

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1987, No. 35\*

Regulations under the *Business Franchise Act*

I, ERIC EUGENE JOHNSTON, 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 29 July 1987.

E.E. JOHNSTON  
Administrator

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) REGULATIONS

1. CITATION

These Regulations may be cited as the Business Franchise (Petroleum Products) Regulations.

2. KEEPING OF RECORDS

(1) In this regulation "petroleum products" includes a petroleum or shale product used otherwise than to propel a diesel engined road vehicle.

(2) A person carrying on the business of the wholesaling of petroleum products shall keep records, in such form as the Commissioner directs, showing details of -

(a) each sale of a petroleum product made by the person, including -

(i) the name and, if known, the address of the purchaser;

\* Notified in the *Northern Territory Government Gazette* on 30 July 1987.

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- (ii) the price at which the petroleum product was sold;
  - (iii) the date of the sale;
  - (iv) the volume in litres of the petroleum product;
  - (v) in the case of a sale of a motor spirit - the grade of the motor spirit;
  - (vi) the address of the place to which the petroleum product is delivered; and
  - (vii) in the case of a sale of diesel fuel for use otherwise than for propelling diesel engined road vehicles on roads - the number of the Diesel Fuel Certificate (if any) issued by the Collector of Customs for the Territory under the *Customs Act 1901* of the Commonwealth and held by the purchaser; and
- (b) each purchase of a petroleum product made by the person from the holder of a petroleum products wholesale merchant's licence or a group petroleum products licence, including -
- (i) the name and, if known, the address of the seller;
  - (ii) the price at which the petroleum product was purchased;
  - (iii) the date of the purchase;
  - (iv) the volume in litres of the petroleum product or each type of petroleum product; and
  - (v) in the case of a purchase of a motor spirit - the grade of the motor spirit.

3. REBATE

- (1) A person -
  - (a) carrying on the business of the wholesaling of petroleum products; or
  - (b) who has purchased a petroleum or shale product capable of use in propelling a diesel engined road vehicle and who has used or proposes to use the product for a purpose other than that purpose,

may, in a form approved by the Commissioner, and, in the case of a person referred to in paragraph (b), before the

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expiration of 12 months after the date on which the person purchased the relevant petroleum product, apply to the Commissioner for a rebate of a licence fee, or for the rebate of so much of a licence fee as is passed on to the purchaser in the price of the petroleum product, as the case may be.

(2) The Commissioner may require a person who applies under subregulation (1) for a rebate to support the application with a statutory declaration and such other documentation as the Commissioner thinks necessary to establish that the person is entitled to a rebate or that the petroleum product is a product in respect of which a licence fee has been or is to be calculated.

(3) Where the Commissioner is satisfied that a licence fee has been or is to be calculated on a petroleum product or the petroleum product is a petroleum product in respect of which the application under subregulation (1) relates, the Commissioner may -

- (a) in the case of a wholesaler - rebate so much of the licence fee as, in the Commissioner's opinion, should not have been paid by the wholesaler; and
- (b) in the case of a purchaser - rebate so much of the purchase price of the relevant petroleum product used or to be used by the purchaser for a purpose other than propelling a diesel engined road vehicle as, in the opinion of the Commissioner, represents the part of the wholesaler merchant's or group licence fee passed on to the purchaser in the price of the petroleum product.

4. REMISSION

Where the Commissioner is satisfied that a licensee is carrying on the business of the wholesaling of petroleum products consisting wholly of a petroleum or shale product capable of use in propelling a diesel engined road vehicle but which is not so used or is not intended to be so used, the Commissioner may remit a licence fee otherwise payable by the licensee under the Act.

5. DISPLAY OF LICENCE AND EVIDENCE OF LICENCE

(1) A licensee carrying on the business of the wholesaling of petroleum products shall display his or her current licence in a prominent place at his or her principal place of business in the Territory.

Penalty: \$200.

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(2) A licensee shall ensure that the fact that he or she is licensed is clearly marked on every invoice issued in respect of the sale of a petroleum product by the licensee or on his or her behalf.

Penalty: \$200.

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