

NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1993, No. 47\*

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Regulations under the *Business Franchise Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Business Franchise Act*.

Dated 30 November 1993.

K.J.A. ASCHE  
Administrator

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AMENDMENTS OF BUSINESS FRANCHISE REGULATIONS

1. KEEPING OF RECORDS

Regulation 2 of the Business Franchise Regulations is amended -

- (a) by omitting subregulation (1);
- (b) by omitting from subregulation (2)(a)(viii) "the purchaser; and" and substituting "the purchaser;"
- (c) by inserting in subregulation (2)(b), after "made", the words "(including, by virtue of section 4(3) of the Act, deemed to have been made in the Territory)";
- (d) by omitting from subregulation (2)(b)(v) "motor spirit." and substituting "motor spirit; and";
- (e) by adding at the end of subregulation (2) the following:
  - "(c) such other information as the Commissioner reasonably requires to be kept."; and

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\* Notified in the *Northern Territory Government Gazette* on 8 December 1993.

## Business Franchise Regulations

(f) by adding at the end the following:

"(3) Without limiting the generality of subregulation (2), a person carrying on the business of selling tobacco or petroleum products shall keep, and produce to the Commissioner when required, details of all sales and deliveries of such products which, by virtue of section 4(3) of the Act, are deemed to have been sales made in the Territory, including -

- (a) the name of the person to whom the products were delivered and the details of the time and place of delivery; and
- (b) the type and quantity of product delivered."

### 2. REBATE

Regulation 3 of the Business Franchise Regulations is amended by omitting subregulation (1) and substituting the following:

"(1) A person who has purchased a petroleum product used or capable of use in a diesel engine in respect of which a fee under the Act has been paid but which is not used in propelling a diesel engined road vehicle 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.

"(1A) Nothing in subregulation (1) permits a person to apply under that subregulation for a rebate in respect of a petroleum product where the licensee who sold the petroleum product has been granted a remission of the licence fee payable under the Act in respect of the petroleum product."

### 3. REPEAL AND SUBSTITUTION

Section 4 of the Business Franchise Regulations is repealed and the following substituted:

#### "4. REMISSION

"Where the Commissioner is satisfied that a licensee, in carrying on the business of selling petroleum products, has sold or intends to sell petroleum products used or capable of use in a diesel engine -

- (a) but which are not used or are not intended to be used in propelling a diesel engined road vehicle; or

*Business Franchise Regulations*

- (b) all or some of which are used or are intended to be used outside the Territory (including the territorial sea adjacent to the Territory),

the Commissioner may, in his absolute discretion (and, in a case referred to in paragraph (a), only to the same extent as he could pay a rebate under regulation 3(3)), remit a licence fee otherwise payable by the licensee under the Act."

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