

AUSTRALIAN CAPITAL TERRITORY

Business Franchise (Tobacco and Petroleum Products) (Amendment) Ordinance 1987

No. 38 of 1987

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AUSTRALIAN CAPITAL TERRITORY

Business Franchise (Tobacco and Petroleum Products) (Amendment) Ordinance 1987

No. 38 of 1987

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 29 July 1987.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

JOHN BROWN
Minister of State for the Arts, Sport, the
Environment, Tourism and Territories

An Ordinance to amend the *Business Franchise (Tobacco and Petroleum Products) Ordinance 1984*

Short title

1. This Ordinance may be cited as the *Business Franchise (Tobacco and Petroleum Products) (Amendment) Ordinance 1987*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister by notice in the *Gazette*.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Business Franchise (Tobacco and Petroleum Products) Ordinance 1984*.²

4. Section 2 of the Principal Ordinance is repealed and the following section substituted:

Incorporation of *Taxation (Administration) Ordinance 1987*

“2. The Administration Ordinance is incorporated and shall be read as one with this Ordinance.”.

Interpretation

5. Section 3 of the Principal Ordinance is amended:

- (a) by omitting from subsection (1) the definition of “Commissioner” and substituting the following definition:

“ ‘Administration Ordinance’ means the *Taxation (Administration) Ordinance 1987*;”;

- (b) by omitting from subsection (1) the definition of “group petroleum wholesalers licence” and substituting the following definitions:

“ ‘group petroleum retailer’s licence’ means a group petroleum retailer’s licence granted under section 27;

‘group petroleum wholesaler’s licence’ means a group petroleum wholesaler’s licence granted under section 27;

‘group retail tobacconist’s licence’ means a group retail tobacconist’s licence granted under section 26;”;

- (c) by omitting “referred to in section 26 and in force under this Ordinance” from the definition of “group wholesale tobacco merchant’s licence” in subsection (1) and substituting “granted under section 26”;

- (d) by omitting from subsection (1) the definition of “inspector”;

- (e) by omitting “under section 26 or 27” from the definition of “licence” in subsection (1);

- (f) by omitting from subsection (1) the definitions of “petroleum products licence” and “petroleum retailers licence” and substituting the following definitions:

“ ‘petroleum products licence’ means a petroleum wholesaler’s licence, a group petroleum wholesaler’s licence, a petroleum retailer’s licence or a group petroleum retailer’s licence;

‘petroleum retailer’s licence’ means a petroleum retailer’s licence granted under section 27;”;

- (g) by omitting from subsection (1) the definition of “petroleum wholesalers licence” and substituting the following definition:

“ ‘petroleum wholesaler’s licence’ means a petroleum wholesaler’s licence granted under section 27;”;
- (h) by omitting “the business of selling diesel fuel for use only in propelling diesel engined road vehicles” from the definition of “petroleum wholesaling” in subsection (1) and substituting “diesel fuel”;
- (i) by inserting in the definition of “record” in subsection (1) “any” after “includes”;
- (j) by omitting “referred to in section 26 and in force under this Ordinance” from the definition of “retail tobacconist’s licence” in subsection (1) and substituting “granted under section 26”;
- (k) by omitting “or a retail tobacconist’s licence” from the definition of “tobacco licence” in subsection (1) and substituting “, a retail tobacconist’s licence or a group retail tobacconist’s licence”;
- (l) by omitting from subsection (1) the definition of “Tribunal”; and
- (m) by omitting “referred to in section 26 and in force under this Ordinance” from the definition of “wholesale tobacco merchant’s licence” in subsection (1) and substituting “granted under section 26”.

Relevant period: interpretation

6. Section 3A of the Principal Ordinance is amended by omitting subsection (2).

Tobacco vending machines

7. Section 3B of the Principal Ordinance is amended:

- (a) by omitting from paragraph (a) “or” (last occurring); and
- (b) by inserting after paragraph (a) the following paragraph:

“(ab) if the owner is a member of a group of wholesale tobacco merchants which holds, or is required by this Ordinance to hold, a group wholesale tobacco merchant’s licence—be taken to be carrying on tobacco wholesaling; or”.

Sections 4 to 10 (inclusive): repeal

8. Sections 4 to 10 (inclusive) of the Principal Ordinance are repealed.

Part II: repeal

9. Part II of the Principal Ordinance is repealed.

Offences relating to the sale of tobacco

10. Section 24 of the Principal Ordinance is amended:

- (a) by omitting from subsection (1) “On or after 1 September 1984, a” and substituting “A”;
- (b) by omitting from subsection (2) “On or after 1 September 1984, a” and substituting “A”;
- (c) by inserting in subsection (2) “or a group retail tobacconist’s licence” after “licence”; and
- (d) by adding at the end the following subsection:

“(4) The holder of a tobacco licence who contravenes a condition to which the licence is subject is guilty of an offence punishable, on conviction, by a fine not exceeding:

- (a) in the case of a body corporate—\$10,000; and
- (b) in the case of a natural person—\$2,000.”.

Offences relating to the sale of petroleum products

11. Section 25 of the Principal Ordinance is amended:

- (a) by omitting from subsection (1) “On or after 1 September 1984, a” and substituting “A”;
- (b) by omitting from subsection (2) “On or after 1 September 1984, a” and substituting “A”;
- (c) by inserting in subsection (2) “or a group petroleum retailer’s licence” after “licence”;
- (d) by inserting in subsection (3) “petroleum products” before “licence” (first occurring); and
- (e) by inserting after subsection (3) the following subsection:

“(3A) The holder of a petroleum products licence who carries on the business of selling petroleum products on premises that are not specified in the licence as premises to be used for that business is guilty of an offence punishable, on conviction, by a fine not exceeding:

- (a) in the case of a body corporate—\$10,000; and
- (b) in the case of a natural person—\$2,000 or imprisonment for 12 months, or both.”.

Grant of licence: tobacco

12. Section 26 of the Principal Ordinance is amended:

- (a) by omitting from subsection (1) “The” and substituting “Subject to section 27A, the”;
- (b) by omitting from paragraph (1) (b) “under section 23” and substituting “pursuant to section 18 of the Administration Ordinance”;
- (c) by omitting from paragraph (2) (b) “and”;
- (d) by omitting paragraph (2) (c) and substituting the following paragraphs:
 - “(c) for a retail tobacconist’s licence—may be made by any person, other than a person who is a member of a group of retail tobacconists; and
 - (d) for a group retail tobacconist’s licence—may be made on behalf of all or any of the members of a group of retail tobacconists by any member of the group.”;
- (e) by inserting in subsection (3) “tobacco” before “licence” (first occurring);
- (f) by inserting in paragraph (3) (b) “or a group retail tobacconist’s licence” after “licence” (first occurring);
- (g) by inserting in subsection (4) “tobacco” before “licence” (first occurring);
- (h) by inserting in subsection (5) “or a group retail tobacconist’s licence” after “licence” (first occurring);
- (i) by omitting from subsection (5) “of wholesale tobacco merchants and”; and

- (j) by omitting subsection (7).

Grant of licence: petroleum products

13. Section 27 of the Principal Ordinance is amended:

- (a) by omitting from subsection (1) “The” and substituting “Subject to section 27A, the”;
- (b) by omitting from paragraph (1) (b) “under section 23” and substituting “pursuant to section 18 of the Administration Ordinance”;
- (c) by omitting from paragraph (2) (b) “and”;
- (d) by omitting paragraph (2) (c) and substituting the following paragraphs:
- “(c) for a petroleum retailer’s licence—may be made by any person, other than a person who is a member of a group of petroleum retailers; and
- (d) for a group petroleum retailer’s licence—may be made on behalf of all or any of the members of a group of petroleum retailers by any member of the group.”;
- (e) by inserting in subsection (3) “petroleum products” before “licence” (first occurring);
- (f) by inserting in paragraph (3) (b) “or a group petroleum retailer’s licence” after “licence” (first occurring);
- (g) by inserting in subsection (4) “petroleum products” before “licence” (first occurring);
- (h) by inserting in subsection (5) “or a group petroleum retailer’s licence” after “licence” (first occurring);
- (i) by omitting from subsection (5) “of petroleum wholesalers and”;
- (j) by omitting from subsection (6) all the words after “commences”; and
- (k) by omitting subsection (7).

14. After section 27 of the Principal Ordinance the following sections are inserted:

Conditions of licence

“27AA. (1) The Commissioner may, in a licence, specify conditions to which the licence is subject.

“(2) The Commissioner may, by notice in writing served on the holder of a licence, vary the licence by:

- (a) specifying conditions or further conditions to which the licence is subject; or
- (b) varying or cancelling any conditions specified in the licence;

and the licence has effect as so varied.

Refusal to grant licence

“27A. (1) The Commissioner shall not grant a licence to an applicant if, in the opinion of the Commissioner, the applicant is not a fit and proper person to hold a licence of the kind to which the application relates.

“(2) The Commissioner may refuse to grant a group retail tobacconist’s licence, a group wholesale tobacco merchant’s licence, a group petroleum retailer’s licence or a group petroleum wholesaler’s licence if, in the opinion of the Commissioner, any member of the group by or on behalf of whom application for the licence is made, would not be a fit and proper person to hold a retail tobacconist’s licence, a wholesale tobacco merchant’s licence, a petroleum retailer’s licence or a petroleum wholesaler’s licence, as the case may be.

“(3) Where the applicant for a licence is a body corporate, the Commissioner may refuse to grant the licence if, in the opinion of the Commissioner, any director, secretary or other officer of the body corporate would not be a fit and proper person to hold a retail tobacconist’s licence, a wholesale tobacco merchant’s licence, a petroleum retailer’s licence or a petroleum wholesaler’s licence, as the case may be.

“(4) Where the Commission refuses to grant a licence under this section, the Commissioner shall refund to the applicant any fee paid pursuant to paragraph 26 (1) (c) or 27 (1) (c).

Cancellation of licence

“27B. (1) The Commissioner may cancel a licence if:

- (a) the licensee was granted in error or in consequence of a false statement made, or misleading information furnished, by the person by whom application for the licence was made;
- (b) the licensee is convicted of an offence under this Ordinance or the Administration Ordinance;

- (c) the licensee contravenes a condition to which the licence is subject;
- (d) the licensee contravenes a provision of this Ordinance of the Administration Ordinance;
- (e) in the case of a natural person:
 - (i) the licensee ceases to be a fit and proper person to hold the licence;
 - (ii) the licensee is convicted of any offence punishable by imprisonment for a period of not less than 12 months; or
 - (iii) the licensee is an undischarged bankrupt; or
- (f) in the case of a body corporate:
 - (i) any director, secretary or other officer, were he or she a licensee, would be a person whose licence the Commissioner could cancel on the ground referred to in subparagraph (e) (i); or
 - (ii) the body corporate is being wound up.

“(2) The Commissioner shall, before cancelling a licence, by notice in writing served on the licensee, invite the licensee to show cause why the licence should not be cancelled.

“(3) A notice shall contain:

- (a) particulars of the facts and circumstances relied upon by the Commissioner to establish that a ground for cancellation exists; and
- (b) a statement informing the licensee to whom it is directed that, if he or she wishes to show cause why the licence should not be cancelled, he or she may, within such period as is specified in the notice (being a period of not less than 14 days after the date of service of the notice), give to the Commissioner written particulars of the facts and circumstances relied on to show that the licence should not be cancelled.

“(4) If a licensee does not, within the time specified in the notice served on him or her, show cause why his or her licence should not be cancelled, the Commissioner may cancel the licence.

“(5) If the Commissioner cancels a licence the Commissioner shall, by notice in writing served on the licensee, notify him or her of the cancellation.

“(6) Cancellation of a licence takes effect on the expiration of the day on which notice of the cancellation is served on the licensee.”.

Fees: tobacco licences

15. Section 28 of the Principal Ordinance is amended:

(a) by omitting paragraph (1) (a) and substituting the following paragraph:

“(a) for a wholesale tobacco merchant’s licence—a fee of the specified amount together with an amount equal to the specified percentage of the value of tobacco sold by the applicant in the course of tobacco wholesaling during the relevant period (other than tobacco sold to the holder of a wholesale tobacco merchant’s licence or a group wholesale tobacco merchant’s licence);”;

(b) by adding at the end of paragraph (1) (b) “(other than tobacco sold to the holder of a wholesale tobacco merchant’s licence or a group wholesale tobacco merchant’s licence)”;

(c) by omitting from paragraph (1) (c) “sold” and substituting “purchased”;

(d) by adding at the end of subsection (1) the following paragraph:

“(d) for a group retail tobacconist’s licence—a fee of the specified amount together with an amount equal to the specified percentage of the value of tobacco purchased by all persons who are members of the group of tobacco retailers of which the applicant for the licence or a renewal of the licence is a member (whether or not the application was made by them or on their behalf and whether or not they were members of that group during the whole or any part of the relevant period) in the course of tobacco retailing during the relevant period.”;

(e) by omitting subsection (1A) and substituting the following subsection:

“(1A) The reference in paragraphs (1) (c) and (d) to tobacco purchased by the applicant shall not be read as including a reference to tobacco purchased by the applicant from the holder of a tobacco licence.”;

(f) by inserting after subsection (2) the following subsection:

“(2A) Where an applicant for a retail tobacconist’s licence or a renewal of such a licence was, at any time during the relevant period for the licence or renewal, a member of a group of retail tobacconists, the tobacco purchased by the applicant in the course of tobacco retailing during that relevant period shall, for the purposes of paragraph (1) (c), be deemed to have included any tobacco purchased by the other or, if more than one, all of the other members of the group in the course of tobacco retailing during that period unless the applicant satisfies the Commissioner that a fee for a retail tobacconist’s licence or a renewal of such a licence has been paid to the Commissioner after having been assessed in respect of the purchase of that tobacco during the relevant period.”;

- (g) by inserting after subsection (3) the following subsection:

“(3A) Where:

- (a) an application is made on behalf of all or any of the members of a group of retail tobacconists for a group retail tobacconist’s licence or a renewal of such a licence; and
- (b) any member of the group referred to in paragraph (a) was, at any time during the relevant period for the licence or renewal, a member of another group of retail tobacconists (any one or more of the members of which is not a member of the group referred to in paragraph (a));

the tobacco purchased by members of the first-mentioned group in the course of tobacco retailing during that relevant period shall, for the purposes of paragraph (1) (d), be deemed to have included any tobacco purchased by any of the members of the other group in the course of tobacco retailing during that period unless the applicant satisfies the Commissioner that a fee for a retail tobacconist’s licence, a group retail tobacconist’s licence or a renewal of such a licence has been paid to the Commissioner after having been assessed in respect of the purchase of that tobacco during that relevant period.”;

- (h) by inserting after subsection (4) the following subsection:

“(4A) For the purposes of paragraphs (1) (c) and (d) and subsections (2A) and (3A), tobacco shall not be treated as having been purchased by reason only of its having been purchased from the holder of a retail tobacconist’s licence or a group retail tobacconist’s licence.”;

- (i) by inserting in subsections (5) and (6) “or purchased, as the case may be,” after “sold”;
- (j) by omitting subsections (8) and (9);
- (k) by inserting after subsection (11) the following subsection:

“(11A) In subsections (2A) and (3A), ‘applicant’, in relation to a retail tobacconist’s licence or a group retail tobacconist’s licence, includes any person whose tobacco retailing during the relevant period for the licence would be required to be taken into account by reason of paragraph (1) (c) or (d) or subsection (2A) or (3A) for the purpose of determining the fee for the licence if the fee was not required to be assessed under either subsection (5) or (6).”; and

- (l) by omitting subsections (13), (14), (15) and (16) and substituting the following subsection:

“(13) For the purposes of this section, the value of tobacco sold or purchased, as the case may be, in the Territory for delivery and consumption in a State or another Territory, being:

- (a) tobacco purchased by the holder of a retail tobacconist’s licence where the tobacco was not bought by the retailer from the holder of a wholesale tobacco merchant’s licence or a group wholesale tobacco merchant’s licence; or
- (b) tobacco sold by the holder of a wholesale tobacco merchant’s licence or a group wholesale tobacco merchant’s licence;

shall not be taken into account when calculating the fees payable under this section if the licensee who sold or purchased the tobacco, as the case may be, would if the tobacco had been sold or purchased in the State or other Territory, be liable to pay a fee in respect of the tobacco, and the licensee has paid an amount equal to the fee to the appropriate authority in that State or other Territory.”.

Value of tobacco

16. Section 30 of the Principal Ordinance is amended by inserting “or purchased” after “sold”.

Fees: petroleum products licences

17. Section 31 of the Principal Ordinance is amended:

- (a) by omitting from paragraph (2) (b) “or” (last occurring);
- (b) by adding at the end of subsection (2) the following word and paragraph:
 - “; or (d) for a group petroleum retailer’s licence, the sum of:
 - (i) the determined amount per litre of motor spirit sold by the members of the group of petroleum retailers, of which the applicant is a member, in the course of petroleum retailing; and
 - (ii) the determined amount per litre of diesel fuel sold by the members of the group of petroleum retailers, of which the applicant is a member, in the course of petroleum retailing.”;
- (c) by inserting after subsection (3) the following subsection:

“(3A) Where an applicant for a petroleum retailer’s licence was, at any time during the relevant period for the licence, a member of a group of petroleum retailers, the petroleum products sold by the applicant in the course of petroleum retailing during that relevant period shall, for the purposes of paragraph (2) (c), be deemed to have included any petroleum products sold by the other or, if more than one, all of the other members of the group in the course of petroleum retailing during that relevant period unless the applicant satisfies the Commissioner that a fee for a petroleum retailer’s licence or a group petroleum retailer’s licence has been paid to the Commissioner after having been assessed in respect of the sale of those petroleum products during that relevant period.”;
- (d) by inserting after subsection (4) the following subsection:

“(4A) Where:

 - (a) an application is made on behalf of all or any of the members of a group of petroleum retailers for a group petroleum retailer’s licence; and
 - (b) any member of the group referred to in paragraph (a) was, at any time during the relevant period for the licence, a member of another group of petroleum, retailers (any one or more of the members of which is not a member of the group referred to in paragraph (a));

the petroleum products sold by members of the first-mentioned group in the course of petroleum retailing during that relevant period shall, for the purposes of paragraph (2) (d), be deemed to have included any petroleum products sold by any members of the other group in the course of petroleum retailing during that relevant period unless the applicant satisfies the Commissioner that a fee for a petroleum retailer's licence or a group petroleum retailer's licence has been paid to the Commissioner after having been assessed in respect of the sale of those petroleum products during that relevant period.”;

- (e) by inserting after subsection (5) the following subsection:

“(5A) For the purposes of paragraphs (2) (c) and (d) and subsections (3A) and (4A), petroleum products shall not be treated as having been sold by reason only of their having been sold to the holder of a petroleum retailer's licence or a group petroleum retailer's licence.”;
- (f) by omitting from subsections (6) and (7) “(5)” (wherever occurring) and substituting “(5A)”;
- (g) by omitting from subsection (10) “wholesalers licence or a group petroleum wholesalers” and substituting “products”;
- (h) by inserting in subsection (10) “or petroleum retailing” after “wholesaling”;
- (i) by inserting in subsection (10) “, or paragraph (2) (d) or subsection (3A) or (4A), as the case requires,” after “(4)”;
- (j) by omitting subsections (12), (13) and (14).

Repeal of section 33

18. Section 33 of the Principal Ordinance is repealed.

Surrender and termination of licences

19. Section 34 of the Principal Ordinance is amended by omitting subsection (2) and substituting the following subsections:

- “(2) A licence shall cease to be in force if:
 - (a) the amount of the fee assessed in respect of the licence under section 28 or 31; or
 - (b) any additional amount on an amended assessment under section 22 of the Administration Ordinance;

that is due and payable remains unpaid.

“(3) A licensee shall, not later than 7 days after ceasing to carry on the business of:

- (a) processing, packaging, distributing, selling or purchasing tobacco; or
- (b) manufacturing, distributing, selling or purchasing petroleum products;

notify the Commissioner in writing that the licensee has ceased to carry on that business.

“(4) A licensee who contravenes subsection (3) is guilty of an offence punishable, on conviction, by a fine not exceeding:

- (a) in the case of a natural person—\$500; or
- (b) in the case of a body corporate—\$2,500.”.

20. Section 35 of the Principal Ordinance is repealed and the following sections are substituted:

Term of licences

“35. (1) A retail tobacconist’s licence and a group retail tobacconist’s licence remain in force until the expiration of 31 August next following the grant of the licence, but may be renewed in accordance with section 35A.

“(2) A petroleum retailer’s licence and a group petroleum retailer’s licence remain in force until the expiration of 30 June next following the grant of the licence, but may be renewed in accordance with section 35A.

“(3) A wholesale tobacco merchant’s licence, a petroleum wholesaler’s licence, a group wholesale tobacco merchant’s licence and a group petroleum wholesaler’s licence remains in force until the expiration of the last day of the month for which the licence was granted but may be renewed in accordance with section 35A.

Renewal of licences

“35A. (1) Where a licensee:

- (a) in the case of a retail tobacconist’s licence, a group retail tobacconist’s licence, a petroleum retailer’s licence or a group petroleum retailer’s licence—within 1 month before the date on which the licence is due to expire; or

- (b) in any other case—within 7 days before the date on which the licence is due to expire;

applies in writing, in a form approved by the Commissioner, for renewal of the licence, the Commissioner may:

- (c) on receipt of the particulars (if any) required to be furnished under section 18 of the Administration Ordinance; and
- (d) on payment of the fee assessed by the Commissioner in accordance with section 28 or 31, as the case requires;

renew the licence:

- (e) in the case of a retail tobacconist's licence or a group retail tobacconist's licence—for the period ending at the expiration of 31 August next following the date of renewal;
- (f) in the case of a petroleum retailer's licence or a group petroleum retailer's licence—for the period ending at the expiration of 30 June next following the date of renewal; or
- (g) in any other case—for the period ending at the expiration of the last day of the month next following the month in which it is renewed.

“(2) A renewal of a licence shall not take effect if, before the time at which the licence would, but for renewal, expire, the licence is surrendered or cancelled.

“(3) Where the Commissioner refuses to renew a licence, the Commissioner shall refund any fee paid for a renewal.

21. Sections 37, 38 and 39 of the Principal Ordinance are repealed and the following sections substituted:

Notification of decisions

“37. (1) Where the Commissioner makes a decision:

- (a) refusing to grant a licence under section 27A;
- (b) specifying conditions or further conditions to which a licence is subject, or varying or cancelling conditions specified in a licence, under section 27AA;
- (c) cancelling a licence under section 27B; or
- (d) refusing to renew a licence under section 35A;

the Commissioner shall cause notice in writing of the decision to be given:

- (e) in the case of a decision referred to in section 27A or 35A—to the applicant; or
- (f) in the case of a decision referred to in section 27AA or 27B—to the licensee.

“(2) A notice under subsection (1) shall:

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to which the notice relates; and
- (b) except where subsection 28 (4) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 28 of that Act.

“(3) The validity of a decision referred to in subsection (1) shall not be taken to be affected by a failure to comply with subsection (2).

Review of decisions

“38. Application may be made to the Administrative Appeals Tribunal for a review of a decision of the Commissioner:

- (a) refusing to grant a licence under section 27A;
- (b) specifying conditions or further conditions to which a licence is subject, or varying or cancelling conditions specified in a licence, under section 27AA;
- (c) cancelling a licence under section 27B; or
- (d) refusing to renew a licence under section 35A.

Returns

“38A. The holder of a retail tobacconist’s licence or a group retail tobacconist’s licence who purchases tobacco for sale in the Territory from a person who is not the holder of a wholesale tobacco merchant’s licence or a group wholesale tobacco merchant’s licence, shall, not later than 7 days after the last day of the month in which the tobacco was purchased, furnish to the Commissioner a return specifying:

- (a) the name and address of the person from whom the tobacco was purchased;

- (b) the date of the purchase;
- (c) the quantity and value of each brand of tobacco purchased; and
- (d) the value of that tobacco.

Penalty:

- (a) in the case of a natural person—\$1,000; and
- (b) in the case of a body corporate—\$2,500.

Records to be kept

“39. Without limiting the generality of section 96 of the Administration Ordinance, the books and accounts required to be kept under that section shall include the prescribed records.”.

Recovery of unpaid fees from unlicensed persons

22. Section 41 of the Principal Ordinance is amended by omitting subsection (7).

Repeal of sections 42, 43 and 44

23. Section 42, 43 and 44 of the Principal Ordinance are repealed.

Schedule

24. The Schedule to the Principal Ordinance is amended by omitting “3 (1)” and substituting “3A (1)”.

Additional amendments

25 The Principal Ordinance is amended as set out in the Schedule.

Transitional

26. A retail tobacconist’s licence, a wholesale tobacco merchant’s licence or a group wholesale tobacco merchant’s licence, in force immediately before the commencement of this Ordinance, shall, unless sooner surrendered, cancelled or otherwise terminated, continue in force:

- (a) in the case of a retail tobacconist’s licence—for the period for which it would have remained in force if this Ordinance had not been made; and
- (b) in the case of a wholesale tobacco merchant’s licence or a group wholesale tobacco merchant’s licence—until the expiration of the last day of the month in which this Ordinance came into operation.

SCHEDULE

Section 25

ADDITIONAL AMENDMENTS OF PRINCIPAL ORDINANCE

1. The following provisions of the Principal Ordinance are amended by omitting “wholesalers” (wherever occurring, except where otherwise indicated) and substituting “wholesaler’s”:

Subsections 3 (6) and 25 (1) and (4), paragraph 27 (2) (a) (first occurring), paragraph 27 (2) (b) (first occurring), paragraph 27 (3) (a), subsection 27 (5) (first occurring), paragraphs 31 (2) (a) and (b), subsection 31 (3) (first, third and last occurring), subsection 31 (4) (second, fourth and last occurring), subsections 31 (5) and (10) and 40 (3) and (4).

2. The following provisions of the Principal Ordinance are amended by omitting “retailers” (wherever occurring) and substituting “retailer’s”:

Subsections 25 (2) and (4), paragraphs 27 (3) (b), 31 (2) (c) and 36 (1) (b).

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 31 July 1987.
2. No. 38, 1984 as amended by No. 36, 1985; No. 86, 1986.