

Queensland



**LICENSING FEES
LEGISLATION (LIQUOR
AND TOBACCO PRODUCTS)
AMENDMENT BILL 1993**

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(LIQUOR AND TOBACCO PRODUCTS)
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TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	4
PART 2—AMENDMENT OF LIQUOR ACT 1992		
2	Amended Act	4
3	Insertion of new s.215A	4
	215A Refund of fees—general	4
PART 3—AMENDMENT OF TOBACCO PRODUCTS (LICENSING) ACT 1988		
4	Amended Act	6
5	Insertion of new s.27AA	6
	27AA Refund of fees	6

1993

A BILL

FOR

**An Act to amend the *Liquor Act 1992* and the *Tobacco Products
(Licensing) Act 1988***

*Licensing Fees Legislation (Liquor and
Tobacco Products) Amendment*

The Parliament of Queensland enacts—	1
PART 1—PRELIMINARY	
Short title	3
<i>Clause 1.</i> This Act may be cited as the <i>Licensing Fees Legislation (Liquor and Tobacco Products) Amendment Act 1993.</i>	4 5
PART 2—AMENDMENT OF LIQUOR ACT 1992	
Amended Act	7
<i>Clause 2.</i> The <i>Liquor Act 1992</i> is amended as set out in this Part.	8
Insertion of new s.215A	9
<i>Clause 3.</i> After section 215—	10
<i>insert—</i>	11
‘Refund of fees—general	12
‘215A.(1) The chief executive may refund a fee paid by a person only if the chief executive is satisfied—	13 14
(a) that the person has not received, and will not receive, an amount from someone else for any part of the fee; or	15 16
(b) if the person has received an amount from someone else for any part of the fee—the person will reimburse, or will take reasonable steps to reimburse, the other person for the amount received.	17 18 19
‘(2) If subsection (1)(b) applies to the person—	20
(a) the person must—	21

Licensing Fees Legislation (Liquor and Tobacco Products) Amendment

- (i) within 90 days after receiving the refund (the “**relevant period**”), reimburse the other person for the amount received from the other person (the “**received amount**”); and
 - (ii) within 7 days after the relevant period, give the chief executive written notice that the other person has been reimbursed for the received amount; and
 - (b) if the other person is not reimbursed for the received amount within the relevant period—the person must, within 7 days after the relevant period—
 - (i) give the chief executive written notice that the other person was not reimbursed for the received amount; and
 - (ii) pay the chief executive the received amount plus interest at the rate of 20% a year calculated from the day the refund was made.
- Maximum penalty—50 penalty units.
- ‘(3) If the person does not pay the received amount under subsection (2)(b)(ii), the person must also pay the chief executive interest at the rate of 20% a year calculated from the end of the 7 days mentioned in subsection (2)(b) to the day the received amount is paid.
- ‘(4) An amount payable under subsection (2)(b)(ii) or (3) is a debt payable by the person to the State.
- ‘(5) In this section—
- “**fee**” means a fee under, or purportedly under, this Act, and includes a supplementary fee;
- “**part**” of a fee or other amount includes the whole of the fee or amount;
- “**pay**” a fee means pay the fee voluntarily or under compulsion (whether or not the fee is paid under a mistake of law or fact), and includes recover the fee by legal proceeding;
- “**receive**” an amount for a part of a fee includes obtain a part of the amount through the price charged for goods either in anticipation of a fee to be paid or after the fee is paid;

*Licensing Fees Legislation (Liquor and
Tobacco Products) Amendment*

- “refund”** an amount to a person includes— 1
- (a) refund the amount at the person’s direction; and 2
 - (b) credit the amount against future fees that may become payable.’. 3

**PART 3—AMENDMENT OF TOBACCO PRODUCTS 4
(LICENSING) ACT 1988 5**

Amended Act 6

Clause 4. The *Tobacco Products (Licensing) Act 1988* is amended as set out 7
in this Part. 8

Insertion of new s.27AA 9

Clause 5. After section 27— 10

insert— 11

‘Refund of fees 12

‘27AA.(1) The Commissioner may refund a fee paid by a person only if 13
the Commissioner is satisfied— 14

- (a) that the person has not received, and will not receive, an amount 15
from someone else for any part of the fee; or 16
- (b) if the person has received an amount from someone else for any 17
part of the fee—the person will reimburse, or will take reasonable 18
steps to reimburse, the other person for the amount received. 19

‘(2) If subsection (1)(b) applies to the person— 20

- (a) the person must— 21
 - (i) within 90 days after receiving the refund (the **“relevant 22
period”**), reimburse the other person for the amount 23
received from the other person (the **“received amount”**); 24
and 25

*Licensing Fees Legislation (Liquor and
Tobacco Products) Amendment*

- (ii) within 7 days after the relevant period, give the Commissioner written notice that the other person has been reimbursed for the received amount; and
- (b) if the other person is not reimbursed for the received amount within the relevant period—the person must, within 7 days after the relevant period—
- (i) give the Commissioner written notice that the other person was not reimbursed for the received amount; and
- (ii) pay the Commissioner the received amount plus interest at the rate of 20% a year calculated from the day the refund was made.
- Maximum penalty—50 penalty units.
- ‘(3)** If the person does not pay the received amount under subsection (2)(b)(ii), the person must also pay the Commissioner interest at the rate of 20% a year calculated from the end of the 7 days mentioned in subsection (2)(b) to the day the received amount is paid.
- ‘(4)** An amount payable under subsection (2)(b)(ii) or (3) is a debt payable by the person to the State.
- ‘(5)** In this section—
- “fee”** means a fee under, or purportedly under, this Act;
- “part”** of a fee or other amount includes the whole of the fee or amount;
- “pay”** a fee means pay the fee voluntarily or under compulsion (whether or not the fee is paid under a mistake of law or fact), and includes recover the fee by legal proceeding;
- “receive”** an amount for a part of a fee includes obtain a part of the amount through the price charged for goods either in anticipation of a fee to be paid or after the fee is paid.’.