



NORTHERN TERRITORY OF AUSTRALIA

No. 43 of 1989

AN ACT

to amend the *Business Franchise Act*
and the Regulations

[Assented to 20 September 1989]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Business Franchise Amendment Act (No. 2) 1989*.

2. COMMENCEMENT

(1) Sections 4 and 5 shall be deemed to have come into operation on 26 July 1989.

(2) The remaining provisions of this Act shall be deemed to have come into operation on 22 August 1989.

3. LICENCE FEES

Section 23(1) of the *Business Franchise Act* is amended -

- (a) by omitting from paragraph (a) "35%" and substituting "40%"; and
 - (b) by omitting from paragraph (b) "3.5 cents" and substituting "4 cents".
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Business Franchise Amendment (No. 2)

4. REBATE

(1) Regulation 3 of the Business Franchise Regulations (being Regulations 1987, No. 35) is amended -

- (a) by omitting subregulation (1) and substituting the following:

"(1) A person who has purchased a petroleum or shale product capable of use in propelling a diesel engined road vehicle in respect of which a fee under the Act has been paid but which is not so used or intended to be so used may, in a form approved by the Commissioner, before the expiration of 12 months after the date in which the person purchased the product, apply to the Commissioner for a rebate."; and

- (b) by omitting subregulation (3) and substituting the following:

"(3) Where the Commissioner is satisfied that a petroleum or shale product in respect of which an application under this regulation is made has been or is to be used otherwise than for propelling a diesel engined road vehicle, the Commissioner may, in his absolute discretion, pay to the applicant such amount, not exceeding 3 cents per litre in respect of the quantity of product so used, as the Commissioner thinks fit.".

5. REPEAL AND SUBSTITUTION

Regulation 4 of the Business Franchise Regulations (being Regulations 1987, No. 35) is repealed and the following substituted:

"4. REMISSION

"Where the Commissioner is satisfied that a licensee is carrying on the business of selling petroleum products all or some of which are capable of use in propelling a diesel engined road vehicle but which -

- (a) are not so used or are not intended to be so used; or
- (b) are used or are intended to be used outside the Territory (including the territorial sea adjacent to the Territory),

the Commissioner may remit a licence fee otherwise payable by the licensee under the Act or such proportion of a licence fee as, in the opinion of the Commissioner, represents the amount of the petroleum products referred to in paragraph (a) or (b).

Business Franchise Amendment (No. 2)

"4A. PAYMENTS ON BEHALF OF LICENSEE

"(1) A person liable to pay a licence fee may enter into an arrangement acceptable to the Commissioner for the fee to be paid on the person's behalf by a person from whom the first-mentioned person purchased the relevant tobacco or petroleum products for sale by retail.

"(2) Where, in pursuance of an arrangement referred to in subregulation (1), a fee is paid on behalf of a person, the acceptance by the Commissioner of any money in respect of the licence fee discharges the liability of the person to the extent of that payment but, subject to subregulation (3), does not relieve the person of any other obligation under the Act.

"(3) Where an arrangement referred to in subregulation (1) is entered into, the Commissioner may, in his or her discretion, remit the fixed amount of the licence fee otherwise payable."

6. PROVISIONS MAY BE FURTHER AMENDED

The regulations amended by sections 4 and 5 may be repealed or further amended by a regulation made under the *Business Franchise Act*.

7. TRANSITIONAL

(1) Notwithstanding section 23(1) of the *Business Franchise Act* as amended by this Act, the fee to be paid for a licence in respect of the month of October 1989 is the fixed amount of \$10 plus -

- (a) in the case of a licence to sell tobacco - the sum of 35% of the value of tobacco purchased in or outside the Territory by the applicant for the licence (or, in the case of a group licence, by all the members of the group) during the period 1 to 21, inclusive, of August 1989 and 40% of the value of such purchases during the period 22 to 31, inclusive, of August 1989; and
- (b) in the case of a licence to sell petroleum products - the sum of 3.5 cents per litre of petroleum products purchased in or outside the Territory by the applicant for the licence (or, in the case of a group licence, by all the members of the group) during the period 1 to 21, inclusive, of August 1989 and 4 cents per litre of such purchases during the period 22 to 31, inclusive, of August 1989.

(2) Subject to subsection (1), section 23 of the *Business Franchise Act* applies in the interpretation of that subsection.