by a director of the applicant.

(6) A person may apply under this section for a licence whether or not the person is resident, or carrying on business, in Victoria.

10 (7) A person who has applied under this section for a licence must pay the fee required by this Act to be paid for that licence.

15 **7AB. *Matters to be considered in determining applications under section 7AA***

(1) The Commissioner must not grant an application under section 7AA unless he or she is satisfied—

20 (a) that the applicant is an Australian resident or, if the applicant is a corporation, the applicant is incorporated in a State or Territory; and

25 (b) that the applicant and, if the applicant is a corporation, each director of the applicant is a fit and proper person to be concerned in or associated with tobacco wholesaling; and

30 (c) that the applicant has, or is likely to have, access to sufficient financial resources to carry on tobacco wholesaling; and

35 (d) that neither the applicant nor, if the applicant is a corporation, any director of the applicant has been convicted (within the period of 5

- years immediately preceding the date of the application) of an offence under a State Taxation Act or a corresponding law punishable by a fine of \$1000 or more; and 5
- (e) that the applicant has, or will have at the commencement of the licence, suitable facilities and equipment for safe storage and distribution of tobacco by the applicant; and 10
- (f) that the applicant has, or will obtain before the commencement of the licence, any necessary permits in relation to the premises in which tobacco will be stored. 15
- (2) The Commissioner must refuse an application under section 7AA if he or she is satisfied that the applicant held a wholesale tobacco merchant's licence or group wholesale tobacco merchant's licence under this Act at any time in the year preceding the month for which the licence is sought. 20
- (3) The Commissioner may refuse an application under section 7AA if he or she is satisfied that an associate of the applicant held a wholesale tobacco merchant's licence or group wholesale tobacco merchant's licence under this Act at any time in the year preceding the month for which the licence is sought. 25 30
- (4) In determining whether or not he or she is satisfied as required by sub-section (1), the Commissioner may take into account— 35
- (a) whether the applicant has been convicted (within the period of 5 years immediately preceding the date of the application) of an offence

under the law of Victoria, the Commonwealth, any other State or any Territory punishable by a fine of \$5000 or more;

5 (b) if the applicant is a corporation, whether a director of the applicant has been convicted (within the period of 5 years immediately preceding the date of the application) of an offence
10 under the law of Victoria, the Commonwealth, any other State or any Territory punishable by a fine of \$5000 or more;

15 (c) the reports received under section 7AC;

(d) whether each associate of the applicant and, if the applicant is a corporation, each associate of each director of the applicant is of good
20 fame and character.

(5) For the purposes of determining an application under section 7AA (2) for a group wholesale tobacco merchant's
25 licence, a reference in this section to the applicant includes a reference to each member of the group on whose behalf the application is made.

7AC. Investigation of applications under section 7AA

30 (1) On receiving an application under section 7AA for a licence, the Commissioner must cause to be carried out all investigations and inquiries that he or she considers necessary to enable him or her to consider the application properly.

35 (2) The Chief Commissioner of Police must inquire into and report, within 30 days, to the Commissioner on any matters

- concerned with the application that the Commissioner requests.
- (3) The Commissioner may require the applicant, at the applicant’s expense, to provide the Commissioner with a report by a registered auditor— 5
- (a) on the financial affairs of the applicant;
 - (b) if the applicant is a corporation, on the financial affairs of any director of the applicant; 10
 - (c) in the case of an application for a group wholesale tobacco merchant’s licence, on the financial affairs of any member of the group on whose behalf the application is made; 15
 - (d) if any member of the group referred to in paragraph (c) is a corporation, on the financial affairs of any director of that member. 20
- (4) In this section “**registered auditor**” means an auditor registered under Part 9.2 of the Corporations Law.

7AD. *Application for wholesale or group wholesale licence—existing licensee* 25

- (1) A person who, in a month, holds a wholesale tobacco merchant’s licence may apply to the Commissioner, in accordance with this section, for a wholesale tobacco merchant’s licence for the following month. 30
- (2) A person who, in a month, holds a group wholesale tobacco merchant’s licence may apply on behalf of any or all of the members of the group to the Commissioner, in accordance with this section, for a group wholesale tobacco 35

merchant's licence for the following month.

(3) An application under sub-section (1) or (2)—

(a) must be made at least 7 days before the current licence expires; and

(b) must be in the prescribed form; and

(c) must contain—

(i) a full and true disclosure of all the material facts known to the applicant that are necessary to enable the Commissioner to ascertain the licence fee payable by the applicant; and

(ii) if the applicant is a corporation, the name and address of each director of the applicant or member; and

(iii) a statutory declaration made by the applicant verifying the information in the application; and

(iv) if the application is for a group wholesale tobacco merchant's licence, the name of each member of the group on whose behalf the application is made and, if a member is a corporation, the name and address of each director of that member; and

(v) a statement as to whether the applicant intends or does not intend to carry on tobacco wholesaling in the 2 months following the month for which the licence is sought.

- (4) If an applicant under this section is a corporation, the statutory declaration in the application may be made on behalf of the applicant by a director of the applicant. 5
- (5) A person may apply under this section for a licence whether or not the person is resident, or carrying on business, in Victoria.
- (6) A person who has applied under this section for a licence must pay the fee required by this Act to be paid for that licence. 10

7AE. *Matters to be considered in determining applications under section 7AD* 15

Subject to section 7AF, the Commissioner must grant an application under section 7AD unless he or she is satisfied—

- (a) that the licence holder has failed to provide information (whether in an application for a licence or otherwise) to the Commissioner that the licence holder was required by this Act to provide, or has provided information that is false or misleading in any material particular; or 20
- (b) that the licence holder has otherwise contravened this Act; or
- (c) that the licence holder is not an Australian resident or, if the licence holder is a corporation, the licence holder is not incorporated in a State or Territory; or 30
- (d) that the licence holder is not a fit and proper person to be concerned in or 35

associated with tobacco wholesaling;
or

(e) if the licence holder is a corporation,
that a director of the licence holder is
not a fit and proper person to be
concerned in or associated with
tobacco wholesaling; or

(f) that the licence holder does not have
sufficient financial resources to carry
on tobacco wholesaling for the whole
of the month for which the licence is
sought and for any subsequent period
in respect of which the licence holder
has stated, in an application under
section 7AD, an intention to carry on
tobacco wholesaling; or

(g) that the licence holder has been
convicted (within the period of 5
years immediately preceding the date
of the application) of an offence
under a State Taxation Act or a
corresponding law punishable by a
fine of \$1000 or more; or

(h) if the licence holder is a corporation,
that a director of the licence holder
has been convicted (within the period
of 5 years immediately preceding the
date of the application) of an offence
under a State Taxation Act or a
corresponding law punishable by a
fine of \$1000 or more; or

(i) that the licence holder does not have
suitable facilities and equipment for
safe storage and distribution of
tobacco by the licence holder; or

(j) that the licence holder does not have
a necessary permit in relation to the
premises in which tobacco will be
stored.

7AF. *Grant of wholesale and group wholesale licence applications*

- (1) The Commissioner must determine an application under section 7AA or 7AD for a wholesale tobacco merchant's licence or a group wholesale tobacco merchant's licence by either granting or refusing the application and must notify the applicant in writing of the determination. 5
- (2) If the Commissioner grants the application he or she must— 10
 - (a) issue the appropriate licence to the applicant; and
 - (b) if the application is for a group wholesale tobacco merchant's licence, endorse on the licence the name of each member of the group to whom the licence is to apply. 15
- (3) If the Commissioner refuses the application, the notification under subsection (1) must include the reasons for the refusal. 20
- (4) If—
 - (a) the applicant has not tendered the licence fee; or 25
 - (b) the Commissioner is of the opinion that the amount tendered by the applicant is less than that required to be paid under this Act—

the Commissioner may refuse to issue the licence until the fee required to be paid has been paid. 30

7AG. *Licence must specify premises*

A licence issued under section 7AF must specify the premises to be used for, or in 35

connection with, the business carried on under the licence.

7AH. Licence determination is not reviewable

(1) Subject to sub-section (2)—

(a) a determination of the Commissioner to grant or refuse an application for a wholesale tobacco merchant's licence or group wholesale tobacco merchant's licence; or

(b) a decision of the Commissioner to suspend or revoke a wholesale tobacco merchant's licence or group wholesale tobacco merchant's licence; or

(c) an assessment under section 10 or 19A in respect of fees payable by an applicant for a wholesale tobacco merchant's licence or group wholesale tobacco merchant's licence if the applicant did not carry on tobacco wholesaling for the whole of the relevant period in respect of that licence—

is not reviewable in any court or tribunal.

(2) Sub-section (1) does not apply to proceedings in the Supreme Court—

(a) seeking the grant of any relief or remedy in the nature of certiorari, prohibition, mandamus or quo warranto, or the grant of a declaration of right or an injunction; or

(b) seeking any order under the **Administrative Law Act 1978**.

7AI. *Change of particulars to be notified*

- (1) If a material change occurs in the information provided in, or in connection with, an application under section 7AA or 7AD (whether before or after a licence to which that application relates has been issued), the applicant or licence holder, within 14 days of becoming aware of the change, must give the Commissioner written particulars of the change. 5 10
- Penalty: 50 penalty units.
- (2) When particulars of a change are given, those particulars must then be considered to have formed part of the original application, for the purposes of the application of sub-section (1) to any further change in the information provided. 15
- (3) In this section, “**application**” includes any documents lodged with an application. 20

7AJ. *Licence holder to notify Commissioner of cessation of business*

- (1) A holder of a wholesale tobacco merchant’s licence or group wholesale tobacco merchant’s licence who has ceased carrying on tobacco wholesaling or has ceased to carry on tobacco wholesaling on any premises must notify the Commissioner in writing within 14 days of so ceasing. 25 30
- Penalty: 50 penalty units.
- (2) A holder of a wholesale tobacco merchant’s licence or group wholesale tobacco merchant’s licence who has ceased carrying on tobacco wholesaling, upon notifying the Commissioner under 35

sub-section (1), must surrender the licence to the Commissioner.

Penalty: 50 penalty units.’.

10. New section 7B inserted

5 After section 7A of the Principal Act **insert—**

“7B. Sales to and purchases from unlicensed persons

10 (1) The holder of a wholesale tobacco merchant’s licence or group wholesale tobacco merchant’s licence must not, in the course of tobacco wholesaling, sell tobacco to a person who is not the holder of a licence.

Penalty: 50 penalty units.

15 (2) The holder of a retail tobacconist’s licence must not, in the course of tobacco retailing, purchase tobacco from a person who is not the holder of a licence.

Penalty: 50 penalty units.

20 (3) Sub-sections (1) and (2) do not apply to a sale or purchase of tobacco outside Victoria in the course of tobacco wholesaling or tobacco retailing unless the terms (whether express or implied) of the sale or purchase or of any contract for the sale or purchase—

25 (a) require either party to deliver, or arrange delivery of, the tobacco into or within Victoria; or

30 (b) contemplate delivery of the tobacco into or within Victoria.”.

11. New sections 9A, 9B, 9C and 9D inserted

After section 9 of the Principal Act **insert—**

‘9A. Regulation of discounting

- (1) This section applies to a person who, in an application under section 7AD for a licence, states an intention to cease carrying on the business of tobacco wholesaling in, or at the end of, the month for which the licence is sought or the following month. 5 10
- (2) A person to whom this section applies must not, during the cessation months, sell a class of tobacco at a price less than the approved discount price declared for the time being under sub-section (3). 15
- (3) For the purposes of this section, the Minister, by notice published in the Government Gazette, may declare, in relation to a class of tobacco—
 - (a) a price as the listed price; and 20
 - (b) a percentage of that price, being not less than 5%, as the approved discount; and
 - (c) the approved discount price, being the listed price less the approved discount. 25
- (4) A notice under sub-section (3) may apply, adopt or incorporate, with or without modification, provisions set out in a specified issue of the Australian Retail Tobacconist published by the NSW Retail Tobacco Traders’ Association or as set out in the Australian Retail Tobacconist as last so published from time to time. 30
- (5) In this section, “**cessation months**”, in relation to a person who has stated an 35

intention to cease carrying on tobacco wholesaling in, or at the end of, a month, means that month and the preceding month.

9B. *Suspension of wholesale licences*

(1) If the Commissioner reasonably believes at any time—

(a) that a licence holder has failed to provide information (whether in an application for a licence or otherwise) to the Commissioner that the licence holder was required by this Act to provide, or has provided information that is false or misleading in any material particular; or

(b) that a licence holder has otherwise contravened this Act; or

(c) that a licence holder is not an Australian resident or, if a licence holder is a corporation, the licence holder is not incorporated in a State or Territory; or

(d) that a licence holder is not a fit and proper person to be concerned in or associated with tobacco wholesaling; or

(e) if a licence holder is a corporation, that a director of the licence holder is not a fit and proper person to be concerned in or associated with tobacco wholesaling; or

(f) that a licence holder does not have sufficient financial resources to carry on tobacco wholesaling for the remainder of the current month and for any subsequent period in respect of which the licence holder has

- stated, in an application under section 7AD, an intention to carry on tobacco wholesaling; or
- (g) that a licence holder has been convicted (within the period of 5 years immediately preceding the date of application for the current licence) of an offence under a State Taxation Act or a corresponding law punishable by a fine of \$1000 or more; or 5 10
- (h) if a licence holder is a corporation, that a director of the licence holder has been convicted (within the period of 5 years immediately preceding the date of application for the current licence) of an offence under a State Taxation Act or a corresponding law punishable by a fine of \$1000 or more; or 15 20
- (i) that a licence holder does not have suitable facilities and equipment for safe storage and distribution of tobacco by the licence holder; or
- (j) that a licence holder does not have a necessary permit in relation to the premises in which tobacco is stored— 25
- the Commissioner may suspend the licence by giving written notice to the licence holder. 30
- (2) A suspension under sub-section (1) is effective from the time the notice is received by the licence holder.
- (3) Notice of suspension must— 35
- (a) set out the reasons for the suspension; and

(b) require the licence holder, within 14 days, to show cause why the licence should not be revoked.

(4) In this section—

“licence” means a wholesale tobacco merchant’s licence or a group wholesale tobacco merchant’s licence;

“licence holder” means a person who holds a wholesale tobacco merchant’s licence or a group wholesale tobacco merchant’s licence.

9C. *Effect of suspension*

For the purposes of sections 6 and 7B a person whose licence is suspended under section 9B is deemed not to hold that licence during the period of suspension.

9D. *Revocation of wholesale licences*

After the end of the period specified in section 9B (3) (b), and having taken into account any written or oral submissions made by or on behalf of the licence holder, the Commissioner, by written notice to the licence holder, may revoke the licence if—

(a) the Commissioner is satisfied as to any of the matters referred to in section 9B (1); and

(b) the Commissioner considers that, had he or she known of that matter at the time of determining the application for the licence, he or she would not have granted the application.’.

12. Possession of tobacco

- (1) In section 19EA of the Principal Act, before “for the purposes” **insert** “(1)”.
- (2) At the end of section 19EA of the Principal Act **insert**— 5
- “(2) If—
- (a) more than 5 kilograms of tobacco; or
- (b) more than 3500 cigarettes—
- are in the possession or custody of, or under the control of, a person, other than a person of a prescribed class, it must be presumed in any proceedings for an offence under this Act, unless the court is satisfied to the contrary— 10
- (c) that the tobacco or cigarettes are in the person’s possession, custody or control for sale; and 15
- (d) unless the person holds a retail tobacconist’s licence, that the person is carrying on tobacco wholesaling.”.

13. Other amendments 20

In the Principal Act—

- (a) in section 10 (7) **omit** “pursuant to section 7 of this Act”;
- (b) in section 11B (2) **omit** “under section 7 (4)”.

14. Supreme Court—limitation of jurisdiction 25

In section 21A of the Principal Act before “19BC (1)” **insert** “7AH or”.

15. Transitional provision—licences for July 1995

Despite the commencement of section 9 of this Act, the provisions of the Principal Act as in force immediately before that commencement apply to an application for, and the issuing of, a wholesale 30

tobacco merchant's licence or a group wholesale tobacco merchant's licence for July 1995.

16. *Transitional provision—licence applications by new applicants for August 1995 licences*

Despite anything to the contrary in section 7AA of the Principal Act, an application under that section for a wholesale tobacco merchant's licence or a group wholesale tobacco merchant's licence for August 1995 may be made on or before 30 June 1995 if the applicant has not applied for a wholesale tobacco merchant's licence or a group wholesale tobacco merchant's licence for July 1995.

17. *Transitional provision—licence applications by licence holders for August 1995 licences*

(1) Despite anything to the contrary in section 9 of this Act—

(a) a holder of a wholesale tobacco merchant's licence or a group wholesale tobacco merchant's licence in July 1995 who applies for a wholesale tobacco merchant's licence or group wholesale tobacco merchant's licence for August 1995 must do so, subject to sub-section (2) of this section, in accordance with section 7AA of the Principal Act as if the holder were not the holder of an existing licence; and

(b) the provisions of sections 7AB and 7AC of the Principal Act apply to the investigation and determination of that application.

(2) Despite anything to the contrary in section 7AA of the Principal Act, an application referred in sub-section (1) of this section may be made on or before 7 July 1995.

